Tab 1	**CS/SB 444** by **AED, Avila (CO-INTRODUCERS) Collins, Yarborough;** Similar to CS/H 01237 Human Trafficking Awareness

Tab 2	**CS/SB 492** by **AEG, McClain;** Similar to CS/CS/H 01175 Mitigation Banks					
~~145310~~	A	S	WD	RC, McClain	Delete L.70 - 277:	04/22 09:27 AM
~~923336~~	SA	S	WD	RC, McClain	Delete L.70 - 313:	04/22 09:27 AM
~~531212~~	A	S	WD	RC, McClain	Delete L.264:	04/22 09:27 AM
~~766504~~	A	S	WD	RC, McClain	Delete L.289 - 313.	04/22 09:27 AM
463698	D	S	LRCS	RC, McClain	Delete everything after	04/22 09:27 AM

Tab 3	**SB 674** by **Wright;** Similar to H 00307 Bonuses for Employees of County Tax Collectors and Property Appraisers					
246180	A	S	LRCS	RC, Wright	Delete L.19:	04/22 08:35 AM

Tab 4	**CS/CS/SB 676** by **GO, CM, Martin;** Similar to CS/CS/H 00541 Minimum Wage Requirements					
401928	D	S	FAV	RC, Martin	Delete everything after	04/22 09:35 AM

Tab 5	**CS/CS/SB 712** by **AEG, CA, Grall;** Similar to CS/CS/CS/H 00683 Construction Regulations					
564952	A	S	RCS	RC, Grall	Delete L.142 - 993:	04/22 09:47 AM
387298	AA	S	RCS	RC, Grall	Delete L.76 - 369:	04/22 09:47 AM

Tab 6	**CS/SB 822** by **ED, Rodriguez;** Compare to CS/CS/H 00443 Education					
856780	A	S	RCS	RC, Rodriguez	Before L.27:	04/22 09:52 AM

Tab 7	**CS/CS/SB 954** by **AHS, CA, Gruters (CO-INTRODUCERS) Rouson;** Similar to CS/CS/H 01163 Certified Recovery Residences					
726196	A	S	LRCS	RC, Gruters, Rouson	Delete L.31 - 63:	04/22 09:56 AM

Tab 8	**CS/SB 1150** by **ED, Calatayud;** Similar to H 00809 School Social Workers

Tab 9	**CS/SB 1224** by **HP, Harrell;** Identical to CS/H 00519 Administration of Controlled Substances

Tab 10	**CS/CS/SB 1240** by **AHS, CF, Calatayud;** Similar to CS/CS/H 01091 Substance Abuse and Mental Health Care					
169294	A	S	RS	RC, Calatayud	Delete L.128 - 143:	04/22 10:04 AM
698782	SA	S	RCS	RC, Calatayud	Delete L.128 - 143:	04/22 10:04 AM

Tab 11	**SB 1242** by **McClain;** Similar to CS/H 00991 Community Redevelopment Agencies					
232314	D	S	RCS	RC, McClain	Delete everything after	04/22 10:09 AM
487406	AA	S	RCS	RC, McClain	Delete L.5 - 222:	04/22 10:09 AM

Tab 12	**CS/CS/SB 1264** by **ATD, CM, Collins;** Compare to H 00753 Rural and Urban Business Enterprises					
283376	D	S		RC, Collins	Delete everything after	04/18 01:36 PM

Tab 13	**CS/CS/SB 1270** by **AHS, HP, Collins;** Similar to CS/CS/H 01299 Department of Health

649992	A	S	RCS	RC, Collins	Delete L.365 - 784:	04/22 10:16 AM

Tab 14	**CS/SB 1288** by **JU, Grall;** Compare to CS/CS/H 01505 Parental Rights

725164	A	S	RCS	RC, Grall	Delete L.49 - 146:	04/22 10:44 AM

Tab 15	**CS/SB 1450** by **CJ, Burgess;** Identical to CS/H 01099 Arrest and Detention of Individuals with Significant Medical Conditions

Tab 16	**CS/CS/SB 1514** by **AED, ED, Smith (CO-INTRODUCERS) Arrington, Davis, Avila;** Similar to CS/H 01197 Anaphylaxis in Public and Charter Schools

Tab 17	**CS/SB 1568** by **AHS, Brodeur;** Similar to 1ST ENG/H 01297 Electronic Prescribing

Tab 18	**CS/SB 1580** by **EN, Rodriguez;** Identical to CS/H 01345 Infrastructure and Resiliency

Tab 19	**CS/SB 1606** by **HP, Grall (CO-INTRODUCERS) Bradley;** Similar to CS/H 01083 Patient Access to Records

667108	D	S	RCS	RC, Grall	Delete everything after	04/22 10:48 AM

Tab 20	**SB 1622** by **Trumbull (CO-INTRODUCERS) Rouson, Berman;** Identical to H 06001 Recreational Customary use of Beaches

642792	A	S	RCS	RC, Trumbull	btw L.9 - 10:	04/22 11:04 AM

Tab 21	**SB 1672** by **Truenow;** Identical to H 06033 Labor Pool Act

Tab 22	**CS/SB 1674** by **CA, Calatayud (CO-INTRODUCERS) Fine, Polsky;** Identical to CS/CS/1ST ENG/H 00669 Unrated Bonds

Tab 23	**CS/SB 1726** by **AHE, Calatayud;** Similar to CS/1ST ENG/H 01321 Higher Education

217134	A	S	RCS	RC, Calatayud	btw L.309 - 310:	04/22 11:17 AM
650702	A	S	RCS	RC, Calatayud	btw L.397 - 398:	04/22 11:17 AM

Tab 24	**CS/CS/SB 1742** by **AEG, RI, Bradley (CO-INTRODUCERS) Pizzo;** Compare to CS/CS/H 00913 Condominium and Cooperative Associations

295004	D	S	RCS	RC, Bradley	Delete everything after	04/22 11:19 AM

Tab 25	**CS/SB 1760** by **AEG, Grall;** Compare to CS/CS/H 01267 Public Officers and Employees

~~441132~~	~~D~~	S	WD	RC, Grall	Delete everything after	04/22 11:38 AM
512670	D	S	RCS	RC, Grall	Delete everything after	04/22 11:38 AM

Tab 26	**HB 259** by **Gerwig (CO-INTRODUCERS) Bartleman, Black, Cross, Grow, Kincart Jonsson, López, J., Partington, Tant, Woodson;** Identical to S 00214 Special Observances

Tab 27	**CS/CS/HB 481** by **SAC, NRD, Lopez, V. (CO-INTRODUCERS) Rizo;** Similar to S 00866 Anchoring Limitation Areas

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Monday, April 21, 2025
TIME: 2:00—6:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Passidomo, Chair; Senator Jones, Vice Chair; Senators Avila, Berman, Boyd, Bradley, Brodeur, Burgess, Burton, Davis, DiCeglie, Gaetz, Garcia, Gruters, Harrell, Hooper, Ingoglia, Martin, Osgood, Pizzo, Rodriguez, Rouson, Simon, Trumbull, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 444** Appropriations Committee on Pre-K - 12 Education / Avila (Similar CS/H 1237)	Human Trafficking Awareness; Requiring the Department of Education to identify a curriculum regarding human trafficking awareness; specifying required components of the curriculum; authorizing in-person or online training; requiring public schools to require that certain personnel have received certain training, etc. ED 03/31/2025 Favorable AED 04/10/2025 Fav/CS RC 04/21/2025 Favorable	Favorable Yeas 23 Nays 0
2	**CS/SB 492** Appropriations Committee on Agriculture, Environment, and General Government / McClain (Similar CS/CS/H 1175, Compare S 1142)	Mitigation Banks; Beginning on a specified date, revising the schedule for credit release upon issuance of a mitigation bank credit permit; authorizing a mitigation bank applicant to propose an alternative credit release schedule and requiring the Department of Environmental Protection or water management district to consider such credit release schedule; requiring the department and water management districts to apply a proximity factor in a specified manner to make a certain determination; requiring certain water management districts, upon application by the owner of a parcel subject to a conservation easement, to release a conservation easement if specified conditions are met, etc. EN 03/11/2025 Favorable AEG 04/10/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 22 Nays 1
3	**SB 674** Wright (Similar H 307)	Bonuses for Employees of County Tax Collectors and Property Appraisers; Authorizing specified county tax collectors or property appraisers to budget for and pay specified bonuses to employees, pending a specified approval, etc. CA 03/25/2025 Favorable FT 04/15/2025 Favorable RC 04/21/2025 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**CS/CS/SB 676** Governmental Oversight and Accountability / Commerce and Tourism / Martin (Similar CS/CS/H 541)	Minimum Wage Requirements; Providing an exception to the requirement that an employee be paid the state minimum wage; providing that an employer is not subject to certain minimum wage requirements for specified employees; authorizing employees to opt out of the minimum wage requirements in a specified manner; requiring that the parent or guardian of an employee who is younger than 18 years of age sign such waiver on behalf of the employee, etc. CM 03/10/2025 Fav/CS GO 03/25/2025 Fav/CS RC 04/21/2025 Amendment Adopted - Temporarily Postponed	Amendment Adopted - Temporarily Postponed
5	**CS/CS/SB 712** Appropriations Committee on Agriculture, Environment, and General Government / Community Affairs / Grall (Similar CS/CS/CS/H 683, Compare H 299, CS/CS/H 453, CS/CS/H 1071, S 570, S 960, CS/S 1134)	Construction Regulations; Requiring the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on specified properties; requiring local governmental entities to approve or deny certain price quotes and provide notice to contractors within a specified timeframe; prohibiting the state or political subdivisions that contract for public works projects from penalizing or rewarding bidders for performing larger or smaller volumes of construction work for the state or political subdivisions when scoring or evaluating certain bids; requiring the Florida Building Commission, within a specified timeframe, to amend the Florida Building Code to recognize tall mass timber as an allowable material for specified construction types, etc. CA 03/31/2025 Fav/CS AEG 04/15/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 23 Nays 0
6	**CS/SB 822** Education Pre-K - 12 / Rodriguez (Compare CS/CS/H 443)	Education; Authorizing a charter school governing board to adopt its own code of student conduct; authorizing a charter school to increase its student enrollment beyond the capacity identified in the charter under certain conditions; requiring the Department of Education to provide student performance data to a charter school and its contractor; authorizing a high-performing charter school to assume the charter of an existing charter school within the same school district, etc. ED 03/31/2025 Fav/CS AED 04/15/2025 Favorable RC 04/21/2025 Fav/CS	Fav/CS Yeas 17 Nays 5

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**CS/CS/SB 954** Appropriations Committee on Health and Human Services / Community Affairs / Gruters (Similar CS/CS/H 1163)	Certified Recovery Residences; Providing that certain recovery residences are deemed a nontransient residential use of land for a specified purpose; prohibiting a local law, ordinance, or regulation from prohibiting or regulating a certified recovery residence in a multifamily structure; requiring a municipality or county to allow certain certified recovery residences in specified zoned districts without the need to obtain changes in certain zoning or land use; providing that the personnel-to-resident ratio for a certified recovery residence must be met only when the residents are at the residence, etc. CA 03/31/2025 Fav/CS AHS 04/15/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 23 Nays 0
8	**CS/SB 1150** Education Pre-K - 12 / Calatayud (Similar H 809)	School Social Workers; Providing that persons employed as school social workers are exempt from certain teacher certification requirements; providing an exception, etc. ED 03/31/2025 Fav/CS AED 04/15/2025 Favorable RC 04/21/2025 Favorable	Favorable Yeas 23 Nays 0
9	**CS/SB 1224** Health Policy / Harrell (Identical CS/H 519)	Administration of Controlled Substances; Authorizing a practitioner to cause a controlled substance to be administered by a certified paramedic in the course of providing emergency services, etc. HP 03/25/2025 Fav/CS AHS 04/15/2025 Favorable RC 04/21/2025 Favorable	Favorable Yeas 23 Nays 0
10	**CS/CS/SB 1240** Appropriations Committee on Health and Human Services / Children, Families, and Elder Affairs / Calatayud (Similar CS/CS/H 1091)	Substance Abuse and Mental Health Care; Expanding mental health crisis services to include the 988 suicide and crisis lifeline call center; authorizing the guardian advocate to be discharged when a patient is discharged from involuntary outpatient services; providing that orders entered by administrative law judges for continued involuntary placement for patients at certain mental health facilities are final and subject to judicial review, etc. CF 03/19/2025 Fav/CS AHS 04/15/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	**SB 1242** McClain (Similar CS/H 991)	Community Redevelopment Agencies; Providing for the termination of community redevelopment agencies on a specified date; removing an exception; prohibiting community redevelopment agencies from performing certain actions on or after a specified date; revising provisions relating to any outstanding bonds of a community redevelopment agency; prohibiting the creation of community redevelopment agencies on or after a specified date, etc. CA 03/11/2025 Favorable JU 04/01/2025 Favorable RC 04/21/2025 Fav/CS	Fav/CS Yeas 22 Nays 0
12	**CS/CS/SB 1264** Appropriations Committee on Transportation, Tourism, and Economic Development / Commerce and Tourism / Collins (Compare H 753, H 1125, H 1185, S 896, S 1532, S 1694)	Rural and Urban Business Enterprises; Revising the purpose of the Department of Commerce; deleting the definition of the term “minority business enterprise”; establishing the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the Department of Commerce; requiring the department to authorize the Department of Revenue to issue tax credits to a qualifying private fund if certain requirements are met; requiring the department to issue a notice of revocation and recapture to the qualifying private fund and the Department of Revenue, etc. CM 03/31/2025 Fav/CS ATD 04/15/2025 Fav/CS RC 04/21/2025 Temporarily Postponed	Temporarily Postponed
13	**CS/CS/SB 1270** Appropriations Committee on Health and Human Services / Health Policy / Collins (Similar CS/CS/H 1299)	Department of Health; Repealing a provision which provides for the repeal of the definition of the term “messenger ribonucleic acid vaccine”; defining terms for purposes of background screening requirements for persons affiliated with medical marijuana treatment centers; requiring medical marijuana treatment centers to notify the Department of Health through electronic mail within a specified timeframe after an actual or attempted theft, diversion, or loss of marijuana; authorizing certain physician assistants to be issued temporary certificates for practice in areas of critical need, etc. HP 04/01/2025 Fav/CS AHS 04/10/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 17 Nays 6

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	**CS/SB 1288** Judiciary / Grall (Similar CS/H 1505)	Parental Rights; Revising exceptions for certain parental rights; creating the parental right to review and consent to a survey or questionnaire provided to a parent's minor child; revising exceptions for specified requirements of parental consent; prohibiting the use of a biofeedback device on a minor child without written permission from the minor child's parent or guardian; defining the term "biofeedback device", etc. ED 03/25/2025 Favorable JU 04/01/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 13 Nays 9
15	**CS/SB 1450** Criminal Justice / Burgess (Identical CS/H 1099)	Arrest and Detention of Individuals with Significant Medical Conditions; Defining the term "person with a significant medical condition"; providing that a law enforcement officer may use his or her discretion in determining whether to make an immediate arrest of such person, etc. CJ 04/01/2025 Fav/CS ACJ 04/15/2025 Favorable RC 04/21/2025 Favorable	Favorable Yeas 23 Nays 0
16	**CS/CS/SB 1514** Appropriations Committee on Pre-K - 12 Education / Education Pre-K - 12 / Smith (Similar CS/H 1197)	Anaphylaxis in Public and Charter Schools; Requiring each district school board and charter school governing board to require that a school that serves students in kindergarten through grade 8 provide specified training to an adequate number of personnel; requiring each district school board and charter school governing board to require that a student's emergency action plan remain effective at all times while the student is on school grounds, etc. ED 03/25/2025 Fav/CS AED 04/15/2025 Fav/CS RC 04/21/2025 Favorable	Favorable Yeas 22 Nays 0
17	**CS/SB 1568** Appropriations Committee on Health and Human Services / Brodeur (Similar H 1297)	Electronic Prescribing; Revising health care practitioners who may only electronically transmit prescriptions for certain drugs; revising exceptions, etc. HP 03/25/2025 Favorable AHS 04/10/2025 Fav/CS RC 04/21/2025 Favorable	Favorable Yeas 22 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
18	**CS/SB 1580** Environment and Natural Resources / Rodriguez (Identical CS/H 1345)	Infrastructure and Resiliency; Granting the Department of Environmental Protection the exclusive authority to execute coastal resiliency projects through public-private partnerships; authorizing the department to take certain actions to encourage investment from the private sector in coastal resiliency projects, etc. EN 03/25/2025 Fav/CS AEG 04/15/2025 Favorable RC 04/21/2025 Favorable	Favorable Yeas 23 Nays 0
19	**CS/SB 1606** Health Policy / Grall (Similar CS/H 1083)	Patient Access to Records; Requiring a service provider to furnish and provide access to records within a specified timeframe after receiving a request for such records; revising provisions relating to the appropriate disclosure of patient records without consent; revising the timeframe within which a nursing home facility must provide access to and copies of resident records after receiving a request for such records; authorizing a provider to impose reasonable terms necessary to preserve such records, etc. HP 03/25/2025 Pending reconsideration (Unfavorable) HP 04/01/2025 Reconsidered (Fav/CS) AHS 04/10/2025 Favorable RC 04/21/2025 Fav/CS	Fav/CS Yeas 15 Nays 8
20	**SB 1622** Trumbull (Identical H 6001, H 6043, S 284)	Recreational Customary use of Beaches; Repealing a provision relating to the establishment of recreational customary use of beaches, etc. JU 03/25/2025 Favorable CA 03/31/2025 Favorable RC 04/21/2025 Fav/CS	Fav/CS Yeas 21 Nays 2
21	**SB 1672** Truenow (Identical H 6033) **(If Received)**	Labor Pool Act; Repealing provisions relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively, etc. CM 03/31/2025 Favorable FP 04/17/2025 Temporarily Postponed RC 04/21/2025 Not Received	Not Received
22	**CS/SB 1674** Community Affairs / Calatayud (Identical CS/CS/H 669)	Unrated Bonds; Prohibiting local governments from requiring minimum bond ratings for certain investments, etc. CA 03/31/2025 Fav/CS FP 04/17/2025 Favorable RC 04/21/2025 Favorable	Favorable Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
23	**CS/SB 1726** Appropriations Committee on Higher Education / Calatayud (Similar CS/H 1321, Compare CS/CS/H 1267, CS/H 1445, CS/S 1760)	Higher Education; Requiring members of a state university board of trustees and members of the Board of Governors to be United States citizens and either residents of this state or graduates of a state university beginning on a specified date; requiring certain members of the Board of Governors to comply with specified financial disclosure requirements beginning on a specified date; revising term limits for members and the chair of the State Board of Education; providing term limits for members and the chairs of the Florida College System institution boards of trustees; providing that certain actions related to the president of a Florida College System institution are not subject to approval by the State Board of Education, etc. HE 03/31/2025 Favorable AHE 04/10/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 20 Nays 3
24	**CS/CS/SB 1742** Appropriations Committee on Agriculture, Environment, and General Government / Regulated Industries / Bradley (Compare CS/CS/H 913)	Condominium and Cooperative Associations; Prohibiting a person whose community association manager license is revoked from having an indirect or direct ownership interest in, or being an employee, a partner, an officer, a director, or a trustee of, a community association management firm for a specified timeframe; prohibiting a community association manager or a community association management firm from knowingly performing any act directed by the community association if such act violates any state or federal law; authorizing an association board meeting to be conducted in person or by video conference; requiring a cooperative association to create and maintain an online account with the division, etc. RI 03/19/2025 Temporarily Postponed RI 03/25/2025 Fav/CS AEG 04/15/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
25	**CS/SB 1760** Appropriations Committee on Agriculture, Environment, and General Government / Grall (Compare CS/CS/H 1267, CS/H 1321, CS/H 1445, CS/S 1726)	Public Officers and Employees; Requiring that, beginning on a specified date, members of commissions and licensing boards, chairs of governing boards or certain chief executives, or any persons appointed to hold state office be United States citizens and residents of this state; requiring that, beginning on a specified date, secretaries and executive directors of departments and certain chief administrative officers be United States citizens and be residents of, and reside in, specified areas; requiring that, beginning on a specified date, members of the Board of Governors of the State University System be United States citizens and residents of this state or have graduated from a state university, etc. GO 03/25/2025 Favorable AEG 04/15/2025 Fav/CS RC 04/21/2025 Fav/CS	Fav/CS Yeas 22 Nays 1
26	**HB 259** Gerwig (Identical S 214)	Special Observances; Designates August 21 of each year as "Fentanyl Awareness & Education Day"; encourages specified entities & public schools to sponsor events to promote awareness of dangers of fentanyl & potential overdoses, including education on specified topics. RC 04/21/2025 Favorable	Favorable Yeas 23 Nays 0
27	**CS/CS/HB 481** State Affairs Committee / Natural Resources & Disasters Subcommittee / Lopez, V. (Similar S 866)	Anchoring Limitation Areas; Restricts local regulation of vessels outside marked boundaries of mooring fields in certain counties; designates specified sections of Biscayne Bay in Miami-Dade County as grandfathered-in anchoring limitation areas; increases prohibited anchoring & mooring distance of vessels & floating structures near public mooring fields. RC 04/21/2025 Favorable	Favorable Yeas 16 Nays 7
	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.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 444
INTRODUCER:	Appropriations Committee on Pre-K - 12 Education; Senator Avila and others
SUBJECT:	Human Trafficking Awareness
DATE:	April 18, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Bouck	ED	**Favorable**
2.	Gray	Elwell	AED	**Fav/CS**
3.	Bouck	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 444 requires public school personnel to receive human trafficking awareness training. The bill requires a district- or school-based administrator to annually provide training to instructional personnel, school nurses and doctors, and other school personnel who come in regular contact with students. Such personnel must annually acknowledge receipt of training.

The bill requires each school district to develop a comprehensive training curriculum on human trafficking awareness, which must be submitted to the Department of Education for approval. The training must include:

- The definition of human trafficking and the difference between sex trafficking and labor trafficking.
- Guidance for public school personnel concerning how to identify students who may be victims of human trafficking and in reporting and responding to suspected human trafficking.
- A protocol for reporting suspected human trafficking, which includes reporting such suspicion to the Department of Children and Families or the Florida Human Trafficking Hotline.
- The bill specifies that charter schools must comply with the human trafficking awareness training.

The bill is not expected to have a fiscal impact on state or local governments. **See Section V., Fiscal Impact Statement.**

The bill is effective July 1, 2025.

II. Present Situation:

Human Trafficking

Human trafficking is a form of modern-day slavery.[1] Human trafficking is a global crime that trades in people of all genders, ages and backgrounds and exploits them for profit. Human trafficking generally takes two forms: sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.[2]

Traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the most frequently used practices are less obvious techniques that include isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families; telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.[3]

There are approximately 30 million people enslaved throughout the world with 2.5 million located right here in the United States. According to the U.S. Department of Justice, every two minutes a child is trafficked for the purpose of sexual exploitation in the United States.[4]

Department of Children and Families

The Department of Children and Families (DCF) tracks human trafficking allegations in two primary categories:

- Human Trafficking – Commercial Sexual Exploitation of a Child (CSEC): This maltreatment type is used for cases in which the allegations involve commercial sexual exploitation of a child (e.g., adult entertainment clubs, escort services, prostitution, etc.).
- Human Trafficking – Labor: This maltreatment type is used in cases in which the allegations involve issues associated with forced labor, slavery, or servitude that do not appear to be sexual in nature. [5]

In Fiscal Year 2023-2024, the total number of reports accepted by the Florida Abuse Hotline alleging one of the human trafficking maltreatments was 2,137 involving 1,592 children. Of the

[1] Section 787.06(1), F.S.
[2] Immigration and Customs Enforcement, *What is Human Trafficking?* https://www.ice.gov/features/human-trafficking (last visited April 1, 2025).
[3] Section 787.06(1), F.S.
[4] Florida Department of Education, *Human Trafficking*, https://www.fldoe.org/schools/healthy-schools/human-trafficking.stml (last visited April 1, 2025)
[5] Florida Department of Children and Families, *Human Trafficking of Children Annual Report* (Oct. 1, 2024), *available at* https://www.myflfamilies.com/sites/default/files/2024-10/Human_Trafficking_Report_2023-24.pdf, at 3.

2,137 accepted reports, 1,965 (91.95 percent) were coded as CSEC and 172 (8.05 percent) reports were for Labor Trafficking.

County-level data reveals that Hillsborough County received the highest number of reports of human trafficking, with 220 reports, followed closely by Miami-Dade and Broward counties, each with 199 reports. Duval County received 148 reports, and Orange County reported 139 cases.[6]

Human Trafficking and Students

Of 22,326 trafficking victims and survivors identified through contacts with the National Human Trafficking Hotline in 2019, at least 5,359 were under age 18. Many underage victims of human trafficking are students in the American school system. No community, school, socioeconomic group, or student demographic is immune. Cases of child trafficking are found in every area of the country—in rural, suburban, and urban settings alike.[7]

Indicators that school staff and administrators should be aware of concerning a potential victim are if a child:

- Demonstrates an inability to attend school on a regular basis and/or has unexplained absences.
- Frequently runs away from home.
- Makes references to frequent travel to other cities.
- Exhibits bruises or other signs of physical trauma, withdrawn behavior, depression, anxiety, or fear.
- Lacks control over his or her schedule and/or identification or travel documents.
- Is hungry, malnourished, deprived of sleep, or inappropriately dressed (based on weather conditions or surroundings).
- Shows signs of drug addiction.
- Has coached/rehearsed responses to questions.

Additional signs that may indicate sex trafficking include the child:

- Demonstrates a sudden change in attire, personal hygiene, relationships, or material possessions.
- Acts uncharacteristically promiscuous and/or makes references to sexual situations or terminology that are beyond age-specific norms.
- Has a “boyfriend” or “girlfriend” who is noticeably older.
- Attempts to conceal recent scars.

Additional signs that may indicate labor trafficking include if the child:

- Expresses need to pay off a debt.
- Expresses concern for family members’ safety if he or she shares too much information.
- Works long hours and receives little or no payment.

[6] Florida Department of Children and Families, *Human Trafficking of Children Annual Report* (Oct. 1, 2024), *available at* https://www.myflfamilies.com/sites/default/files/2024-10/Human_Trafficking_Report_2023-24.pdf
[7] https://safesupportivelearning.ed.gov/human-trafficking-americas-schools (last visited April 1, 2025).

- Cares for children not from his or her own family. [8]

Human Trafficking Education in Public Schools

As a part of required comprehensive age-appropriate and developmentally appropriate K-12 instruction students must receive instruction on the prevention of child sexual abuse, exploitation, and human trafficking. For students in grades six-12, the instruction must also include the various effects of social media including predatory behavior and human trafficking on the Internet.[9]

Age-appropriate elements of effective and evidence-based programs and instruction to students in grades K-12 related to child trafficking prevention and awareness and must address, at a minimum, the following topics:

- Recognition of signs of human trafficking;
- Awareness of resources, including national, state and local resources;
- Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;
- Information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance; and
- Information on how social media and mobile device applications are used for human trafficking.[10]

The Department of Education (DOE) maintains a human trafficking webpage[11] with information about the human trafficking education; resources on abuse, including sexual abuse, and human trafficking prevention for professional learning purposes; and materials for parents, guardians, and other caretakers of students.

Human Trafficking Training for Educators

According to the U.S. Department of Education (USDOE), schools have several responsibilities regarding child trafficking. To be effective, schools should increase staff awareness and educate staff on the nature of trafficking and on which youth are most vulnerable to it, increase parent and student awareness of the risks and realities of trafficking, and develop district or schoolwide policies and protocols for identifying and supporting trafficking victims. Basic training on trafficking risk factors and indicators should be provided to school personnel, particularly those who work with students in higher-risk groups, or staff who, by virtue of their positions, are most likely to notice red flags. These school staff include school counselors, bus drivers, special education teachers, attendance officers, and school nurses.[12]

Several national training modules regarding human trafficking are available, such as:

---

[8] U.S. Department of Education, *Human Trafficking of Children in the United States-A Fact Sheet for Schools*, https://www.ed.gov/teaching-and-administration/supporting-students/human-trafficking/human-trafficking-of-children-in-the-united-states-a-fact-sheet-for-schools (last visited April 1, 2025).
[9] Section 1003.42(2), F.S.
[10] Rule 6A-1.094124(6), F.A.C.
[11] Florida Department of Education, *Human Trafficking*, https://www.fldoe.org/schools/healthy-schools/human-trafficking.stml (last visited April 1, 2025).
[12] U.S. Department of Education, *Human Trafficking in America's Schools* (Jan. 2021), *available at* https://www.ed.gov/sites/ed/files/documents/human-trafficking/human-trafficking-americas-schools.pdf, at 15.

- The National Center on Safe Supportive Learning Environments, through a contract with the USDOE, provides educators with an introduction to human trafficking prevention. It includes three brief videos that provide information key to identifying potential trafficking, generating appropriate school-level responses, and efforts to prevent trafficking of students. Each video includes comments by both content and lived experience subject matter experts, as well as reflection questions for educators to consider individually or as a group.[13]
- The Blue Campaign by the Department of Homeland Security (DHS) is a national public awareness campaign designed to educate the public, law enforcement, and other industry partners to recognize the indicators of human trafficking, and how to appropriately respond to possible cases. The Blue Campaign works closely with DHS partners to develop general awareness trainings, as well as specific educational resources to help reduce victimization within vulnerable populations. Blue Campaign's educational awareness objectives consists of two foundational elements, prevention of human trafficking and protection of exploited persons. The training on human trafficking includes general awareness, labor trafficking, and sex trafficking.[14]

Required Public School Training Related to Student Health, Safety, and Welfare

Florida teachers, administrator, and staff are required to complete a number of trainings regarding student well-being.

All teachers in grades K-12 must participate in continuing education training provided by the DCF on identifying and reporting child abuse and neglect.[15]

The DOE is required to develop an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem. School districts must annually certify that at least 80 percent of school personnel have received this training.[16]

The DOE, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, shall develop a list of approved youth suicide awareness and prevention training materials and suicide screening instruments that may be used for training in youth suicide awareness, suicide prevention, and suicide screening for instructional personnel in public schools. A school is designated a "Suicide Prevention Certified School" if it meets certain staff training requirements.[17]

Each district school board must adopt a dating violence and abuse policy for school and school events with procedures for responding to such incidents of dating violence or abuse, including

[13] National Center on Safe Supportive Learning Environments, *Addressing Human Trafficking in Schools, Staff Development Series*, https://safesupportivelearning.ed.gov/addressing-human-trafficking-americas-schools-staff-development-series (last visited April 1, 2025).
[14] Department of Homeland Security, *Blue Campaign*, https://www.dhs.gov/blue-campaign (last visited April 1, 2025).
[15] Section 1012.98(13), F.S.
[16] Section 1012.584(1) and (5), F.S.
[17] Section 1012.583, F.S.

accommodations for students experiencing dating violence or abuse. The district school board must provide training for teachers, staff, and school administrators to implement the policy.[18]

A district school safety specialist, or designee, must provide for the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security. Additionally, each district school board and charter school governing board must adopt an active assailant response plan. Each district school superintendent and charter school principal must annually certify that all school personnel have received training on the active assailant response plan.[19]

Each athletic coach or sponsor of outdoor-related extracurricular activities must annually complete training in exertional heat illness identification, prevention, and response, including effective administration of cooling zones. A school employee or volunteer with current training in cardiopulmonary resuscitation (CPR) and use of a defibrillator must be present at each athletic event or practice.[20]

Each school district must provide training to any school personnel authorized to use positive behavior interventions and supports pursuant to school district policy on the use of physical restraint. The training must include risk assessment procedures, safe and appropriate restraint techniques, documentation and reporting requirements, CPR and medical emergencies.[21]

Each school employee whose duties include regular contact with the student who has an individualized seizure action plan must complete training in the care of students with epilepsy and seizure disorders. The DOE must identify on its website one or more free online training courses.[22]

Charter Schools

Charter schools are tuition-free public schools created through an agreement or "charter" that provides flexibility relative to regulations for traditional public schools. During the 2022-2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.[23] In general, charter schools are exempt for most Florida laws that govern public schools. The specific regulations that charter schools must comply with are named in law and include requirements such as:

- Provisions to students with disabilities.
- Civil rights.
- Student health, safety, and welfare.
- Secondary school start times.
- Public records, public meetings and public inspection.

[18] Section 1006.148, F.S.
[19] Section 1006.07(6), F.S.
[20] Section 1006.165(1), F.S.
[21] Section 1003.573(5), F.S.
[22] Section 1006.0626, F.S.
[23] Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), *available at* https:https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf.

- Threat management teams.
- School Environmental Safety Incident Reporting.
- Florida Safe Schools Assessment Tool.
- Mental health awareness and assistance training.[24]

III. Effect of Proposed Changes:

This bill creates s. 1006.481, F.S., to establish requirements for human trafficking awareness training in public schools.

The bill requires the Department of Education (DOE) to identify free training curriculum regarding human trafficking awareness, which may be conducted either in-person or online. Such training must include:

- The definition of human trafficking and the difference between sex trafficking and labor trafficking.
- Guidance specific to the public education sector concerning how to identify students who may be victims of human trafficking.
- Guidance concerning the role of employees of the public school system in reporting and responding to suspected human trafficking.
- A protocol for reporting suspected human trafficking which must require that suspicion of human trafficking of a child be reported to the Department of Children and Families or the Florida Human Trafficking Hotline at either entity's designated telephone number.

Each public school shall require that the following staff human trafficking awareness training:

- Instructional personnel, to include classroom teachers, school counselors, social workers, career specialists, school psychologists, librarians and media specialists, learning specialists, and paraprofessionals.
- School administrators.
- Educational Support Employees, which includes, but is not limited to, doctors, nurses, secretaries, craft workers, and service workers.

Each employee must submit to the school district an acknowledgement of having received the training, which must be retained by the school.

Lastly, the bill clarifies that charter schools must comply with the requirement for the training on human trafficking awareness.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[24] Section 1002.33(16), F.S.

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:

The bill is not expected to have a fiscal impact on the Department of Education or on the school districts, as the bill requires the department of education to identify free training curriculum, that may be conducted either in-person or online.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1006.481 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 Appropriations Committee on Pre-K - 12 Education on April 10, 2025:
The committee substitute amends the bill to:

- Require the Department of Education to identify a no-cost human trafficking awareness training curriculum that will provide guidance on identifying students who may be victims of human trafficking and on the requirements and procedures for reporting; and
- Require school districts to ensure that instructional personnel, school administrators, and staff who come into contact with students receive this training, either in-person or online.

The committee substitute also clarifies that charter schools must comply with requirements on human trafficking.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Appropriations Committee on Pre-K - 12 Education; and
Senators Avila, Collins, and Yarborough

602-03440-25 2025444c1

A bill to be entitled

An act relating to human trafficking awareness; creating s. 1006.481, F.S.; requiring the Department of Education to identify a curriculum regarding human trafficking awareness; specifying required components of the curriculum; authorizing in-person or online training; requiring public schools to require that certain personnel have received certain training; requiring school employees to acknowledge completion of training; amending s. 1002.33, F.S.; requiring charter schools to comply with requirements for human trafficking awareness training; providing an effective date.

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

Section 1. Section 1006.481, Florida Statutes, is created to read:

1006.481 Human trafficking awareness training.—

(1) No later than December 1, 2025, the Department of Education shall identify a free training curriculum regarding human trafficking awareness, which must include all of the following:

(a) The definition of human trafficking and the difference between sex trafficking and labor trafficking.

(b) Guidance specific to the public education sector concerning how to identify students who may be victims of human trafficking.

(c) Guidance concerning the role of employees of the public

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

602-03440-25 2025444c1

school system in reporting and responding to suspected human trafficking.

(d) A protocol for reporting suspected human trafficking, which must require that suspicion of human trafficking of a child be reported to the Department of Children and Families or the Florida Human Trafficking Hotline at either entity's designated telephone number.

(2) The training curriculum may be conducted either in-person or online.

(3) Each public school shall require that all instructional personnel under s. 1012.01(2), administrative personnel under s. 1012.01(3)(c), and educational support personnel under s. 1012.01(6) who have contact with students must have received training on human trafficking awareness. Each employee must submit to the school an acknowledgment of having received the training, which must be retained by the school.

Section 2. Paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat management teams.

10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.

11. Section 1006.07(10), relating to reporting of involuntary examinations.

12. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

13. Section 1006.07(6)(d), relating to adopting an active assailant response plan.

14. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

15. Section 1012.584, relating to youth mental health awareness and assistance training.

16. Section 1001.42(4)(f)2., relating to middle school and high school start times. A charter school-in-the-workplace is exempt from this requirement.

17. Section 1006.481, relating to training on human trafficking awareness.

Section 3. This act shall take effect July 1, 2025.

SENATOR BRYAN AVILA
39th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

Avila.bryan.web@flsenate.gov

COMMITTEES:
COMMITTEES:
Finance and Tax, *Chair*
Transportation, Vice Chair
Appropriations Committee on Transportation, Tourism, and Economic Development
Environmental and Natural Resources
Ethics and Elections
Fiscal Policy
Rules

April 10, 2025

Honorable Senator Kathleen Passidomo
Committee on Rules
404 South Monroe Street
201 The Capital
Tallahassee, Florida 32399

Honorable Chair Passidomo:

I respectfully request SB 444 Human Trafficking be placed on the next committee agenda.

SB 444 Human Trafficking; Human Trafficking Awareness; Requiring public schools to designate a member of the administrative personnel to provide annual training regarding human trafficking awareness to specified employees; requiring employees who receive such training to submit an acknowledgment to the school; requiring schools to keep the acknowledgments filed electronically.

Sincerely,

Senator, District 39

CC: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Assistant
Zoraida Druckman, Legislative Aide

The Florida Senate

APPEARANCE RECORD

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

4-21-2025
Meeting Date

Rules
Committee

444
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kevonté Ford

Phone

Address 101 N Monroe St
Street

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:

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

444
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Mazzola

Phone 407-855-7604

Address FLPTA 1747 Orlando Central Pkwy
Street

Email VP.~~President~~leadership@floridapta.org

Orlando FL 32809
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 PTA

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. 2020-2022JointRules.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

4/21/25
Meeting Date

SB 444
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Lawren Evans and Tazera Fields
from Human Trafficking and Exploitation Law Project

Phone (850) 294-2300

Address 425 West Jefferson Street
Street

Email twloc@fsu.edu

Tallahassee FL 32306
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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 492
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government and Senator McClain
SUBJECT:	Land Development
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Favorable**
2.	Reagan	Betta	AEG	**Fav/CS**
3.	Barriero	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 492 provides a standardized schedule for releasing mitigation credits and removes the requirement that the Department of Environmental Protection (DEP) and water management districts determine the credit release schedule on a case-by-case basis pursuant to statutorily enumerated factors. The bill provides that credits must be released as follows:

- 30 percent upon recording a conservation easement and establishing financial assurances (or 100 percent for preservation-only banks).
- 30 percent after completing initial construction activities.
- 20 percent upon meeting interim performance criteria.
- 20 percent upon meeting final success criteria.

Additionally, the bill allows freshwater wetland creation credits to be released before all the success criteria have been met. Only success criteria for initial construction success criteria need to be met.

The bill provides that permit applicants are entitled to a one-time use of credits from a mitigation bank outside the mitigation bank service area when an insufficient number or type of credits are available within the impacted area. The DEP or a water management district must have determined that the mitigation service area lacked the appropriate credit type and the implementation of permittee-responsible mitigation was not sufficient to offset impacts before

approving credits outside the service area. The bill provides that the following multipliers would apply to credits outside the service area:

- 1.0 multiplier for use of in-kind credits within the service area.
- 1.0 multiplier for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after credit-deficiency has been established.
- 1.2 multiplier for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a mitigation bank service area in which proposed impacts are located only after credit-deficiency has been established only after credit-deficiency has been established.
- When in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which the proposed impacts are located, an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed.
- An additional 0.50 multiplier shall be applied if the mitigation used to offset impacts entails an out-of-kind replacement.

The bill provides that use of these multipliers meets the requirements for addressing cumulative impacts.

Once the amount of mitigation required to offset impacts is determined, the DEP or water management district must contact all mitigation banks with a service area encompassing the location of the proposed impacts within seven days to verify the availability of credits. The mitigation banks have 15 days to respond; if no response is received, it is presumed credits from that bank are not available. The DEP or water management district must then notify the permit applicant if sufficient credits are available. The bill also requires mitigation banks to submit annual reports detailing the number and type of available credits for sale. The DEP and water management districts must compile these reports and provide an annual assessment of the state's mitigation banking system to the Legislature.

The bill has no impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2025.

II. Present Situation:

Environmental Resource Permits (ERP)

Part IV of ch. 373, F.S., and ch. 62-330, F.A.C., regulate the statewide ERP program, which 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.[1] ERP applications are processed by either the Department of Environmental Protection (DEP) or one of Florida's five water management districts.[2]

Permit applicants must demonstrate that the regulated activity will not be harmful to the water resources or will not be inconsistent with the overall objectives of the water management district.[3] Applicants must provide reasonable assurance that state water quality standards will not be violated and that the proposed activity is not contrary to the public interest.[4] If a proposed activity significantly degrades or is within an Outstanding Florida Water,[5] the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.[6] In determining whether an activity is contrary to the public interest or clearly in the public interest, the water management district or the DEP must consider and balance the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.[7]

If the applicant is unable to otherwise meet this criteria, the DEP or the governing board of a water management district, in deciding to grant or deny a permit, must consider measures proposed by or acceptable to the applicant to mitigate adverse effects of the regulated activity.[8] Such measures may include onsite mitigation, offsite mitigation, offsite regional mitigation, and the purchase of mitigation credits from mitigation banks.[9]

In deciding whether to grant or deny a permit for an activity that affects surface waters or wetlands, the DEP or the water management district must consider the cumulative impacts of:

- The proposed activity;

---

[1] Fla. Admin. Code R. 62-330.010(2).
[2] DEP, *Environmental Resource Permitting Coordination, Assistance, Portals*, https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/environmental-resource-permitting#:~:text=The%20Environmental%20Resource%20Permit%20(ERP,alteration%20of%20surface%20water%20flows (last visited Mar. 5, 2025).
[3] Section 373.414(1), F.S.
[4] *Id.*
[5] An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters (last visited Feb. 7, 2025); *see* Fla. Admin. Code R. 62-302.700(2) and (9).
[6] Section 373.414(1), F.S.
[7] Section 373.414(1)(a), F.S.
[8] Section 373.414(1)(b), F.S.
[9] *Id.*

- Other projects that already exist, are under construction, or have applied for permits or formal wetland or surface water determinations;
- Activities related to developments of regional impact[10] which are under review, approved, or vested, or other activities regulated under Part IV of chapter 373, F.S., which may reasonably be expected to be located within surface waters or wetlands in the same drainage basin based upon a local government's comprehensive plans.[11]

These cumulative impacts must be evaluated within the same drainage basin as the proposed activity.[12]

Overview of Mitigation Banking

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.[13] Mitigation banks are alternative to permittee-responsible mitigation.[14] Permittee-responsible mitigation refers to mitigation undertaken by the permittee to provide compensatory mitigation for which the permittee retains full responsibility.[15]

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.[16] Creation of a mitigation bank in Florida typically requires both a permit from the DEP or a water management district 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.[17] Requirements for mitigation bank permits differ between mitigation bank instruments issued by the USACE and state permits issued by the DEP or the water management districts.

The Uniform Mitigation Assessment Method (UMAM) was established as a way 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.[18] The UMAM provides a standardized procedure for assessing the ecological functions provided by wetlands and other surface waters,

[10] "Development of regional impact" means any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. Section 380.06(1), F.S.
[11] Section 373.414(8)(a), F.S.
[12] *Id.*
[13] DEP, *Mitigation and Mitigation Banking*, https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-and-mitigation-banking (last visited Feb. 17, 2025). "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.
[14] Section 373.4135(1)(b), F.S.
[15] 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 Feb. 17, 2025).
[16] DEP, *Mitigation and Mitigation Banking*, https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-and-mitigation-banking (last visited Feb. 17, 2025).
[17] DEP, *Mitigation Banking Rule and Procedure Synopsis*, https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-banking-rule-and (last visited Feb. 17, 2025).
[18] *See* section 373.414(18), F.S.

the amount that those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss.[19] The
UMAM evaluates functions through consideration of an ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife utilization, and mitigation risk.[20] This standardized methodology is also used to determine the degree of improvement in ecological value of proposed mitigation bank activities.[21]

State Mitigation Banking Regulations

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.[22]

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 ERP requirements and related rules;
- 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.[23]

Mitigation Bank Credits

After evaluating the permit application, the permitting agency awards mitigation credits to a proposed mitigation bank or phase of such mitigation bank.[24] The number of credits awarded is based on the degree of improvement in ecological value expected to result from the establishment and operation of the mitigation bank as determined using a functional assessment methodology.[25] In determining the degree of improvement in ecological value, specific factors must be evaluated, including, among other things, the ecological and hydrological relationship

[19] DEP, *The Uniform Mitigation Assessment Method (UMAM)*, https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/uniform-mitigation-assessment (last visited Feb. 17, 2025).
[20] *Id.*
[21] *Id.*
[22] Section 373.4136(1), F.S.
[23] *Id.*; Fla. Admin. Code R. 62-342.400.
[24] Section 373.4136(4), F.S., An entity establishing and operating a mitigation bank may apply to modify the mitigation bank permit to seek the award of additional mitigation credits if the mitigation bank results in an additional increase in ecological value over the value contemplated at the time of the original permit issuance, or the most recent modification thereto involving the number of credits awarded. *Id.*
[25] *Id.*

between wetlands and uplands in the mitigation bank and the proximity of the mitigation bank to areas with regionally significant ecological resources or habitats, and the extent to which the mitigation bank provides habitat for fish and wildlife.[26]

After awarding mitigation credits to a mitigation bank, the permitting agency establishes a schedule for the release of those credits in the mitigation bank permit.[27] A mitigation credit that has been released may be sold or used to offset adverse impacts from a regulated activity.[28] A portion of the mitigation credits can be released for sale or use prior to meeting all the performance criteria specified in the mitigation bank permit.[29] However, the permitting agency will only release the full amount of awarded credits after all success criteria are met.[30]

The permitting agency determines the number of credits and schedule for release based on the performance criteria for the mitigation bank and the success criteria for each mitigation activity.[31] The release schedule for a specific mitigation bank or phase thereof is related to the actions required to implement the bank, such as site protection, site preparation, earthwork, removal of wastes, planting, removal or control of nuisance and exotic species, installation of structures, and annual monitoring and management requirements for success. In determining the specific release schedule for a bank, the permitting agency must consider, at a minimum, the following factors:

- Whether the mitigation consists solely of preservation or includes other types of mitigation.
- The length of time anticipated to be required before a determination of success can be achieved.
- The ecological value to be gained from each action required to implement the bank.
- The financial expenditure required for each action to implement the bank.[32]

However, no credit can be released for freshwater wetland creation until the success criteria included in the mitigation bank permit are met.[33]

Mitigation Service Area

During the permitting of a mitigation bank, the permitting agency (the DEP or a water management district) determines the mitigation service area, which is the geographic region within which the bank could reasonably be expected to offset impacts.[34] In determining the boundaries of the mitigation service area, the permitting agency must consider the characteristics, size, and location of the mitigation bank and, at a minimum, the extent to which the mitigation bank:

- Contributes to a regional integrated ecological network;

[26] Section 373.4136(4), F.S.
[27] Section 373.4136(5), F.S.
[28] *Id.*
[29] Section 373.4136(5)(a), F.S.
[30] *Id.*
[31] Section 373.4136(5)(b), F.S.
[32] Section 373.4136(5)(b), F.S.
[33] Section 373.4136(5)(c), F.S.
[34] DEP, *Mitigation Banking Rule and Procedure Synopsis*, https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-banking-rule-and (last visited Feb. 13, 2025); section 373.4136(6), F.S.

- Will significantly enhance the water quality or restoration of an offsite receiving water body that is designated as an Outstanding Florida Water, a Wild and Scenic River, an aquatic preserve, a water body designated in a plan approved pursuant to the Surface Water Improvement and Management Act, or a nationally designated estuarine preserve;
- Will provide for the long-term viability of endangered or threatened species or species of special concern;
- Is consistent with the objectives of a regional management plan adopted or endorsed by the department or water management districts; and
- Can reasonably be expected to offset specific types of wetland impacts within a specific geographic area. A mitigation bank need not offset all expected impacts within its service area.[35]

The DEP and the water management districts use regional watersheds to guide the establishment of mitigation service areas.[36] A mitigation service area may extend beyond the regional watershed in which the bank is located into all or part of other regional watersheds when the mitigation bank has the ability to offset adverse impacts outside that regional watershed.[37] Similarly, a mitigation service area may be smaller than the regional watershed in which the mitigation bank is located when adverse impacts throughout the regional watershed cannot reasonably be expected to be offset by the mitigation bank because of local ecological or hydrological conditions.[38]

In general, mitigation credits may only be used to offset adverse impacts in the mitigation service area.[39] However, if certain requirements are met, the following projects may be eligible to use a mitigation bank regardless of whether they are located within the mitigation service area:
- Projects with adverse impacts partially located within the mitigation service area.
- Linear projects, such as roadways, transmission lines, distribution lines, pipelines, railways, or certain seaports.
- Projects with total adverse impacts of less than one acre in size.[40]

Federal Mitigation Banking Regulations

For projects requiring a federal permit, a USACE district engineer determines the mitigation to be required in a mitigation bank permit based on what is practicable and capable of compensating for the aquatic resource functions that will be lost as a result of the permitted activity.[41] When evaluating options for mitigation, the USACE considers the type and location options in the following order (commonly referred to as the mitigation preference hierarchy):
- Mitigation bank credits;

[35] *Id*.
[36] Section 373.4136(6)(b), F.S. Regional watersheds within each water management district are specifically delineated in DEP rules. *See* Fla. Admin. Code R. 62-342.200(9).
[37] Section 373.4136(6)(b), F.S.
[38] *Id.*
[39] Section 373.4136(6), F.S.
[40] Section 373.4136(6)(d), F.S.
[41] 33 C.F.R. 332.3(a)(1).

- In-lieu fee program credits;[42]
- Permittee-responsible mitigation under a watershed approach;[43]
- Permittee-responsible mitigation through on-site and in-kind[44] mitigation; or
- Permittee-responsible mitigation through off-site and/or out-of-kind[45] mitigation.[46]

In general, the required mitigation should be located within the same watershed as the impact site and where it is most likely to successfully replace lost functions and services, taking into account watershed scale features as aquatic habitat diversity, habitat connectivity, relationships to hydrologic sources, trends in land use, ecological benefits, and compatibility with adjacent land uses.[47] When compensating for impacts to marine resources, the location of the mitigation site should be chosen to replace lost functions and services within the same marine ecological system (e.g., reef complex, littoral drift cell).[48] Compensation for impacts to aquatic resources in coastal watersheds should also be located in a coastal watershed where practicable.[49]

Mitigation Bank Credits

When permitted impacts are located within the service area of an approved mitigation bank, and the bank has the appropriate number and resource type of credits available, the permittee's compensatory mitigation requirements may be met by securing those credits from a mitigation bank.[50] An approved instrument (including an approved mitigation plan and appropriate real estate and financial assurances) must be in place before credits can be used to compensate for authorized impacts.[51] Mitigation bank credits are not released until specific milestones associated with the mitigation bank site's protection and development are achieved.[52]

If the USACE determines that mitigation is necessary to offset unavoidable impacts to aquatic resources, the amount of required mitigation must be, to the extent practicable, sufficient to replace lost aquatic resource functions.[53] The USACE requires a mitigation ratio greater than one-to-one where necessary to account for (1) the distance between the affected aquatic resource and the compensation site, (2) the method of mitigation (e.g., preservation), (3) the likelihood of success, (4) differences between the functions lost at the impact site and the functions expected

[42] An in-lieu fee program is a program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for DA permits. Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor. However, the rules governing the operation and use of in-lieu fee programs are somewhat different from the rules governing operation and use of mitigation banks. 33 C.F.R. 332.2.
[43] Permittee-responsible mitigation means an aquatic resource restoration, establishment, enhancement, and/or preservation activity undertaken by the permittee (or an authorized agent or contractor) to provide compensatory mitigation for which the permittee retains full responsibility. 33 C.F.R. 332.2.
[44] In-kind means a resource of a similar structural and functional type to the impacted resource. 33 C.F.R. 332.2.
[45] Out-of-kind means a resource of a different structural and functional type from the impacted resource. 33 C.F.R. 332.2.
[46] *See* 33 C.F.R. 332.3(b).
[47] 33 C.F.R. 332.3(b)(1).
[48] *Id.*
[49] *Id.*
[50] 33 C.F.R. 332.3(b)(1).
[51] 33 C.F.R. 332.3(b)(2).
[52] *Id.*
[53] 33 C.F.R. 332.3(f)(1).

to be produced by the mitigation project, (5) temporal losses of aquatic resource functions, and/or (5) the difficulty of restoring or establishing the desired aquatic resource type and functions.[54]

Mitigation Service Area

Under federal law, the mitigation service area is the watershed, ecoregion,[55] physiographic province, or other geographic area within which the mitigation bank is authorized to provide compensatory mitigation required by USACE permits.[56] The service area must be appropriately sized to ensure that the aquatic resources provided will effectively compensate for adverse environmental impacts across the entire service area.[57] For example, in urban areas, a U.S. Geological Survey 8-digit hydrologic unit code (HUC)[58] watershed or a smaller watershed may be an appropriate service area.[59] In rural areas, several contiguous 8-digit HUCs or a 6-digit HUC watershed may be an appropriate service area.[60] Delineation of the service area must also consider any locally-developed standards and criteria that may be applicable.[61] The economic viability of the mitigation bank may also be considered in determining the size of the service area.[62]

USACE Proximity Factor Tool

The USACE developed a proximity factor tool that may be used when there are insufficient mitigation credits within the approved mitigation bank service area. The tool is used to assess the number of credits required for any compensatory mitigation proposed outside of approved mitigation bank service areas.[63] The proximity factor is based on ratio multipliers for multiple

[54] 33 C.F.R. 332.3(f)(2).
[55] Ecoregions are areas where ecosystems (and the type, quality, and quantity of environmental resources) are generally similar. A Roman numeral classification scheme has been adopted for different hierarchical levels of ecoregions, ranging from general regions to more detailed: Level I - 12 ecoregions in the continental U.S.; Level II - 25 ecoregions in the continental U.S.; Level III -105 ecoregions in the continental U.S.; Level IV - 967 ecoregions in the conterminous U.S. EPA, *Ecoregions*, https://www.epa.gov/eco-research/ecoregions (last visited Feb. 14, 2025).
[56] 33 C.F.R. 332.8(d)(6)(ii)(A).
[57] *Id.*
[58] "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 Mar. 3, 2025). Eight-digit HUCs are used for large watersheds known as subbasins; 10-digit HUCs divide the large subbasins into watersheds; and 12-digit HUCs divide watersheds into subwatersheds that capture local tributary systems. EPA, *Hydrologic Unit Codes: HUC 4, HUC 8, and HUC 12, available at* https://enviroatlas.epa.gov/enviroatlas/datafactsheets/pdf/Supplemental/HUC.pdf; DEP, *About the Florida National Hydrography Dataset*, https://floridadep.gov/dear/watershed-services-program/content/about-florida-national-hydrography-dataset (last visited Mar. 3, 2025).
[59] 33 C.F.R. 332.8(d)(6)(ii)(A).
[60] *Id.*
[61] *Id.*
[62] *Id.*
[63] USACE, *Standard Operating Procedure—Assessing a Proximity Factor for Compensatory Mitigation Required to Offset Unavoidable Impacts to Waters of the United States*, 1 (2023), *available at* https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll15/id/1998.

variables.[64] The tool is only applied when the USACE has determined that mitigation outside of the approved mitigation service area is the most environmentally preferable mitigation option.[65]

The proximity factor tool applies the following multipliers:

- No multiplier if the impact site is outside of a mitigation bank service area boundary, but within the same 8-digit HUC that contains the mitigation bank location.
- 1.5 multiplier if the impact site is outside of a mitigation bank service area boundary and one 8-digit HUC away from the mitigation bank service area boundary.
- 0.25 multiplier for each additional 8-digit HUC away from the mitigation bank location.
- 0.75 multiplier if mitigation entails out-kind replacement (there is no multiplier if the mitigation entails in-kind replacement).
- 0.25 multiplier if mitigation occurs within a different EPA Level IV Ecoregion.[66]

The sum of the applicable multipliers provides the proximity factor.[67] The resulting proximity factor is then multiplied by the number of credits required by the USACE to compensate for unavoidable adverse effects to aquatic resources (e.g., via application of an approved functional assessment such as UMAM).[68] The USACE has the discretion to consider and approve use of the proximity factor tool on a case-by-case basis.[69]

Mitigation should be performed within the same 6-digit HUC.[70] When assessing the location of the mitigation site relative to the impact site, the calculation starts at the 8-digit HUC that contains the mitigation bank site.[71]

III. Effect of Proposed Changes:

Section 1 amends s. 373.4136, F.S., regarding the establishment and operation of mitigation banks. Currently, the Department of Environmental Protection (DEP) and the water management districts are authorized to set the schedule for releasing mitigation credits to each mitigation bank on a case-by-case basis based on the performance criteria for the mitigation bank, the success criteria for each mitigation activity, and other enumerated factors.[72]

The bill requires the DEP and the water management districts, after July 1, 2025, to adhere to the following credit release schedule:

---

[64] *Id.*
[65] *Id.* at 3.
[66] *Id.*
[67] USACE, *Standard Operating Procedure—Assessing a Proximity Factor for Compensatory Mitigation Required to Offset Unavoidable Impacts to Waters of the United States* at 1, 4, *available at* https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll15/id/1998.
[68] *Id.*
[69] *Id.* at 5.
[70] *Id.* at 5.
[71] *Id.*
[72] Section 373.4136(5)(b), F.S. The factors include (1) whether the mitigation consists solely of preservation or includes other types of mitigation; (2) the length of time anticipated to be required before a determination of success can be achieved; (3) the ecological value to be gained from each action required to implement the bank; and (4) the financial expenditure required for each action to implement the bank. *Id.*

- 30 percent of awarded credits upon the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit. If a preservation-only assessment area is used, 100 percent of awarded credits must be released for the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit.
- 30 percent of awarded credits following completion of initial construction activities as established by the mitigation bank permit.
- 20 percent of awarded credits in increments as monitoring indicates interim performance criteria established by the mitigation bank permit are being met.
- 20 percent of awarded credits upon meeting final success criteria established by the mitigation bank permit

The bill provides that the mitigation bank applicant may propose an alternative credit release schedule, and the DEP or water management district must consider the proposed alternative credit release schedule. Upon request by a mitigation bank permittee for modification of the credit release schedule of a permitted mitigation bank, the DEP or water management district must modify the credit release schedule to conform it to the bill's credit release schedule if such permitted mitigation bank has not yet had mitigation credits released for the completion of construction activities. The DEP or water management district may not alter, change, or modify any other provision of the mitigation bank permit unrelated to the credit release schedule.

Currently, credits cannot be released for freshwater wetland creation until the success criteria included in the mitigation bank permit are met. The bill allows these types of credits to be released sooner, after the success criteria for initial construction activities are met.

The bill provides that once a mitigation bank service area has been established by the DEP or a water management district, such service area must be considered to have met the cumulative impact requirements of s. 373.414(8)(a), F.S.,[73] for impacts permitted within any regional watershed included in the mitigation bank service area.

The bill provides that, when the provisions of s. 373.414(1)(b) and (8), F.S., are met and an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur, the permit applicant is entitled to a one-time use of credits released from a mitigation bank outside the mitigation bank service area to offset impacts. The DEP or water management district must have determined that the mitigation service area lacked the appropriate credit type and the implementation of permittee-responsible mitigation was not sufficient to offset impacts associated with the proposed project. Priority must be given to mitigation banks whose permitted service area fully includes the impacted site.

[73] Section 373.414(8)(a), F.S., provides that, in deciding whether to grant a permit for an activity that affects surface waters or wetlands, the permitting agency must consider the cumulative impacts of (1) the proposed activity; (2) other projects that already exist, are under construction, or have applied for permits or formal wetland or surface water determinations; and (3) activities related to developments of regional impact which are under review, approved, or vested, or other activities regulated under Part IV of chapter 373, F.S., which may reasonably be expected to be located within surface waters or wetlands in the same drainage basin based upon a local government's comprehensive plans.

The bill provides that, if the number of released credits within a mitigation service area only partially offsets the impacts associated with a proposed project in that mitigation service area, the project applicant may use out-of-service area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. The bill requires the DEP and the water management districts to follow the following guidelines to apply a proximity factor to determine adequate compensatory mitigation as follows:

- A 1.0 multiplier shall be applied for use of in-kind credits within the service area.
- A 1.0 multiplier shall be applied for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after credit-deficiency has been established.
- A 1.2 multiplier shall be applied for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a mitigation bank service area in which proposed impacts are located only after credit-deficiency has been established only after credit-deficiency has been established.
- When in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which the proposed impacts are located, an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed.
- An additional 0.50 multiplier shall be applied if the mitigation used to offset impacts entails an out-of-kind replacement.

The bill provides that the use of these multipliers meets the requirements for addressing cumulative impacts.

The bill provides that, once the amount of mitigation required to offset impacts has been determined, and the DEP or water management district determines that out-of-service-area or out-of-kind mitigation is necessary, the DEP or water management district must contact all mitigation banks within a mitigation service area encompassing the location of the proposed impacts within seven business days after the request from the project applicant and request an accounting of available credits, including out-of-kind credits. The accounting may not include credits reserved for other project applicants. The mitigation banks contacted must provide such accounting within 15 business days after the request.

If one or more mitigation banks replying to the request notifies the DEP or the water management district that out-of-kind credits are available to offset the proposed impact and the DEP or water management district determines that such out-of-kind credits are appropriate to offset all or part of the proposed impact, the DEP or water management district must notify the permit applicant that sufficient credits are available within that bank's service area to offset the proposed impacts and the use of credits from another mitigation bank outside of that other mitigation bank's service area may not occur until use of all of the out-of-kind credits occurs. If a mitigation bank does not reply within the 15 business day timeframe, it is presumed credits from that bank are not available.

Upon receipt of the accounting from the mitigation banks, the DEP or the water management district must determine if sufficient credits exist to offset impacts associated with the proposed project and notify the project applicant of such determination, within 15 business days. The

applicant, and no other entity, may rely on the determination for a period of six months after such determination, but only for purposes relating to the pending application producing such determination and not any extensions, nor renewals, nor modifications of any permit issued pursuant to that pending application, nor for any other permit application.

The bill requires, beginning July 1, 2026, and each July 1 thereafter, each mitigation bank to submit an annual report to the DEP or the applicable water management district with an accounting of the number and type of credits that the mitigation bank has available for sale, but the report may not include names of parties for which credits have been reserved, if any, or the contract price paid for such credits. The DEP and each water management district must compile such annual reports and provide an annual assessment of this state's mitigation banking system to the Legislature on October 1, 2026, and each October 1 thereafter.

Section 2 provides an effective date of July 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.

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 sections 373.4136 and 704.06 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/CS by Rules on April 21, 2025:
The committee substitute removes the section on the release of conservation easements. It also:

- Provides that, before out-of-service-area credits are used, the Department of Environmental Protection (DEP) or water management district must determine the mitigation service area lacks the appropriate credit type and permittee-responsible mitigation is insufficient to offset the project's impacts.
- Provides that priority must be given to mitigation banks whose permitted service area fully includes the impact site.
- Clarifies that the proximity factor may only be used after credit-deficiency has been established.
- Provides that DEP or water management district must contact mitigation banks for an accounting of available credits only after the amount of mitigation required for a project has been determined and out-of-service-area or out-of-kind credits is determined to be necessary.
- Provides that if out-of-kind credits are available and appropriate to offset the project's impacts, DEP or the water management district must notify the permit applicant that such credits are available; out-of-service area credits may not be used until all the out-of-kind credits within the service area are used.
- Extends the deadline for when DEP must contact mitigation banks for an accounting of available credits from 3 to 7 days.
- Provides that, upon request, DEP or water management district must modify a permittee's credit release schedule to conform with the schedule in the bill if mitigation credits have not been released for the completion of construction activities.
- Reduces the timeframe an applicant may rely on the determination of credit availability from 1 year to 6 months.

- Clarifies that the presumption that credits are unavailable only applies to credits from the bank that failed to reply to DEP's request for an accounting of credits.
- Changes the title to land development.

CS by Appropriations Committee on Agriculture, Environment, and General Government on April 10, 2025:
The committee substitute makes the following changes:

- Allows a mitigation bank applicant to propose to the department or water management district an alternative credit release schedule instead of the schedule provided in the bill.
- Clarifies the regional ecological significance of mitigation banks.
- Reduces the multipliers used when no mitigation credits are available in an impacted watershed.
- Increases the time in which a mitigation bank must respond to a request by DEP or water management district for an accounting of available credits and provides that if a mitigation bank does not respond within 15 days, it is presumed credits are not available.
- Increases the time in which DEP or water management district must make a determination if sufficient credits exist in the impacted area to offset the impacts and clarifies that only the permit applicant, and no other entity, can rely on the determination.
- Allows for the release of conservation easements on small, low or non-functioning wetlands that are surrounded by development provided the property owner purchases sufficient mitigation bank credits to offset the impact. The process replaces low-quality wetlands with the preservation of high-quality wetlands and allows the parcel to be used for its highest and best use and returned to the tax rolls.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

145310

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 70 - 277

and insert:

the credit release schedule set forth in paragraph (a) ~~a schedule~~ for the release of ~~those~~ credits awarded by ~~in~~ the mitigation bank permit. A mitigation credit that has been released may be sold or used to offset adverse impacts from an activity regulated under this part.

(a)1. Thirty percent of awarded credits shall be released upon the recordation of the conservation easement and

145310

establishment of financial assurances required by the mitigation bank permit. If a preservation-only assessment area is used, 100 percent of awarded credits shall be released for the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit. ~~The department or the water management district shall allow a portion of the mitigation credits awarded to a mitigation bank to be released for sale or use prior to meeting all of the performance criteria specified in the mitigation bank permit. The department or the water management district shall allow release of all of a mitigation bank's awarded mitigation credits only after the bank meets the mitigation success criteria specified in the permit~~.

2.~~(b)~~ Thirty percent of awarded credits shall be released following completion of initial construction activities as established by the mitigation bank permit.

3. Twenty percent of awarded credits shall be released in increments as monitoring indicates interim performance criteria established by the mitigation bank permit are being met.

4. Twenty percent of awarded credits shall be released upon meeting final success criteria established by the mitigation bank permit ~~The number of credits and schedule for release shall be determined by the department or water management district based upon the performance criteria for the mitigation bank and the success criteria for each mitigation activity. The release schedule for a specific mitigation bank or phase thereof shall be related to the actions required to implement the bank, such as site protection, site preparation, earthwork, removal of wastes, planting, removal or control of nuisance and exotic~~

145310

~~species, installation of structures, and annual monitoring and management requirements for success. In determining the specific release schedule for a bank, the department or water management district shall consider, at a minimum, the following factors:~~

~~1. Whether the mitigation consists solely of preservation or includes other types of mitigation.~~

~~2. The length of time anticipated to be required before a determination of success can be achieved.~~

~~3. The ecological value to be gained from each action required to implement the bank.~~

~~4. The financial expenditure required for each action to implement the bank~~.

(b) The mitigation bank applicant may propose an alternative credit release schedule and the department or water management district shall consider the proposed alternative credit release schedule.

(c) Upon request by a mitigation bank permittee for modification of the credit release schedule of a permitted mitigation bank, the department or relevant water management district shall modify the credit release schedule to conform it to paragraph (a) if such permitted mitigation bank has not yet had mitigation credits released for the completion of construction activities. The department or water management district may not alter, change, or modify any other provision of the mitigation bank permit unrelated to the credit release schedule.

(d) ~~(c)~~ Notwithstanding ~~the provisions of~~ this subsection, a mitigation ~~no~~ credit may not ~~shall~~ be released for freshwater wetland creation until the success criteria established ~~included~~

145310

in the mitigation bank permit for initial construction activities are met.

(e) ~~(d)~~ The withdrawal of mitigation credits from a mitigation bank shall be accomplished as a minor modification of the mitigation bank permit. A processing fee is not ~~shall not be~~ required by the department or water management district for this minor modification.

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except as provided in this section ~~herein~~, mitigation credits may be withdrawn and used only to offset adverse impacts in the mitigation service area. The boundaries of the mitigation service area shall depend upon the geographic area where the mitigation bank could reasonably be expected to offset adverse impacts. Mitigation service areas may overlap, and mitigation service areas for two or more mitigation banks may be approved for a regional watershed.

(a) In determining the boundaries of the mitigation service area, the department or the water management district shall consider the characteristics, size, and location of the mitigation bank and, at a minimum, the extent to which the mitigation bank:

1. Contributes to a regional integrated ecological network;

2. Will significantly enhance the water quality or restoration of an offsite receiving water body that is

145310

designated as an Outstanding Florida Water, a Wild and Scenic River, an aquatic preserve, a water body designated in a plan approved pursuant to the Surface Water Improvement and Management Act, or a nationally designated estuarine preserve;

3. Will provide for the long-term viability of endangered or threatened species or species of special concern;

4. Is consistent with the objectives of a regional management plan adopted or endorsed by the department or water management districts; and

5. Can reasonably be expected to offset specific types of wetland impacts within a specific geographic area. A mitigation bank need not be able to offset all expected impacts within its service area.

(b) The department and water management districts shall use regional watersheds to guide the establishment of mitigation service areas. Drainage basins established pursuant to s. 373.414(8) may be used as regional watersheds when they are established based on the hydrological or ecological characteristics of the basin. A mitigation service area may extend beyond the regional watershed in which the bank is located into all or part of other regional watersheds when the mitigation bank has the ability to offset adverse impacts outside that regional watershed. Similarly, a mitigation service area may be smaller than the regional watershed in which the mitigation bank is located when adverse impacts throughout the regional watershed cannot reasonably be expected to be offset by the mitigation bank because of local ecological or hydrological conditions.

(c) Once a mitigation bank service area has been

145310

established by the department or a water management district for a mitigation bank, such mitigation bank shall be deemed to implement a plan that provides regional ecological value; such service area shall be accepted by all water management districts, local governments, and the department; and the use of credits from such mitigation bank to offset impacts within that bank's service area shall be considered to have met the cumulative impact requirements of s. 373.414(8)(a).

(d) If the ~~requirements in~~ provisions of s. 373.414(1)(b) and (8) are met~~, the following projects or activities regulated under this part shall be eligible to use a mitigation bank, regardless of whether they are located within the mitigation service area~~:

~~1. Projects with adverse impacts partially located within the mitigation service area.~~

~~2. Linear projects, such as roadways, transmission lines, distribution lines, pipelines, railways, or seaports listed in s. 311.09(1).~~

~~3. Projects with total adverse impacts of less than 1 acre in size.~~ and an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur, the permit applicant is entitled to a one-time use of credits released from a mitigation bank outside the mitigation bank service area to offset impacts pursuant to s. 373.414(1)(b), as established by the procedure in paragraph (f). The department or water management district must have determined that the mitigation service area lacked the appropriate credit type and the implementation of permittee-responsible mitigation was not

145310

sufficient offset impacts associated with the proposed project. Priority must be given to mitigation banks whose permitted service area fully includes the impacted site. If the number of released credits within a mitigation service area only partially offsets the impacts associated with a proposed project in the mitigation service area, the permit applicant may only use out-of-service-area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. In implementing this subsection, the department and water management districts shall apply a proximity factor to determine adequate compensatory mitigation as follows:

1. A 1.0 multiplier shall be applied for use of in-kind credits within the service area.

2. A 1.0 multiplier shall be applied for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after credit-deficiency has been established by the procedure set forth in paragraph (f).

3. A 1.2 multiplier shall be applied for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which proposed impacts are located only after credit-deficiency has been established by the procedure set forth in paragraph (f).

4. When in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional watershed overlain by a mitigation bank service area in which

145310

the proposed impacts are located, an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed only after credit-deficiency has been established by the procedure set forth in paragraph (f).

5. An additional 0.50 multiplier shall be applied after any multipliers required in subparagraphs 1.-4., if the mitigation used to offset impacts entails out-of-kind replacement.

(e) Use of the multipliers in subparagraphs (d)2., 3., 4., and 5. meets the requirements of s. 373.414(8)(a) for addressing cumulative impacts.

(f) Once the amount of mitigation required to offset impacts has been determined, and the department or water management district determines that out-of-service-area or out-of-kind mitigation is necessary , the department or water management district shall contact all mitigation banks with a mitigation service area encompassing the location of the proposed impacts within 7 business days after receipt of the request from the permit applicant and request an accounting of available credits, including out-of-kind credits. The accounting may not include credits reserved for other permit applicants. The mitigation banks contacted by the department or water management district shall be allowed 15 business days after receipt of the request by the department or water management district to reply to such request. If one or more mitigation banks replying to the request notifies the department or the water management district that out-of-kind credits are available to offset the proposed impact and the department or a water management district determines that such out-of-kind credits are appropriate to offset all or part of the proposed impact, the

145310

department or the water management district shall notify the permit applicant that sufficient credits are available within that bank's service area to offset the proposed impacts and the use of credits from another mitigation bank outside of that other mitigation bank's service area may not occur until use of all of the out-of-kind credits occurs as allowed by the department or water management district. If a mitigation bank does not reply within the 15 business day timeframe, it is presumed credits are not available. Upon receipt of the accounting from the mitigation banks, the department or water management district shall determine if sufficient credits are available to offset impacts associated with the proposed project and notify the permit applicant of such determination within 15 business days. The permit applicant, and no other entity, may rely on the determination from the department or water management district for a period of six months beginning on the date the department or water management district notifies the permit applicant of such determination, but only for purposes relating to the pending application producing such determination and not any extensions, nor renewals, nor modifications of any permit issued pursuant to that pending application, nor for any other permit application.

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

And the title is amended as follows:

Delete lines 2 - 33

and insert:

An act relating to land development; amending s. 373.4136, F.S.; beginning on a specified date,



revising the schedule for credit release upon issuance of a mitigation bank credit permit; providing specifications for such schedule; authorizing a mitigation bank applicant to propose an alternative credit release schedule and requiring the Department of Environmental Protection or water management district to consider such credit release schedule; requiring the department or water management district to modify an existing permitted credit release schedule upon the request of the mitigation bank permittee under certain circumstances; prohibiting the department from altering, changing, or modifying other provisions of the mitigation bank permit that are unrelated to the credit release schedule; prohibiting a mitigation credit from being released for freshwater wetland creation until certain conditions are met; revising the results of the establishment of a mitigation bank service area; revising the projects or activities eligible to use credits released from a mitigation bank for certain purposes; authorizing a permit applicant to receive a one-time use of certain credits in certain circumstances; providing requirements for a permit applicant if the number of released credits within a mitigation service area only partially offsets certain impacts; requiring the department and water management districts to apply a proximity factor in a specified manner to make a certain determination; specifying multipliers for such proximity factor; specifying that the use of certain



145310

multipliers meets certain requirements; requiring the department or water management district to contact certain mitigation banks and request a certain accounting within a specified timeframe after receiving a certain request from the applicant; prohibiting such accounting from including certain credits; providing that mitigation banks contacted by the department or water management district are allowed a specified timeframe to reply to such request; requiring the department or water management district to notify the permit applicant of certain information if the department or water management district is notified that out-of-kind credits are available to offset the proposed impact and the department or water management district makes a certain determination; providing a presumption if a mitigation bank

923336

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Substitute for Amendment (145310) (with title amendment)

Delete lines 70 - 313

and insert:

the credit release schedule set forth in paragraph (a) ~~a schedule~~ for the release of ~~those~~ credits awarded by ~~in~~ the mitigation bank permit. A mitigation credit that has been released may be sold or used to offset adverse impacts from an activity regulated under this part.

(a)1. Thirty percent of awarded credits shall be released



upon the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit. If a preservation-only assessment area is used, 100 percent of awarded credits shall be released for the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit. ~~The department or the water management district shall allow a portion of the mitigation credits awarded to a mitigation bank to be released for sale or use prior to meeting all of the performance criteria specified in the mitigation bank permit. The department or the water management district shall allow release of all of a mitigation bank's awarded mitigation credits only after the bank meets the mitigation success criteria specified in the permit~~.

2.~~(b)~~ Thirty percent of awarded credits shall be released following completion of initial construction activities as established by the mitigation bank permit.

3. Twenty percent of awarded credits shall be released in increments as monitoring indicates interim performance criteria established by the mitigation bank permit are being met.

4. Twenty percent of awarded credits shall be released upon meeting final success criteria established by the mitigation bank permit ~~The number of credits and schedule for release shall be determined by the department or water management district based upon the performance criteria for the mitigation bank and the success criteria for each mitigation activity. The release schedule for a specific mitigation bank or phase thereof shall be related to the actions required to implement the bank, such as site protection, site preparation, earthwork, removal of~~



~~wastes, planting, removal or control of nuisance and exotic species, installation of structures, and annual monitoring and management requirements for success. In determining the specific release schedule for a bank, the department or water management district shall consider, at a minimum, the following factors:~~

~~1. Whether the mitigation consists solely of preservation or includes other types of mitigation.~~

~~2. The length of time anticipated to be required before a determination of success can be achieved.~~

~~3. The ecological value to be gained from each action required to implement the bank.~~

~~4. The financial expenditure required for each action to implement the bank~~.

(b) The mitigation bank applicant may propose an alternative credit release schedule and the department or water management district shall consider the proposed alternative credit release schedule.

(c) Upon request by a mitigation bank permittee for modification of the credit release schedule of a permitted mitigation bank, the department or relevant water management district shall modify the credit release schedule to conform it to paragraph (a) if such permitted mitigation bank has not yet had mitigation credits released for the completion of construction activities. The department or water management district may not alter, change, or modify any other provision of the mitigation bank permit unrelated to the credit release schedule.

(d) ~~(c)~~ Notwithstanding ~~the provisions of~~ this subsection, a mitigation ~~no~~ credit may not ~~shall~~ be released for freshwater


923336

wetland creation until the success criteria established ~~included~~ in the mitigation bank permit for initial construction activities are met.

(e) ~~(d)~~ The withdrawal of mitigation credits from a mitigation bank shall be accomplished as a minor modification of the mitigation bank permit. A processing fee is not ~~shall not be~~ required by the department or water management district for this minor modification.

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except as provided in this section ~~herein~~, mitigation credits may be withdrawn and used only to offset adverse impacts in the mitigation service area. The boundaries of the mitigation service area shall depend upon the geographic area where the mitigation bank could reasonably be expected to offset adverse impacts. Mitigation service areas may overlap, and mitigation service areas for two or more mitigation banks may be approved for a regional watershed.

(a) In determining the boundaries of the mitigation service area, the department or the water management district shall consider the characteristics, size, and location of the mitigation bank and, at a minimum, the extent to which the mitigation bank:

1. Contributes to a regional integrated ecological network;

2. Will significantly enhance the water quality or



restoration of an offsite receiving water body that is designated as an Outstanding Florida Water, a Wild and Scenic River, an aquatic preserve, a water body designated in a plan approved pursuant to the Surface Water Improvement and Management Act, or a nationally designated estuarine preserve;

3. Will provide for the long-term viability of endangered or threatened species or species of special concern;

4. Is consistent with the objectives of a regional management plan adopted or endorsed by the department or water management districts; and

5. Can reasonably be expected to offset specific types of wetland impacts within a specific geographic area. A mitigation bank need not be able to offset all expected impacts within its service area.

(b) The department and water management districts shall use regional watersheds to guide the establishment of mitigation service areas. Drainage basins established pursuant to s. 373.414(8) may be used as regional watersheds when they are established based on the hydrological or ecological characteristics of the basin. A mitigation service area may extend beyond the regional watershed in which the bank is located into all or part of other regional watersheds when the mitigation bank has the ability to offset adverse impacts outside that regional watershed. Similarly, a mitigation service area may be smaller than the regional watershed in which the mitigation bank is located when adverse impacts throughout the regional watershed cannot reasonably be expected to be offset by the mitigation bank because of local ecological or hydrological conditions.


923336

(c) Once a mitigation bank service area has been established by the department or a water management district for a mitigation bank, such mitigation bank shall be deemed to implement a plan that provides regional ecological value; such service area shall be accepted by all water management districts, local governments, and the department; and the use of credits from such mitigation bank to offset impacts within that bank's service area shall be considered to have met the cumulative impact requirements of s. 373.414(8)(a).

(d) If the ~~requirements in~~ provisions of s. 373.414(1)(b) and (8) are met~~, the following projects or activities regulated under this part shall be eligible to use a mitigation bank, regardless of whether they are located within the mitigation service area~~:

~~1. Projects with adverse impacts partially located within the mitigation service area.~~

~~2. Linear projects, such as roadways, transmission lines, distribution lines, pipelines, railways, or seaports listed in s. 311.09(1).~~

~~3. Projects with total adverse impacts of less than 1 acre in size.~~ and an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur, the permit applicant is entitled to a one-time use of credits released from a mitigation bank outside the mitigation bank service area to offset impacts pursuant to s. 373.414(1)(b), as established by the procedure in paragraph (f). The department or water management district must have determined that the mitigation service area lacked the appropriate credit type and the

923336

implementation of permittee-responsible mitigation was not sufficient offset impacts associated with the proposed project. Priority must be given to mitigation banks whose permitted service area fully includes the impacted site. If the number of released credits within a mitigation service area only partially offsets the impacts associated with a proposed project in the mitigation service area, the permit applicant may only use out-of-service-area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. In implementing this subsection, the department and water management districts shall apply a proximity factor to determine adequate compensatory mitigation as follows:

1. A 1.0 multiplier shall be applied for use of in-kind credits within the service area.

2. A 1.0 multiplier shall be applied for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after credit-deficiency has been established by the procedure set forth in paragraph (f).

3. A 1.2 multiplier shall be applied for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which proposed impacts are located only after credit-deficiency has been established by the procedure set forth in paragraph (f).

4. When in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional



watershed overlain by a mitigation bank service area in which the proposed impacts are located, an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed only after credit-deficiency has been established by the procedure set forth in paragraph (f).

5. An additional 0.50 multiplier shall be applied after any multipliers required in subparagraphs 1.-4., if the mitigation used to offset impacts entails out-of-kind replacement.

(e) Use of the multipliers in subparagraphs (d)2., 3., 4., and 5. meets the requirements of s. 373.414(8)(a) for addressing cumulative impacts.

(f) Once the amount of mitigation required to offset impacts has been determined, and the department or water management district determines that out-of-service-area or out-of-kind mitigation is necessary , the department or water management district shall contact all mitigation banks with a mitigation service area encompassing the location of the proposed impacts within 7 business days after receipt of the request from the permit applicant and request an accounting of available credits, including out-of-kind credits. The accounting may not include credits reserved for other permit applicants. The mitigation banks contacted by the department or water management district shall be allowed 15 business days after receipt of the request by the department or water management district to reply to such request. If one or more mitigation banks replying to the request notifies the department or the water management district that out-of-kind credits are available to offset the proposed impact and the department or a water management district determines that such out-of-kind credits are



appropriate to offset all or part of the proposed impact, the department or the water management district shall notify the permit applicant that sufficient credits are available within that bank's service area to offset the proposed impacts and the use of credits from another mitigation bank outside of that other mitigation bank's service area may not occur until use of all of the out-of-kind credits occurs as allowed by the department or water management district. If a mitigation bank does not reply within the 15 business day timeframe, it is presumed credits from that bank are not available. Upon receipt of the accounting from the mitigation banks, the department or water management district shall determine if sufficient credits are available to offset impacts associated with the proposed project and notify the permit applicant of such determination within 15 business days. The permit applicant, and no other entity, may rely on the determination from the department or water management district for a period of six months beginning on the date the department or water management district notifies the permit applicant of such determination, but only for purposes relating to the pending application producing such determination and not any extensions, nor renewals, nor modifications of any permit issued pursuant to that pending application, nor for any other permit application.

(g) Beginning July 1, 2026, and each July 1 thereafter, each mitigation bank in this state shall submit to the department or water management district an accounting of the number and type of credits the mitigation bank has available for sale. The accounting may not include names of parties for which credits have been reserved or the contract price paid for the

923336

credits. The department or water management district shall compile the information to provide an assessment of this state's mitigation banking system and submit a report to the President of the Senate and the Speaker of the House of Representatives on October 1, 2026, and each October 1 thereafter.

Section 2. Paragraph (e) is added to subsection (2) of section 376.308, Florida Statutes, to read:

376.308 Liabilities and defenses of facilities.—

(2) In addition to the defense described in paragraph (1)(c), the only other defenses of a person specified in subsection (1) are to plead and prove that the occurrence was solely the result of any of the following or any combination of the following:

(e) The condition giving rise to the cause of action is a natural geological substance of a former phosphate mine, as defined in s. 378.213, for which:

1. A notice has been recorded in accordance with s. 378.213(1); and

2. The Department of Health has conducted a survey under s. 404.0561(1).

Section 3. Section 378.213, Florida Statutes, is created to read:

378.213 Notice of former phosphate mine site.—

(1) A landowner may record a notice in the official records of the county in which the land is located which identifies the landowner's property as a former phosphate mine. The recorded notice must be in substantially the following form:

NOTICE


923336

This property is a former phosphate mine as defined in s. 378.213(2), Florida Statutes.

Such recording serves as notice that the land is a former phosphate mine.

(2) As used in this section, the term "former phosphate mine" means an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561 and state reclamation requirements of ss. 378.201-378.212, but does not include a phosphogypsum stack as defined in s. 403.4154(1)(d).

Section 4. Section 404.0561, Florida Statutes, is created to read:

404.0561 Survey of former phosphate mining lands.—

(1) Upon petition by a current landowner, the department shall conduct a gamma radiation survey of a former phosphate land parcel within 120 days after receipt of the petition to determine the radioactivity levels. The survey must document gamma radiation exposure measurements and the locations of the measurements.

(2) The department shall provide a copy of the preliminary survey results to the petitioner within 30 days after completion of the survey. Within 60 days after receipt of the survey, the petitioner may request an additional survey based upon any reasonable belief that the survey was flawed or not representative of conditions on the site. The department shall conduct one additional survey within 90 days after receipt of the petitioner's request. The additional survey must meet the requirements of this section and is deemed final within 90 days

923336

after completion.

Section 5. Section 768.405, Florida Statutes, is created to read:

768.405 Documentation of radiation levels.—In any civil action based on strict liability under s. 376.313(3), negligence or similar conduct related to an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, including the presence of mining overburden, solid waste from the extraction, or beneficiation of phosphate rock from a phosphate mine; or any other similar claim related to the mining of phosphatic rock or reclamation of a mined area, the plaintiff must include a radiation survey of the property with the complaint. The survey must be prepared by a person certified as either a health physicist by the American Board of Health Physics or as a radiation protection technologist by the National Registry of Radiation Protection Technologists. The survey must be representative and document the measured gamma radiation on the property, including background values determined in accordance with the Environmental Protection Agency's Multi-agency Radiation Survey and Site Investigation Manual; the locations of the measurements; the testing equipment; the testing methodology used, including the equipment calibration date and protocol; and the name of the person performing the survey and describe the person's relevant training, education, and experience. The survey shall be verified under penalty of perjury as provided in s. 92.525.

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

And the title is amended as follows:


923336

Delete lines 1 - 60

and insert:

An act relating to land development; amending s. 373.4136, F.S.; beginning on a specified date, revising the schedule for credit release upon issuance of a mitigation bank credit permit; providing specifications for such schedule; authorizing a mitigation bank applicant to propose an alternative credit release schedule and requiring the Department of Environmental Protection or water management district to consider such credit release schedule; requiring the department or water management district to modify an existing permitted credit release schedule upon the request of the mitigation bank permittee under certain circumstances; prohibiting the department from altering, changing, or modifying other provisions of the mitigation bank permit that are unrelated to the credit release schedule; prohibiting a mitigation credit from being released for freshwater wetland creation until certain conditions are met; revising the results of the establishment of a mitigation bank service area; revising the projects or activities eligible to use credits released from a mitigation bank for certain purposes; authorizing a permit applicant to receive a one-time use of certain credits in certain circumstances; providing requirements for a permit applicant if the number of released credits within a mitigation service area only partially offsets certain impacts; requiring the



department and water management districts to apply a proximity factor in a specified manner to make a certain determination; specifying multipliers for such proximity factor; specifying that the use of certain multipliers meets certain requirements; requiring the department or water management district to contact certain mitigation banks and request a certain accounting within a specified timeframe after receiving a certain request from the applicant; prohibiting such accounting from including certain credits; providing that mitigation banks contacted by the department or water management district are allowed a specified timeframe to reply to such request; requiring the department or water management district to notify the permit applicant of certain information if the department or water management district is notified that out-of-kind credits are available to offset the proposed impact and the department or water management district makes a certain determination; providing a presumption if a mitigation bank does not respond within a certain timeframe; requiring the department or water management district to make a certain determination upon receipt of the requested accounting; requiring the department or water management district to notify the applicant of such determination within a specified timeframe; authorizing only the permit applicant to rely on such determination for a specified timeframe and for specified purposes; beginning on a specified

923336

date and annually thereafter, requiring each mitigation bank in this state to submit a certain accounting to the department or water management district; providing requirements for such accounting; requiring the department or water management district to compile such accountings for a specified purpose and to submit a report that includes certain information to the Legislature on a specified date and annually thereafter; amending s. 376.308, F.S.; providing conditions for a cause of action against certain former phosphate mine sites; creating s. 378.213, F.S.; authorizing landowners to record certain notice of former phosphate mines; specifying requirements for such notice; defining the term "former phosphate mine"; creating s. 404.0561, F.S.; requiring the Department of Health to conduct gamma radiation surveys of former phosphate land parcels upon petition; creating s. 768.405, F.S.; requiring that specified documentation of radiation levels be submitted in certain civil actions related to phosphate mining; providing an effective date.

531212

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment

Delete line 264
and insert:
presumed credits from that bank are not available. Upon receipt of the

766504

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 289 - 313.

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

And the title is amended as follows:

Delete lines 51 - 59

and insert:

thereafter; providing an effective

463698

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (5) and (6) of section 373.4136, Florida Statutes, are amended to read:

373.4136 Establishment and operation of mitigation banks.—

(5) SCHEDULE FOR CREDIT RELEASE.—After July 1, 2025, when issuing ~~awarding mitigation credits to~~ a mitigation bank permit, the department or the water management district shall adhere to the credit release schedule set forth in paragraph (a) ~~a~~

463698

~~schedule~~ for the release of ~~those~~ credits awarded by ~~in~~ the mitigation bank permit. A mitigation credit that has been released may be sold or used to offset adverse impacts from an activity regulated under this part.

(a)1. Thirty percent of awarded credits shall be released upon the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit. If a preservation-only assessment area is used, 100 percent of awarded credits shall be released for the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit. ~~The department or the water management district shall allow a portion of the mitigation credits awarded to a mitigation bank to be released for sale or use prior to meeting all of the performance criteria specified in the mitigation bank permit. The department or the water management district shall allow release of all of a mitigation bank's awarded mitigation credits only after the bank meets the mitigation success criteria specified in the permit~~.

2.~~(b)~~ Thirty percent of awarded credits shall be released following completion of initial construction activities as established by the mitigation bank permit.

3. Twenty percent of awarded credits shall be released in increments as monitoring indicates interim performance criteria established by the mitigation bank permit are being met.

4. Twenty percent of awarded credits shall be released upon meeting final success criteria established by the mitigation bank permit ~~The number of credits and schedule for release shall be determined by the department or water management district~~

463698

~~based upon the performance criteria for the mitigation bank and the success criteria for each mitigation activity. The release schedule for a specific mitigation bank or phase thereof shall be related to the actions required to implement the bank, such as site protection, site preparation, earthwork, removal of wastes, planting, removal or control of nuisance and exotic species, installation of structures, and annual monitoring and management requirements for success. In determining the specific release schedule for a bank, the department or water management district shall consider, at a minimum, the following factors:~~

~~1. Whether the mitigation consists solely of preservation or includes other types of mitigation.~~

~~2. The length of time anticipated to be required before a determination of success can be achieved.~~

~~3. The ecological value to be gained from each action required to implement the bank.~~

~~4. The financial expenditure required for each action to implement the bank~~.

(b) The mitigation bank applicant may propose an alternative credit release schedule and the department or water management district shall consider the proposed alternative credit release schedule.

(c) Upon request by a mitigation bank permittee for modification of the credit release schedule of a permitted mitigation bank, the department or relevant water management district shall modify the credit release schedule to conform it to paragraph (a) if such permitted mitigation bank has not yet had mitigation credits released for the completion of construction activities. The department or water management

463698

district may not alter, change, or modify any other provision of the mitigation bank permit unrelated to the credit release schedule.

(d) ~~(c)~~ Notwithstanding ~~the provisions of~~ this subsection, a mitigation ~~no~~ credit may not ~~shall~~ be released for freshwater wetland creation until the success criteria established ~~included~~ in the mitigation bank permit for initial construction activities are met.

(e) ~~(d)~~ The withdrawal of mitigation credits from a mitigation bank shall be accomplished as a minor modification of the mitigation bank permit. A processing fee is not ~~shall not be~~ required by the department or water management district for this minor modification.

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except as provided in this section ~~herein~~, mitigation credits may be withdrawn and used only to offset adverse impacts in the mitigation service area. The boundaries of the mitigation service area shall depend upon the geographic area where the mitigation bank could reasonably be expected to offset adverse impacts. Mitigation service areas may overlap, and mitigation service areas for two or more mitigation banks may be approved for a regional watershed.

(a) In determining the boundaries of the mitigation service area, the department or the water management district shall

463698

consider the characteristics, size, and location of the mitigation bank and, at a minimum, the extent to which the mitigation bank:

1. Contributes to a regional integrated ecological network;

2. Will significantly enhance the water quality or restoration of an offsite receiving water body that is designated as an Outstanding Florida Water, a Wild and Scenic River, an aquatic preserve, a water body designated in a plan approved pursuant to the Surface Water Improvement and Management Act, or a nationally designated estuarine preserve;

3. Will provide for the long-term viability of endangered or threatened species or species of special concern;

4. Is consistent with the objectives of a regional management plan adopted or endorsed by the department or water management districts; and

5. Can reasonably be expected to offset specific types of wetland impacts within a specific geographic area. A mitigation bank need not be able to offset all expected impacts within its service area.

(b) The department and water management districts shall use regional watersheds to guide the establishment of mitigation service areas. Drainage basins established pursuant to s. 373.414(8) may be used as regional watersheds when they are established based on the hydrological or ecological characteristics of the basin. A mitigation service area may extend beyond the regional watershed in which the bank is located into all or part of other regional watersheds when the mitigation bank has the ability to offset adverse impacts outside that regional watershed. Similarly, a mitigation service

463698

area may be smaller than the regional watershed in which the mitigation bank is located when adverse impacts throughout the regional watershed cannot reasonably be expected to be offset by the mitigation bank because of local ecological or hydrological conditions.

(c) Once a mitigation bank service area has been established by the department or a water management district for a mitigation bank, such mitigation bank shall be deemed to implement a plan that provides regional ecological value; such service area shall be accepted by all water management districts, local governments, and the department; and the use of credits from such mitigation bank to offset impacts within that bank's service area shall be considered to have met the cumulative impact requirements of s. 373.414(8)(a).

(d) If the ~~requirements in~~ provisions of s. 373.414(1)(b) and (8) are met~~, the following projects or activities regulated under this part shall be eligible to use a mitigation bank, regardless of whether they are located within the mitigation service area~~:

~~1. Projects with adverse impacts partially located within the mitigation service area.~~

~~2. Linear projects, such as roadways, transmission lines, distribution lines, pipelines, railways, or seaports listed in s. 311.09(1).~~

~~3. Projects with total adverse impacts of less than 1 acre in size.~~ and an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur, the permit applicant is entitled to a one-time use of credits released from

463698

a mitigation bank outside the mitigation bank service area to offset impacts pursuant to s. 373.414(1)(b), as established by the procedure in paragraph (f). The department or water management district must have determined that the mitigation service area lacked the appropriate credit type and the implementation of permittee-responsible mitigation was not sufficient offset impacts associated with the proposed project. Priority must be given to mitigation banks whose permitted service area fully includes the impacted site. If the number of released credits within a mitigation service area only partially offsets the impacts associated with a proposed project in the mitigation service area, the permit applicant may only use out-of-service-area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. In implementing this subsection, the department and water management districts shall apply a proximity factor to determine adequate compensatory mitigation as follows:

1. A 1.0 multiplier shall be applied for use of in-kind credits within the service area.

2. A 1.0 multiplier shall be applied for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after credit-deficiency has been established by the procedure set forth in paragraph (f).

3. A 1.2 multiplier shall be applied for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a

463698

bank service area in which proposed impacts are located only after credit-deficiency has been established by the procedure set forth in paragraph (f).

4. When in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional watershed overlain by a mitigation bank service area in which the proposed impacts are located, an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed only after credit-deficiency has been established by the procedure set forth in paragraph (f).

5. An additional 0.50 multiplier shall be applied after any multipliers required in subparagraphs 1.-4., if the mitigation used to offset impacts entails out-of-kind replacement.

(e) Use of the multipliers in subparagraphs (d)2., 3., 4., and 5. meets the requirements of s. 373.414(8)(a) for addressing cumulative impacts.

(f) Once the amount of mitigation required to offset impacts has been determined, and the department or water management district determines that out-of-service-area or out-of-kind mitigation is necessary, the department or water management district shall contact all mitigation banks with a mitigation service area encompassing the location of the proposed impacts within 7 business days after receipt of the request from the permit applicant and request an accounting of available credits, including out-of-kind credits. The accounting may not include credits reserved for other permit applicants. The mitigation banks contacted by the department or water management district shall be allowed 15 business days after receipt of the request by the department or water management

463698

district to reply to such request. If one or more mitigation banks replying to the request notifies the department or the water management district that out-of-kind credits are available to offset the proposed impact and the department or a water management district determines that such out-of-kind credits are appropriate to offset all or part of the proposed impact, the department or the water management district shall notify the permit applicant that sufficient credits are available within that bank's service area to offset the proposed impacts and the use of credits from another mitigation bank outside of that other mitigation bank's service area may not occur until use of all of the out-of-kind credits occurs as allowed by the department or water management district. If a mitigation bank does not reply within the 15 business day timeframe, it is presumed credits from that bank are not available. Upon receipt of the accounting from the mitigation banks, the department or water management district shall determine if sufficient credits are available to offset impacts associated with the proposed project and notify the permit applicant of such determination within 15 business days. The permit applicant, and no other entity, may rely on the determination from the department or water management district for a period of six months beginning on the date the department or water management district notifies the permit applicant of such determination, but only for purposes relating to the pending application producing such determination and not any extensions, nor renewals, nor modifications of any permit issued pursuant to that pending application, nor for any other permit application.

(g) Beginning July 1, 2026, and each July 1 thereafter,

463698

each mitigation bank in this state shall submit to the department or water management district an accounting of the number and type of credits the mitigation bank has available for sale. The accounting may not include names of parties for which credits have been reserved or the contract price paid for the credits. The department or water management district shall compile the information to provide an assessment of this state's mitigation banking system and submit a report to the President of the Senate and the Speaker of the House of Representatives on October 1, 2026, and each October 1 thereafter.

Section 2. This act shall take effect July 1, 2025.

========== 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 land development; amending s. 373.4136, F.S.; beginning on a specified date, revising the schedule for credit release upon issuance of a mitigation bank credit permit; providing specifications for such schedule; authorizing a mitigation bank applicant to propose an alternative credit release schedule; requiring the department or water management district to modify an existing permitted credit release schedule upon the request under certain circumstances; prohibiting mitigation credits from being released for freshwater wetland creation until certain conditions are met; authorizing

463698

one-time use of mitigation credits outside the mitigation bank service area in certain circumstances; requiring the department and water management districts to apply a proximity factor multipliers in a specified manner; specifying that the use of certain multipliers meets certain requirements; requiring the department or water management district to request an accounting of credit availability from mitigation banks within a specified timeframe; specifying the timeframe to reply to such request; requiring the permit applicant to be notified of credits available; providing a presumption if a mitigation bank does not respond within a certain timeframe; limiting the timeframe for permit applicant to rely on a credit availability determination for specified purposes; requiring each mitigation banks to submit an accounting of credits; requiring the department or water management district to compile such accountings for a specified purpose and to submit a report including certain information to the Legislature on a specified date and annually thereafter; providing an effective date.

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator McClain

601-03466-25 2025492c1

A bill to be entitled

An act relating to mitigation banks; amending s. 373.4136, F.S.; beginning on a specified date, revising the schedule for credit release upon issuance of a mitigation bank credit permit; providing specifications for such schedule; authorizing a mitigation bank applicant to propose an alternative credit release schedule and requiring the Department of Environmental Protection or water management district to consider such credit release schedule; revising the results of the establishment of a mitigation bank service area; revising the projects or activities eligible to use credits released from a mitigation bank for certain purposes; authorizing a project applicant to receive a one-time use of certain credits in certain circumstances; providing requirements for a permit applicant if the number of released credits within a mitigation service area only partially offsets certain impacts; requiring the department and water management districts to apply a proximity factor in a specified manner to make a certain determination; specifying multipliers for such proximity factor; specifying that the use of certain multipliers meets certain requirements; requiring the department or water management district to contact certain mitigation banks and request a certain accounting within a specified timeframe after receiving a certain request from the applicant; prohibiting such accounting from including certain

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

601-03466-25 2025492c1

credits; providing that mitigation banks contacted by the department or water management district are allowed a specified timeframe to reply to such request; providing a presumption if a mitigation bank does not respond within a certain timeframe; requiring the department or water management district to make a certain determination upon receipt of the requested accounting; requiring the department or water management district to notify the applicant of such determination within a specified timeframe; authorizing only the permit applicant to rely on such determination for a specified timeframe and for specified purposes; beginning on a specified date and annually thereafter, requiring each mitigation bank in this state to submit a certain accounting to the department or water management district; providing requirements for such accounting; requiring the department or water management district to compile such accountings for a specified purpose and to submit a report that includes certain information to the Legislature on a specified date and annually thereafter; amending s. 704.06, F.S.; requiring certain water management districts, upon application by the owner of a parcel subject to a conservation easement, to release a conservation easement if specified conditions are met; providing for the valuation of the property for certain tax purposes upon such release; specifying that land released from the conservation easement may be used for development

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

consistent with certain zoning; providing an effective date.

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

Section 1. Subsections (5) and (6) of section 373.4136, Florida Statutes, are amended to read:

373.4136 Establishment and operation of mitigation banks.—

(5) SCHEDULE FOR CREDIT RELEASE.—After July 1, 2025, when issuing ~~awarding mitigation credits to~~ a mitigation bank permit, the department or the water management district shall adhere to the credit release schedule set forth in this subsection ~~a schedule~~ for the release of ~~those~~ credits awarded by ~~in~~ the mitigation bank permit. A mitigation credit that has been released may be sold or used to offset adverse impacts from an activity regulated under this part.

(a) Thirty percent of awarded credits shall be released for the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit. If a preservation-only assessment area is used, 100 percent of awarded credits shall be released for the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit ~~The department or the water management district shall allow a portion of the mitigation credits awarded to a mitigation bank to be released for sale or use prior to meeting all of the performance criteria specified in the mitigation bank permit. The department or the water management district shall allow release of all of a mitigation bank's awarded mitigation credits only after the bank meets the mitigation success criteria specified in the permit~~.

(b) Thirty percent of awarded credits shall be released following completion of initial construction activities as established by the mitigation bank permit.

(c) Twenty percent of awarded credits shall be released in increments as monitoring indicates interim performance criteria established by the mitigation bank permit are being met.

(d) Twenty percent of awarded credits shall be released upon meeting final success criteria established by the mitigation bank permit ~~The number of credits and schedule for release shall be determined by the department or water management district based upon the performance criteria for the mitigation bank and the success criteria for each mitigation activity. The release schedule for a specific mitigation bank or phase thereof shall be related to the actions required to implement the bank, such as site protection, site preparation, earthwork, removal of wastes, planting, removal or control of nuisance and exotic species, installation of structures, and annual monitoring and management requirements for success. In determining the specific release schedule for a bank, the department or water management district shall consider, at a minimum, the following factors:~~

~~1. Whether the mitigation consists solely of preservation or includes other types of mitigation.~~

~~2. The length of time anticipated to be required before a determination of success can be achieved.~~

~~3. The ecological value to be gained from each action required to implement the bank.~~

~~4. The financial expenditure required for each action to~~

~~implement the bank~~.

(e) The mitigation bank applicant may propose an alternative credit release schedule and the department or water management district shall consider the proposed alternative credit release schedule.

(f)~~(c)~~ Notwithstanding ~~the provisions of~~ this subsection, a mitigation ~~no~~ credit may not ~~shall~~ be released for freshwater wetland creation until the success criteria established ~~included~~ in the mitigation bank permit for initial construction activities are met.

(g)~~(d)~~ The withdrawal of mitigation credits from a mitigation bank shall be accomplished as a minor modification of the mitigation bank permit. A processing fee is not ~~shall not be~~ required by the department or water management district for this minor modification.

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except as provided in this section ~~herein~~, mitigation credits may be withdrawn and used only to offset adverse impacts in the mitigation service area. The boundaries of the mitigation service area shall depend upon the geographic area where the mitigation bank could reasonably be expected to offset adverse impacts. Mitigation service areas may overlap, and mitigation service areas for two or more mitigation banks may be approved for a regional watershed.

(a) In determining the boundaries of the mitigation service area, the department or the water management district shall consider the characteristics, size, and location of the mitigation bank and, at a minimum, the extent to which the mitigation bank:

1. Contributes to a regional integrated ecological network;

2. Will significantly enhance the water quality or restoration of an offsite receiving water body that is designated as an Outstanding Florida Water, a Wild and Scenic River, an aquatic preserve, a water body designated in a plan approved pursuant to the Surface Water Improvement and Management Act, or a nationally designated estuarine preserve;

3. Will provide for the long-term viability of endangered or threatened species or species of special concern;

4. Is consistent with the objectives of a regional management plan adopted or endorsed by the department or water management districts; and

5. Can reasonably be expected to offset specific types of wetland impacts within a specific geographic area. A mitigation bank need not be able to offset all expected impacts within its service area.

(b) The department and water management districts shall use regional watersheds to guide the establishment of mitigation service areas. Drainage basins established pursuant to s. 373.414(8) may be used as regional watersheds when they are established based on the hydrological or ecological characteristics of the basin. A mitigation service area may extend beyond the regional watershed in which the bank is located into all or part of other regional watersheds when the

mitigation bank has the ability to offset adverse impacts outside that regional watershed. Similarly, a mitigation service area may be smaller than the regional watershed in which the mitigation bank is located when adverse impacts throughout the regional watershed cannot reasonably be expected to be offset by the mitigation bank because of local ecological or hydrological conditions.

(c) Once a mitigation bank service area has been established by the department or a water management district for a mitigation bank, such mitigation bank shall be deemed to implement a plan that provides regional ecological value; such service area shall be accepted by all water management districts, local governments, and the department; and the use of credits from such mitigation bank to offset impacts within that bank's service area shall be considered to have met the cumulative impact requirements of s. 373.414(8)(a).

(d) If the requirements in s. 373.414(1)(b) and (8) are met, the following projects or activities regulated under this part shall be eligible to use credits released from a mitigation bank to offset impacts resulting from such projects or activities ~~a mitigation bank, regardless of whether they are located within the mitigation service area~~:

1. Projects with adverse impacts partially located within the mitigation service area.

2. Linear projects, such as roadways, transmission lines, distribution lines, pipelines, railways, or seaports listed in s. 311.09(1).

3. Projects with total adverse impacts of less than 1 acre in size.

4. Projects that meet the requirements of s. 373.414(1)(b) and the criteria in paragraphs (e)-(g).

(e) If the requirements of s. 373.414(1)(a) are met and an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur, the project applicant is entitled to a one-time use of credits released from a mitigation bank outside the mitigation bank service area to offset impacts pursuant to s. 373.414(1)(b), as established by the procedure in paragraph (g), and upon verification by the department or water management district that mitigation banks within the regional watershed in which the adverse impacts are located lack the appropriate credit type to offset impacts associated with the proposed project. If the number of released credits within a mitigation service area only partially offsets the impacts associated with a proposed project in the mitigation service area, the permit applicant may only use out-of-service-area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. In implementing this subsection, the department and water management districts shall apply a proximity factor to determine adequate compensatory mitigation as follows:

1. A 1.0 multiplier shall be applied for use of in-kind credits within any regional watershed overlain in whole or in part by the service area.

2. A 1.0 multiplier shall be applied for use of in-kind and out-of-service-area credits when the service area overlays part

of the same regional watershed as the proposed impacts.

3. A 1.2 multiplier shall be applied for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which proposed impacts are located.

4. When in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which the proposed impacts are located, as established by the procedure in paragraph (g), an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed.

5. An additional 0.50 multiplier shall be applied after any multipliers required in subparagraphs 1., 2., 3., and 4., if the mitigation used to offset impacts entails out-of-kind replacement which does not replace the same type of freshwater wetland or fresh surface water impacted.

(f) Use of the multipliers in subparagraphs (e)2.-4. meets the requirements of s. 373.414(8)(a) for addressing cumulative impacts.

(g) Once a permit applicant requests to use out-of-service-area or out-of-kind credits, the department or water management district shall contact all mitigation banks with a mitigation service area encompassing the location of the proposed impacts within 3 business days after receipt of the request from the permit applicant and request an accounting of available credits. The accounting may not include credits reserved for other permit applicants. The mitigation banks contacted by the department or water management district shall be allowed 15 business days after receipt of the request by the department or water

management district to reply to such request. If a mitigation bank does not reply within the 15 business day timeframe, it is presumed credits are not available. Upon receipt of the accounting from the mitigation banks, the department or water management district shall determine if sufficient credits are available to offset impacts associated with the proposed project and notify the permit applicant of such determination within 15 business days. The permit applicant, and no other entity, may rely on the determination from the department or water management district for a period of 1 year beginning on the date the department or water management district notifies the permit applicant of such determination, but only for purposes relating to the pending application producing such determination and not any extensions, nor renewals, nor modifications of any permit issued pursuant to that pending application, nor for any other permit application.

(h) Beginning July 1, 2026, and each July 1 thereafter, each mitigation bank in this state shall submit to the department or water management district an accounting of the number and type of credits the mitigation bank has available for sale. The accounting may not include names of parties for which credits have been reserved or the contract price paid for the credits. The department or water management district shall compile the information to provide an assessment of this state's mitigation banking system and submit a report to the President of the Senate and the Speaker of the House of Representatives on October 1, 2026, and each October 1 thereafter.

Section 2. Subsection (14) is added to section 704.06, Florida Statutes, to read:

704.06 Conservation easements; creation; acquisition; enforcement.—

(14)(a) Upon application by the fee simple owner of a parcel of land subject to a conservation easement to a water management district, a water management district shall release the conservation easement if the following conditions are met:

1. The land subject to the easement is less than 15 acres and is bordered on three or more sides by impervious surfaces;

2. Any undeveloped adjacent parcels of land are less than 15 acres and similarly bordered on three or more sides by impervious surfaces;

3. The land contains no historical, architectural, archeological, or cultural significance; and

4. Before the release of the conservation easement, the applicant must have secured sufficient mitigation credits using the uniform mitigation assessment method from a mitigation bank located in this state to offset the loss of wetlands located on the land subject to the conservation easement.

(b) Upon the water management district's release of the conservation easement, the ad valorem taxes on the property shall be based on the just value of the property, and the property may be used for development consistent with the zoning designation of the adjacent lands.

Section 3. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 15, 2025

I respectfully request that **Senate Bill #492**, relating to Mitigation Banking, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Stan McClain
Florida Senate, District 9

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

4/21/2025	492
Meeting Date	Bill Number or Topic
Rules	Amendment 463698
Committee	Amendment Barcode (if applicable)

Name Elizabeth Alvi

Phone 850-999-1028

Address 1002 Thomasville Road
Street

Email beth.Alvi@Audubon.Org

Tallahassee FI 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:
Audubon 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. 2020-2022JointRules.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

21 April 2025
Meeting Date

Rules Committee
Committee

492
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kahreem Golden

Phone 850-345-7108

Address 1035 S Semoran Blvd, Suite 2-1021B
Street

Email kahreem.golden@tnc.org

Winter Park FL 32792
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 Nature Conservancy

☐ 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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

492
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.
Street

Email fcfep@yahoo.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:
Sierra Club Florida
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

492
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kylie Daum

Phone 850 224 1660

Address 106 E College Ave
Street

Email kyliedCAG@gmail.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: League of Women Voters 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 492
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cameron Fink

Phone 850-933-4665

Address 516 N Adams St
Street

Email cfink@aif.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: Associated Industries 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. 2020-2022JointRules.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

4/21/2025
Meeting Date

S492
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Lori Killinger

Phone 850 222 5702

Address 106 E College Ave Suite 1500
Street

Email lkillinger@llw-law.com

Tallahassee FL 3230
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 492
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 727-512 2469

Address 1319 Thomaswood dr
Street

Email

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 Home Builders 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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 674
INTRODUCER:	Rules Committee and Senator Wright
SUBJECT:	Bonuses for Employees of County Tax Collectors and Property Appraisers
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Byrd	Khan	FT	**Favorable**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 674 permits property appraisers, in addition to tax collectors, to budget for and pay a hiring or retention bonus to an employee if approved by the Department of Revenue.

The bill takes effect July 1, 2025.

II. Present Situation:

Compensation of County Officials

Article II, s. 5(c), of the Florida Constitution, requires the powers, duties, compensation and method of payment of state and county officers to be determined by general law.[1] Chapter 145, F.S., conveys legislative intent to provide uniform compensation of county officials that have substantially equal duties and responsibilities across different counties.[2] Chapter 145, F.S., outlines the salary schedules for specified county officials "based on a classification of counties according to each county's population."[3]

The salary schedules for the following county officers are provided in ss. 145.031- 145.11, F.S.: board of county commissioners, clerk of the circuit court, county comptroller, sheriff, supervisor

[1] FLA. CONST. art. II, s. 5(c).
[2] Section 145.011(3), F.S.
[3] Section 145.011(4), F.S.

of elections, property appraiser, and tax collector. Each county officer receives a salary of the amount indicated in the schedule, based on the population of the officer's respective county. Additional compensation is made "for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate."[4]

Tax Collector and Property Appraiser Budgeting Process

Property appraisers and tax collectors share a budgeting process which, due to their constitutional roles as the revenue collectors, is overseen by the Department of Revenue, rather than their individual boards of county commissioners.[5] Property appraisers and tax collectors submit budgets to the Department of Revenue, who review the budget requests and may recommend or require amendments as they see fit. Once approved by the Department of Revenue and finalized by the offices, these budgets must be funded by the offices' respective county commissions.

Bonuses and Severance Pay

Section 215.425, F.S., prohibits state employers from paying extra compensation after a service has been rendered or a contract made unless such compensation is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature.

In 2022, the Legislature established the Law Enforcement Recruitment Bonus Payment Program, which administers one-time bonus payments of up to $5,000 to newly employed officers in Florida, subject to legislative appropriation.[6]

In 2024, the Legislature enacted a provision permitting a tax collector to budget for and pay a hiring or retention bonus to an employee if such expenditure is approved by the Department of Revenue.[7]

III. Effect of Proposed Changes:

The bill amends s. 445.09, F.S., to permit property appraisers, in addition to tax collectors, to budget for and pay a hiring or retention bonus to an employee if such expenditure is approved in their budget by the Department of Revenue.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[4] Sections 145.031, 145.051, 145.071, 145.09, 145.10 and 145.11, F.S.
[5] *See* Section 195.087, F.S., this paragraph.
[6] Section 445.08, F.S.
[7] Section 445.09, F.S.

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:

Counties may have a negative fiscal impact to the extent that property appraisers take advantage of their ability to request bonus pay. Such expenditures must be approved by the Department of Revenue.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 445.09 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 Rules on April 21, 2025:
The CS shifts the effective date from June to July 2025.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

246180

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Wright) recommended the following:

Senate Amendment

Delete line 19

and insert:

Section 2. This act shall take effect July 1, 2025.

By Senator Wright

8-01551-25 2025674__

A bill to be entitled

An act relating to bonuses for employees of county tax collectors and property appraisers; amending s. 445.09, F.S.; authorizing specified county tax collectors or property appraisers to budget for and pay specified bonuses to employees, pending a specified approval; providing an effective date.

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

Section 1. Section 445.09, Florida Statutes, is amended to read:

445.09 Bonuses for employees of county tax collectors or property appraisers.—Notwithstanding any other law, a county tax collector or property appraiser may budget for and pay a hiring or retention bonus to an employee if such expenditure is approved by the Department of Revenue in the respective budget of the county tax collector or property appraiser.

Section 2. This act shall take effect June 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

674
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron Pierce

Phone 813.777.5578

Address 113 E. College Ave
Street

Email ron@teamrsa.com

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:
Brevard County Property Appraiser

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

674
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron Pierce

Phone 813.777.5578

Address 113 E. College Ave
Street

TLH FL 32301
City State Zip

Email ron@teamrsa.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: Hillsborough County Property Appraiser

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 674
Bill Number or Topic

Amendment Barcode (if applicable)

Name Loren Levy

Phone 850-219-0220

Address 1828 Riggins Rd
Street

Email llevy@levylawtax.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: Property Appraisers' Ass'n of Fla.

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 676
INTRODUCER:	Governmental Oversight and Accountability Committee; Commerce and Tourism Committee and Senator Martin
SUBJECT:	Minimum Wage Requirements
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	**Fav/CS**
2.	Harmsen	McVaney	GO	**Fav/CS**
3.	Dike	Yeatman	RC	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 676 amends the Florida Minimum Wage Act to allow employees to opt out of receiving the minimum wage for work-study, internship, preapprenticeship, apprenticeship program, or other similar work-based learning opportunities by signing a waiver acknowledging that the employee is knowingly and voluntarily choosing to receive a lesser amount. Parents or guardians must sign the waiver for employees under 18 years of age.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

Federal Minimum Wage

The Fair Labor Standards Act (FLSA) prescribes federal standards for minimum wage, overtime, recordkeeping, and child labor.[1] As of 2009, the minimum wage that all covered, nonexempt employees must earn is $7.25.[2] No state may enforce a minimum wage that is below the federal

[1] 29 U.S.C. s. 206; U.S. DEPT. OF LABOR, *Fact Sheet #14: Coverage Under the Fair Labor Standards Act (FLSA)*, https://www.dol.gov/agencies/whd/fact-sheets/14-flsa-coverage (last visited Mar. 24, 2025).
[2] 29 U.S.C. s. 206.

minimum.[3] As of 2021, around 85% of all wage and salary workers in the U.S. were covered by the FLSA.[4]

The FLSA applies to employees in two categories:

- Enterprise coverage—employees who work for enterprises, businesses or organizations doing at least $500,000 of business per year, and hospitals, businesses providing medical or nursing care for residents, schools and preschools, and government agencies; or
- Individual coverage—Employees whose work involves the production of goods for commerce or engagement in interstate commerce and domestic workers.[5]

The FLSA includes several exemptions from the federal minimum hourly wage, that are not legally required to be paid at the minimum hourly wage rate, including:

- Executive, administrative and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and employees in certain computer-related occupations.
- Employees in certain seasonal amusement or recreational establishments, employees in certain small newspapers, seamen employed on foreign vessels, employees engaged in fishing operations, and employees engaged in newspaper delivery.
- Farm workers employed by anyone who used no more than 500 "man-days" of farm labor in any calendar quarter of the preceding calendar year.
- Casual babysitters and persons employed as companions for the elderly or infirm.
- Border patrol agents.
- Baseball players who are compensated pursuant to a contract that provides for a weekly salary for services performed during the league's championship season at a rate that is not less than a weekly salary equal to the minimum wage.[6]
- Tipped employees, as long as their tips, combined with the employer's cash wage, equal at least the federal minimum wage ($7.25). The minimum cash wage for tipped employees is $2.13 per hour, with the employer able to claim a tip credit of up to $5.12 per hour.[7]
- Learners, apprentices, and messengers employed primarily in delivering letters and messages, under special certificates issued by the Department of Labor.[8]

Under the FLSA, employers may pay subminimum wages for certain classes of workers, including:

- Youth employees under 20 years old for their first 90 days of employment.
- Student employees who receive a special certificate from the Department of Labor to work part-time in a vocational training program.

---

[3] *See* U.S. Const. art. VI (the Supremacy Clause of the U.S. Constitution); U.S DEPT. OF LABOR, *Minimum Wage*, available at https://www.dol.gov/general/topic/wages/minimumwage (last visited Mar. 24, 2025).
[4] Sarah A. Donovan, CONG. RSCH. SERV., *The Federal Minimum Wage: In Brief*, https://crsreports.congress.gov/product/pdf/R/R43089 (last visited Mar. 24, 2025).
[5] U.S. DEPT. OF LABOR, *supra* note 1.
[6] 29 U.S.C. s. 213.
[7] 29 U.S.C. s. 203(m)(2)(A).
[8] 29 U.S.C. s. 214.

- Full-time students who receive a special certificate from the Department of Labor, who are employed in retail/service establishments, agricultural occupation, or an institution of higher education.
- Individuals with disabilities who receive a special certificate from the Department of Labor, whose earning capacity is impaired by a disability.[9]

The FLSA also exempts certain people who volunteer to perform services for a state or local government agency or who volunteer for humanitarian purposes for non-profit food banks. There is also a recognized exception for individuals who volunteer their time freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships for public sector and non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.[10]

The FLSA preempts state law that would weaken its worker protections, including minimum wage rates.[11] However, state laws that impose greater worker protections supersede those provided for in the FLSA.[12] Florida law does not indicate or allow for wage exceptions for learners, apprentices, or messengers. Thus, the FLSA provisions apply for those workers.

Florida Minimum Wage

Constitutional Amendment

In 2004, Floridians voted to amend the Florida Constitution by adding a minimum wage provision that established the state minimum wage,[13] which provides that "all working Floridians are entitled to be paid a minimum wage […]"[14] and that "[e]mployers shall pay employees wages no less than the minimum wage for all hours worked in Florida."[15]

In 2020, citizens again voted to amend the Florida Constitution to gradually increase the state minimum wage each year, starting at $10.00 per hour and rising until it reaches $15.00 per hour on September 30, 2026.[16] Currently, the Florida minimum wage is $13.00 per hour.[17] Pursuant to the amendment, on September 30, 2027, and each following year on that date, Florida's Department of Commerce must adjust the minimum wage for inflation.[18]

The Florida Constitution states that "implementing legislation is not required in order to enforce this amendment", but that the legislature may by statute adopt any measures appropriate for the

[9] U.S. Dep't of Labor, *Subminimum Wage*, https://www.dol.gov/general/topic/wages/subminimumwage (last visited Mar. 25, 2025).
[10] U.S. Dep't of Labor, Wage and Hour Division, *Fact Sheet 71: Internship Programs Under the Fair Labor Standards Act*, https://www.dol.gov/agencies/whd/fact-sheets/71-flsa-internships (last visited Mar. 25, 2025).
[11] 29 U.S.C. s. 218.
[12] Congressional Research Services, *CRS Report R42713, The Fair Labor Standards Act (FLSA): An Overview, Updated March 8, 2023*, https://crsreports.congress.gov/product/pdf/R/R42713, (last visited March 25, 2025).
[13] *See* FLA. CONST. art. X, § 24.
[14] FLA. CONST. art. X, § 24(a).
[15] FLA. CONST. art. X, § 24(c).
[16] *Id.*
[17] U.S. DEPT. OF LABOR, *State Minimum Wage Laws*, https://www.dol.gov/agencies/whd/minimum-wage/state (last visited Mar. 24, 2025).
[18] FLA. CONST. art. X, § 24.

implementation of this amendment. It continues by enumerating the state legislature's implementing authority to: establish additional remedies or fines for violations of this amendment raise the applicable minimum wage rate, reduce the tip credit, or *extend coverage of the minimum wage to employers or employees not covered by this amendment*. (emphasis added)

In the "definitions" section of article X, section 24 of the Florida Constitution, the terms "employer," "employee," and "wage" are deemed to "have the same *meaning* as those established under the FLSA and its implementing regulations."[19] This constitutional provision further states in section (f) that the case law, administrative interpretations, and other guiding standards under the FLSA *shall guide* the construction and implementation of Florida's constitutional minimum wage.[20] As a result, the FLSA and its exceptions and exemptions are incorporated into the Florida minimum wage amendment.[21]

The FLSA defines:[22]

- Employer as "any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of an officer or agency of such labor organization."
- Employee as "any individual employed by an employer."

The FLSA requires for-profit employers to pay employees for their work. However, interns and students may not fit the definition of an employee under the FLSA—in which case the FLSA does not require compensation for their work. Courts have used the "primary beneficiary test" to determine whether an intern or student is, in fact, an employee under the FLSA.[23] This determination is made on a case-by-case basis.

This test allows courts to examine the "economic reality" of the intern-employer relationship to determine which party is the "primary beneficiary" of the relationship. Courts[24] have identified the following seven factors as part of the test:

- The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee— and vice versa.
- The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.

---

[19] *Emphasis added*.
[20] FLA. CONST. art. X, § 24(f).
[21] Op. Att'y Gen. Fla. 2005-64 (2005); *see also In re Advisory Opinion to the Atty. Gen. re Fla. Minimum Wage Amend.*, 880 So. 2d 636 (Fla. 2004).
[22] 29 U.S.C. s. 203.
[23] E.g., *Benjamin v. B & H Educ., Inc.*, --- F.3d ---, 2017 WL 6460087, at *4-5 (9th Cir. Dec. 19, 2017); *Glatt v. Fox Searchlight Pictures, Inc.*, 811 F.3d 528, 536-37 (2d Cir. 2016); *Schumann v. Collier Anesthesia, P.A.*, 803 F.3d 1199, 1211-12 (11th Cir. 2015); *see also Walling v. Portland Terminal Co.*, 330 U.S. 148, 152-53 (1947); *Solis v. Laurelbrook Sanitarium & Sch., Inc.*, 642 F.3d 518, 529 (6th Cir. 2011).
[24] *Schumann v. Collier Anesthesia, PA*, 803 F.3d 1199 (11th Cir. 2015) (Adopting a modified version of the "primary beneficiary" test, which examines the "economic reality" of the relationship between the intern and employer to determine who benefits most.)

- The extent to which the internship is tied to the intern's formal education program by integrated coursework or the receipt of academic credit.
- The extent to which the internship accommodates the intern's academic commitments by corresponding to the academic calendar.
- The extent to which the internship's duration is limited to the period in which the internship provides the intern with beneficial learning.
- The extent to which the intern's work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
- The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

Courts have described the "primary beneficiary test" as a flexible test, and no single factor is determinative. Accordingly, whether an intern or student is an employee under the FLSA necessarily depends on the unique circumstances of each case.

If analysis of these circumstances reveals that an intern or student is actually an employee, then he or she is entitled to both minimum wage and overtime pay under the FLSA. On the other hand, if the analysis confirms that the intern or student is not an employee, then he or she is not entitled to either minimum wage or overtime pay under the FLSA.

Therefore, labels of employment positions such as "intern," "student worker," and "apprentice" do not alone transform the job into a non-employee position under the FLSA. In virtue of Florida's construction of its constitutional minimum wage provision, the FLSA's meaning of employee is incorporated into Florida law.

Florida Statute

The Florida Minimum Wage Act (Act), s. 448.110, F.S., implements the requirements of the constitutional amendment in statute.[25] The Act only applies to individuals entitled to receive federal minimum wage under the FLSA.[26] It also specifies that ss. 213 and 214 of the FLSA, which set forth exceptions and exemptions to the minimum wage, are incorporated into Florida minimum wage law.[27]

Additionally, as directed by the Florida Constitution's minimum wage amendment, the Act provides a cause of action for individuals against employers who do not follow minimum wage requirements, retaliate against an employee for exercising their rights, or otherwise violate the Act.[28] Any individual and the Attorney General are also authorized to bring civil actions against employers who violate it, which may result in injunctive relief or fines paid to the state.[29]

[25] Ch. 2005-353, Laws of Fla., codified in s. 448.110, F.S.
[26] Section 448.110(3), F.S.
[27] *Id*. However, section 213 of the FLSA was amended in 2014 and 2018, concerning border patrol agents and minor league baseball players, respectively. Because a cross-reference to a specific statute incorporates the language of the referenced statute as it existed at the time the reference was enacted, unaffected by any subsequent amendments thereto, these specific FLSA amendments are not a part of Florida's minimum wage law. *See Overstreet v. Blum*, 227 So.2d 197 (Fla. 1969).
[28] Section 448.110(5)-(6), F.S., which implements FLA. CONST. art. X, § 24(d), prohibiting such retaliation.
[29] Section 448.110(7), F.S., which implements FLA. CONST. art. X, § 24(e), providing for enforcement of the constitutional minimum wage provision.

Non-FLSA Requirements for Work-Based Learning Opportunities

The federal government's work-study program provides part-time employment to certain students who attend higher education institutions.[30] A student is eligible to take part in this program if they are a full-time student accepted at or enrolled in an eligible institution and otherwise meet the eligibility requirements of 34 C.F.R. 668.32; have a demonstrated financial need; and are enrolled at an institution of higher education.[31] The student may work for qualifying employers or the education institution itself.[32] Further, the student participating in a work-study program must be paid at least the minimum wage rate under the FLSA.[33]

Additionally, the federal government sets forth labor standards and governs registration of apprenticeship programs under the National Apprenticeship Act.[34] Each employer registered with a state apprenticeship program must pay at least the minimum wage under the FLSA, or a higher wage if required by applicable state law.[35]Each state has a registered apprentice program which must be approved by the Office of Apprenticeship at the U.S. Department of Labor.[36] Florida's apprenticeship program provides work-based learning opportunities for people who are at least 16 years old to gain trade skills while still in school.[37] The Florida Department of Education has developed standards for apprenticeable trades to establish programs with public schools and the Florida College System.[38] These trades include plumbing, heating and air conditioning technicians, teaching, cybersecurity, and more.[39]

III. Effect of Proposed Changes:

Section 1 amends s. 448.110, F.S., to provide that an employer is not subject to the minimum wage requirements of this section for certain employees who choose to opt out of the minimum wage. The covered employees are those who are employed in a structured work-study, internship, preapprenticeship program, apprenticeship program, or other similar work-based learning opportunity. Such employees may opt out of receiving the minimum wage by signing a waiver, which must state that the employee is knowingly and voluntarily choosing to work for an amount lower than the minimum wage. If the employee is under 18 years old, a parent or guardian of the employee must sign the waiver on behalf of the employee.

The bill also releases the state from adherence to the FLSA and any of its regulations or interpretations where an employee voluntarily waives his or her right to receive the state minimum wage in the context of the state's incorporation of the FLSA's minimum wage exceptions provided for in its ss. 213 (exemptions) and 214 (exceptions as provided for in employment under special certificates).

[30] 20 U.S.C. § 1087-51; 34 C.F.R. § 675.1.
[31] 34 C.F.R. § 675.9.
[32] 34 C.F.R. §§ 675.20-675.21.
[33] 34 C.F.R. § 675.24.
[34] *See* 29 U.S.C. ss.50 et seq; 29 C.F.R. 29.
[35] 29 C.F.R. § 29.5.
[36] 29 C.F.R. 29.3.
[37] *See* ss. 446.011-446.092, F.S.
[38] Section 446.011, F.S.
[39] Florida Dept. of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report 2023-2024*, https://www.fldoe.org/academics/career-adult-edu/research-evaluation/annual-app-reports.stml (last visited Mar. 25, 2025).

The bill contains a severability clause providing that if any provision is held invalid, that provision is severable and does not affect the validity of other provisions.

While the bill modifies the statutory structure of the state minimum wage, the State Constitution is unamended and is the controlling authority on the requirements of the state minimum wage.

See Section IV, Constitutional Issues, for a discussion of the constitutional issues implicated.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, 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:

Under article X, section 24 of the Florida Constitution, "employers shall pay Employee Wages no less than the Minimum Wage for all hours worked in Florida." When interpreting the meaning of a statute or constitutional provision, courts will abide by the plain language of the text if it is unambiguous.[40] The language of the constitutional mandate dictates that employers must pay the established, hourly minimum wage to employees. If an employee signs a waiver stating that they opt out of minimum wage requirements, the employer continues to be bound by its duty to pay the minimum wage for all hours worked in Florida, pursuant to the State Constitution. The Constitution contemplates *any person's* ability to "file a complaint or inform any person about any party's alleged noncompliance with this amendment." The State Constitution further allows both an aggrieved employee and the state attorney general or other official designated by the state legislature to bring an enforcement civil action. This implies a

[40] *McCloud v. State*, 260 So. 3d 911, 914-15 (Fla. 2018); *Garcia v. Andonie*, 101 So. 3d 339 (Fla. 2012) ("Constitutional analysis must begin with examination of explicit language of provisions in question and, where the language is unambiguous and addresses the matter at issue, the provision should be enforced as written.").

vested interest of the whole public in ensuring the payment of a minimum wage to an employee.

"The Constitution of Florida provides within itself the only methods for its amendment or revision. Thus, the Constitution cannot be modified, amended or repealed by legislative enactments, executive usurpation, or judicial interpretation, except by amendment." [41]

There is no exception or exemption from the minimum wage specified in the state constitution, other than those incorporated from the FLSA.[42] A Florida appellate decision[43] on an appeal from a denial of unemployment compensation benefits, the court found that since "the Florida Statutes expressly adopt the FLSA, as interpreted and implemented by federal law, '[n]o one can doubt but that to allow waiver of statutory [minimum] wages by agreement would nullify the purposes of the [FLSA].'"[44]

Some constitutional rights can be waived, such as the right to remain silent in police interrogation or the right to a homestead exemption.[45] While it is true that "most personal constitutional rights may be waived… an individual cannot waive a right designed to protect both the individual and the public."[46] Further, an individual may only forego a constitutional right if "it was the product of free and deliberate choice rather than intimidation, coercion, or deception."[47]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill allows employers (both private and public) to pay less than the minimum wage to an employee who opts out of receiving it, in the context of a structured work-study, internship, preapprenticeship, or apprenticeship program, or other similar work-based learning opportunity. This may result in increased savings for the employer. However, other employers who do not offer such work-based learning opportunities may be disadvantaged based on the differential personnel costs.

---

[41] *Throw v. Republic Enterprise Systems, Inc.*, case no.: 8:06-cv-724-T-30TBM, 2006 U.S. Dist. LEXIS 46215, 2006 WL 1823783 (M.D. Fla. June 30, 2006), *quoting Sparkman v. State ex rel. Scott*, 58 So.2d 432, 432 (Fla. 1952).
[42] *See* Art. X, § 24(f), FLA. CONST. ("It is intended that case law, administrative interpretations, and other guiding standards developed under the federal FLSA shall guide the construction of this amendment and any implementing statutes or regulations.").
[43] *Martinez v. Ford Midway Mall, Inc.*, 59 So. 3d 168 (Fla. 3d DCA 2011).
[44] *Id.* at 173, citing *Brooklyn Savings Bank v. O'Neill*, 324 U.S. 697, 707 (1945).
[45] *See Chames v. DeMayo*, 972 So. 2d 850 (Fla. 2007); *Hartwell v. Blasingame*, 564 So. 2d 543 (Fla. 2d DCA 1990), *approved*, 584 So. 2d 6 (Fla. 1991).
[46] *Chames*, 972 So. 2d at 860.
[47] *Sliney v. State*, 699 So. 2d 662, 668 (Fla. 1997).

C. Government Sector Impact:

The bill is not expected to affect state and local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

"Internship" does not appear to have a standardized definition in Florida law, so it may be unclear what types of internships will be eligible for the minimum wage opt-out.

The Legislature's authority to adopt law regarding the minimum wage is limited by article X, section 24(f) of the Florida Constitution, which enumerates specific acts the legislature may take in implementing the amendment (establish additional remedies or fines for violations, raise the applicable minimum wage, reduce the tip credit, or extend the minimum wage to employers or employees who are not covered by the amendment). The provision of a waiver of the minimum wage requirements does not appear to fall into any of the specific acts provided for.

VIII. Statutes Affected:

This bill substantially amends s. 448.110, 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/CS by Governmental Oversight and Accountability on March 25, 2025:
The CS releases the state from adherence to the FLSA and any of its regulations or interpretations where an employee voluntarily waives his or her right to receive the state minimum wage in the context of the state's incorporation of the FLSA's minimum wage exceptions provided for in its ss. 213 (exemptions) and 214 (exceptions as provided for in employment under special certificates).

CS by Commerce and Tourism on March 10, 2025:
The committee substitute creates a provision that employees may waive their right to minimum wage by signing a waiver with specified language; provides that parents of minors must sign the waiver for employees under 18 years old; and adds a severability clause to the bill.

B. Amendments:

None.

401928

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 448.110, Florida Statutes, is amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(3)(a) Employers shall pay employees a minimum wage at an hourly rate of $6.15 for all hours worked in Florida. Only those individuals entitled to receive the federal minimum wage under

401928

the federal Fair Labor Standards Act, as amended, and its implementing regulations shall be eligible to receive the state minimum wage pursuant to s. 24, Art. X of the State Constitution and this section. The provisions of ss. 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the Secretary of Labor, are incorporated herein.

(b) An employer is not subject to the state minimum wage requirements of this section for an employee who is in a structured work-study, internship, preapprenticeship, or other similar work-based learning opportunity and who opts out of receiving the minimum wage. However, such work-based learning opportunity may not last longer than 9 months or two full-time semesters consisting of at least 15 credit hours each.

(c) An employee may opt out of receiving the state minimum wage by voluntarily signing a waiver of his or her right to the state minimum wage established under this subsection. The waiver must state that the employee acknowledges his or her right to the state minimum wage pursuant to s. 24, Art. X of the State Constitution and this section and that the employee is knowingly and voluntarily choosing to receive a lesser amount for his or her work-based learning opportunity as described in paragraph (b). An employer may not coerce an employee to opt out of receiving the state minimum wage. If the employee is younger than 18 years of age, in order for the waiver to be effective, the employee’s parent or guardian must have agreed and signed the waiver on behalf of the minor employee at the minor employee’s request.

(d) An employee’s waiver to opt out of the state minimum

401928

wage under this subsection is valid for only 9 months after the date his or her employment with the employer begins. Thereafter, the employee must be paid at or above the state minimum wage regardless of his or her position or job title with the employer.

(e) If any provision of this subsection or its application to any person or circumstance is held invalid, that provision or its application is severable and does not affect the validity of the other provisions or applications of this subsection.

Section 2. This act shall take effect July 1, 2025.

================ 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 minimum wage requirements; amending s. 448.110, F.S.; providing that an employer is not subject to state minimum wage requirements for specified employees who opt out of receiving the minimum wage; prohibiting certain work-based learning opportunities from lasting longer than a specified timeframe; authorizing employees to voluntarily opt out of the state minimum wage requirements by signing a waiver; specifying what must be stated in the waiver; prohibiting an employer from coercing an employee to opt out of the state minimum wage; requiring a parent or guardian to sign the waiver if the employee is a minor; providing that an employee's

401928

waiver to opt out of the state minimum wage is valid for a specified timeframe; requiring the employer to pay the employee at or above the minimum wage after such timeframe; providing severability; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Commerce and Tourism; and Senator Martin

585-02831-25 2025676c2

A bill to be entitled

An act relating to minimum wage requirements; amending s. 448.110, F.S.; providing an exception to the requirement that an employee be paid the state minimum wage; providing that an employer is not subject to certain minimum wage requirements for specified employees; authorizing employees to opt out of the minimum wage requirements in a specified manner; requiring that the parent or guardian of an employee who is younger than 18 years of age sign such waiver on behalf of the employee; providing severability; providing an effective date.

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

Section 1. Subsection (3) of section 448.110, Florida Statutes, is amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(3)(a) Employers shall pay employees a minimum wage at an hourly rate of $6.15 for all hours worked in Florida. Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act, as amended, and its implementing regulations shall be eligible to receive the state minimum wage pursuant to s. 24, Art. X of the State Constitution and this section. The provisions of ss. 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the Secretary of Labor, are incorporated herein, except the Fair Labor Standards Act and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-02831-25 2025676c2

any regulations or interpretations regarding an employee's voluntary waiver of his or her right to receive the state minimum wage do not apply.

(b) An employer is not subject to the minimum wage requirements of this section for an employee who is in a structured work-study, internship, preapprenticeship, or apprenticeship program or other similar work-based learning opportunity and such employee opts out of receiving the minimum wage.

(c) An employee may opt out of receiving the minimum wage by signing a waiver of his or her right to the minimum wage established under this section. The waiver must state that the employee acknowledges his or her right to the state minimum wage pursuant to s. 24, Art. X of the State Constitution and this section and that he or she is knowingly and voluntarily choosing to receive a lesser amount for his or her work-based learning opportunity as described in paragraph (b). If the employee is younger than 18 years of age, the employee's parent or guardian must sign the waiver on behalf of the employee.

(d) If any provision of this section or its application to any person or circumstance is held invalid, that provision or its application is severable and does not affect the validity of other provisions or applications of this section.

Section 2. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

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

4/21
Meeting Date

Rules
Committee

SB 676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850-224-6926

Address 135 S. Monroe
Street

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:
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. 2020-2022JointRules.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

04/2V/25	SB 676
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Jackson Oberlink 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: 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. 2020-2022JointRules.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

~~Rules~~ 4/21/2025
Meeting Date

RULES
Committee

SB 0676
Bill Number or Topic

Amendment Barcode (if applicable)

Name THOMAS KENNEDY

Phone 786 346 0819

Address 1351 NE 191 ST
Street

Email TKENNEDY191@GMAIL.COM

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. 2020-2022JointRules.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

4/2/2025
Meeting Date

Rules
Committee

SB 676
Bill Number or Topic

Amendment Barcode (if applicable)

Name YARELIS MENDEZ-ZAMORA Phone

Address 1511 SW 98th Ave Email
Street

Pembroke Pines FL 33025
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:
American Friends Service Committee

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. 2020-2022JointRules.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

04.21.2025
Meeting Date

Rules
Committee

SB 676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Laura Muñoz

Phone 305 680 6644

Address
Street

Email

Lake Worth FL 33460
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call
Street

Tallahassee, fl 32301
City State Zip

Email fcfep@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: FL Center for Fiscal & Economic Policy, National Latina Institute for Reproductive 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

Cards not read
into the record

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

RULES
Committee

SB 676
Bill Number or Topic

Amendment Barcode (if applicable)

Name CHARLES SCHUMACHER

Phone 941 277 3835

Address 334 DANUBE AVE # 208
Street

Email SCHUMACHERCHARLES82@GMAIL

TAMPA FL 33606
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. 2020-2022JointRules.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

April 21 2025
Meeting Date

SB 676
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Abdiel Colon Gomez. Phone 407-460-9581.

Address 14210 Green Gable Ct Email
Street

Orlando FL 32824
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Yenisbel Vilorio

Phone

Address 1360 Regent St, PMB:257
Street

Email

Madison WI 53715
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. 2020-2022JointRules.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

4.21.25
Meeting Date

Senate Rules
Committee

676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kara Gross

Phone 786-363-4436

Address 4343 West Flagler Rd
Street

Email kgross@aclufl.org

Tallahassee 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:

American Civil Liberties Union 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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara DeVane

Phone

Address
Street

Email

Tallahassee
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 NOW

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

SB676
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Noah Diaz

Phone

Address 611 Campus St
Street

Email ndiaz@unitehere.org

Kissimmee FL 34747
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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

DUPLICATE

The Florida Senate

APPEARANCE RECORD

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

April 21, 2025
Meeting Date

Rules
Committee

676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Phone 850-425-1344

Address 104 S. Monroe Street
Street

Email TcgLobby@aol.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:
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. 2020-2022JointRules.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

4-21-25
Meeting Date

SB 676
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Kevin Eaton

Phone 336-239-2962

Address 7833 Crosswater Trail Apt 1301
Street

Email kevcaton@gmail.com

Windermere FL 34786
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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

SB 676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tiffany Hankins

Phone 206 915 7426

Address # 561 NE 79th St Suite 400
Street

Email tiffany@flic.org

Miami FL 33138
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:
FLIC

☐ 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. 2020-2022JointRules.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

4-21-25
Meeting Date

SB 676
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Zinnia R. Jimenez

Phone 407-627 4573

Address 118 Palmera Drive Ldg 433
Street

Email Zinnia_Jimenez64@Gmail.com

Davenport Florida 33897
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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

SB 676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Travis Joyner

Phone 229-630-8455

Address 15853 Wilkinson Dr
Street

Email traviskjoyner@gmail.com

Clermont FL 34714
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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Kenny

Phone 321-277-9385

Address 2700 N. Highway A1A #18-103
Street

Email jken606@yahoo.com

Indialantic FL 32926
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Todd Provost

Phone 407-717-9409

Address 12625 Bay Breeze Court
Street

Email tsprovost69@yahoo.com

Clermont FL 34711
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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

676
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dennis Velez

Phone 239-245-2572

Address 1610 EMBERS PKWY
Street

Email dvelez0169@gmail.com

Cape Coral FL 33993
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. 2020-2022JointRules.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

04/21/25
Meeting Date

SB 676
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Estefania Villadiego

Phone 407-800-8074

Address 188 E Crystal Lake Ave Unit 116
Street

Email

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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/CS/SB 712
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment and General Government; Community Affairs Committee and Senator Grall
SUBJECT:	Construction Regulations
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Reagan	Betta	AEG	**Fav/CS**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 712 contains a variety of provisions related to construction and development. The bill:

- Requires the Department of Environmental Protection (DEP) to adopt standards for the installation of synthetic turf on residential property and prohibits local governments from adopting regulations inconsistent with those.
- Requires local governments to approve or deny change orders from their contractors within 30 days.
- Prohibits the state and political subdivisions from penalizing large volume construction bidders or rewarding small volume bidders in the bidding process for public works projects.
- Prohibits local building departments from requiring copies of contracts and associated documents in order to apply for or receive a building permit.
- Adds surveillance cameras to the scope of certification for alarm system contractors.
- Exempts systems and equipment on spaceport territory involved in space launch vehicles, payloads, or spacecraft from the Florida Building Code.
- Requires that only one interior support rail in an elevator must be continuous and at least 42 inches long.
- Allows private providers to perform "single-trade plans review," an analogous concept to single-trade inspections provided for in current law, authorizing private provider plans review for single construction trades such as plumbing, mechanical, or electrical. Single-trade plans review can be conducted using an automated or software-based system and

qualifies for expedited permit processing, from 20 days to five, for single-family and two-family dwellings.
- Expands the universe of valid trade work for which private providers can perform inspections, and now plans review, to include solar energy and energy storage installations or alterations and specifically allows private providers to conduct single-trade inspections virtually.

The bill has no impact on state revenue or expenditures. See Section V., Fiscal Impact Statement below.

The bill takes effect July 1, 2025.

II. Present Situation:

Synthetic Turf

Synthetic turf, also known as "artificial grass," is a surface that closely replicates the look and feel of natural grass. Synthetic turf is a type of landscaping that eliminates the potentially unpredictable growth of natural grass.[1] Current law prohibits homeowners' associations from restricting property owners or their tenants from installing, displaying, or storing synthetic turf that is not visible from the parcel's frontage or an adjacent parcel.[2] However, there is no law restricting local governments from regulating synthetic turf.

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.[3] 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.[4] 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.[5]

Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.[6]

---

[1] Kevin Sullivan, *Artificial Turf 101: A Comprehensive Guide to Synthetic Grass*, Turf Network Directory & Information Hub, available at https://turfnetwork.org/artificial-turf-101/ (last visited Mar. 26, 2025).
[2] Section 720.3045, F.S.
[3] Art. VIII, s. 1(f), Fla. Const.
[4] Art. VIII, s. 1(g), Fla. Const.
[5] Art. VIII, s. 2(b); *see also* Section 166.021(1), F.S.
[6] Preemption Definition, Black's Law Dictionary (12th ed. 2024).

Where state preemption applies, a local government may not exercise authority in that area.[7] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[8]

Prompt Payments for Public Construction Contracts

Contracts between local governments and private contractors for construction of public projects are subject to prompt payment requirements. The Local Government Prompt Payment Act[9] provides for timely payment by local governmental entities[10] to construction contractors.[11] The collection of statutes provides timelines for payment, schedules for interest on late payments, and dispute resolution processes.[12]

Change Orders

A "change order" is an amendment to a construction contract that changes the contractor's scope of work. Most change orders modify the work required by the contract or adjust the amount of time the contractor has to complete the work, or both.[13]

Competitive Solicitation of Construction Services

Current law specifies construction services procurement procedures for public property and public owned buildings.[14] The Department of Management Services (DMS) is responsible for establishing by rule procedures to:[15]

- Determine the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.[16]
- Award each state agency construction project to the lowest qualified bidder.[17]
- Govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.[18]
- Enter into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.[19]

---

[7] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[8] See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).
[9] Part VII, Ch. 218, F.S.
[10] A county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof. Section 218.72(5), F.S.
[11] A contractor is one who contracts directly with a local government to provide construction services. Section 218.72(3), F.S.
[12] Section 218.71, F.S.
[13] Luke J. Farley, Sr., *Construction 101: The Basics of Change Orders*, American Bar Association (October 8, 2018) https://www.americanbar.org/groups/construction_industry/publications/under_construction/2018/fall/construction-101/ (last visited Mar. 26, 2025).
[14] *See* ch. 255, F.S.
[15] Section 255.29, F.S.
[16] Rules 60D-5.004 and F.A.C.
[17] Rule 60D-5.007, F.A.C.
[18] Rule 60D-5.008, F.A.C.
[19] Rule 60D-5.0082, F.A.C.

State contracts for construction projects that are projected to cost in excess of $200,000 must be competitively bid.[20] A county, municipality, special district, or other political subdivision seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of $300,000.[21]

Prohibited Local Government Preferences in Contracts for Construction Services

In a competitive solicitation[22] for construction services that is paid for with state-appropriated funds, a local government may not use a local ordinance or regulation that provides a preference based upon a contractor, subcontractor, or material supplier or carrier:[23]

- Maintaining an office or place of business within a particular local jurisdiction;
- Hiring employees or subcontractors from within a particular local jurisdiction; or
- Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

A local government that will use state-appropriated funds to pay for construction services must disclose in the solicitation document that any of the aforementioned preferences will be prohibited.[24]

Public Works Projects

A public works project is an activity that is paid for with any state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision.[25]

Prohibited Local Government Preferences in Public Works Projects

Except as required by federal or state law, the state or any political subdivision[26] that contracts for a public works project may not:[27]

- Prevent a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the headquarters or offices of the party, unless the local government is the sole source of funding for the project;
- Require a contractor, subcontractor, or material supplier or carrier engaged in the project to:

[20] *See* s. 255.0525, F.S.; *see also* Rules 60D-5.002 and 60D-5.0073, F.A.C.
[21] Section 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over $75,000.
[22] "Competitive solicitation" means an invitation to bid, a request for proposals, or an invitation to negotiate. Section 255.248, F.S.
[23] Section 255.0991(2), F.S.
[24] Section 255.0991(3), F.S.
[25] Section 255.0992(1)(b), F.S.
[26] "Political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works. *See* s. 255.0992(1)(a), F.S.
[27] Section 255.0992, F.S.

  - Pay employees a predetermined amount of wages or prescribe any wage rate;
  - Provide employees a specified type, amount, or rate of employee benefits;
  - Control, limit, or expand staffing; or
  - Recruit, train, or hire employees from a designated, restricted, or single source.
- Prohibit any contractor, subcontractor, or material supplier or carrier from submitting a bid on the project if such individual is able to perform the work described and is qualified, licensed, or certified as required by state law.

Enforcement of the Florida Building Code: Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.[28] Authorized state and local government agencies enforce the Florida Building Code and issue building permits.[29]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.[30] A local building department or enforcement agency must post each type of building permit application on its website.[31] Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.[32]

A local government may not require a contract between a builder and an owner for the issuance of a building permit, or as a requirement for the submission of a building permit application.[33]

Elevator Regulation

The Elevator Safety Act (the act), located in ch. 399, F.S., establishes the minimum standards for elevator personnel in order "to provide for the safety of life and limb and to promote public safety awareness."[34] The Elevator Safety Act broadly defines the term "elevator" to include:[35]

- Hoisting Mechanical Devices;
- Escalators;
- Dumbwaiters;
- Moving Walks;
- Inclined Stairway Chairlifts; and
- Inclined or Vertical Wheelchair Lifts.

[28] Section 553.72(2), F.S.
[29] *See* ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.
[30] *See* ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.
[31] Section 553.79(1)(b), F.S.
[32] Section 105.3, 2023 Florida Building Code.
[33] Section 553.79(1)(f), F.S.
[34] Section 399.001, F.S.
[35] Section 399.01(6), F.S.

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) has both rulemaking and enforcement authority under ch. 399, F.S. The division is also responsible for issuing elevator permits and certificates of operation for companies or individuals to install, service, or inspect elevators.[36]

The act prohibits an elevator from being "erected, constructed, installed or altered" until a permit is issued from the DBPR. The act further requires each elevator to have a certificate of operation from the DBPR before being operated.[37]

Section 399.061, F.S., requires an annual inspection of elevators by a certified elevator inspector. The certified elevator inspector may be a private elevator inspector, a state-employed elevator inspector, or an inspector for a municipality or country under contract with the DBPR.[38]

Section 399.02(6)(b), F.S., provides that the division may enter and have reasonable access to all buildings and rooms or spaces in which an existing or newly installed conveyance and equipment are located.

Interior Support Rails

The act requires every elevator, except elevators in private residences, to have at least one support rail to assist persons with physical handicaps.[39]

Support rails must be continuous and have a minimum length of 42 inches. Support rails must also be:[40]

- Smooth and have no sharp edges;
- Not more than 1.5 inches thick or 2.5 inches in diameter;
- Between 31-33 inches off the ground; and
- 1.5 inches from the elevator's wall.

The railing requirements are also provided in section 3009.2 of the Florida Building Code which provides that "[e]ach elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 11/2 inches (38 mm) thick or 21/2 inches (63 mm) in diameter. Support rails must be continuous and a minimum length of 42 inches (1067 mm) overall."

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

[36] Section 399.10, F.S.
[37] Section 399.03(1) and (5), F.S.
[38] *See* S: 399.061, F.S. In 2000, the Legislature amended s. 399.061, F.S., (ch. 2000-356 s. 4, Laws of Fla.) to provide for the use of private elevator inspectors.
[39] Sections 399.02, and 399.035, F.S.
[40] Section 399.035, F.S.

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.[41]

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.[42] The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.[43]

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.[44]

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 Council,[45] 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.[46]

Private Providers Alternative Plans Review and Inspection

In 2002, s. 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 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.[47]

---

[41] 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 (last visited Mar. 11, 2025).
[42] *Id.*
[43] Florida Building Commission Homepage, https://floridabuilding.org/c/default.aspx (last visited Mar. 11, 2025).
[44] *See* s. 553.72(1), F.S.
[45] 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 Mar. 11, 2025).
[46] Section 553.73(7)(a), F.S.
[47] Section 553.791(1)(n) and (3), F.S.

Private providers and their duly authorized representatives[48] are able to approve building plans and perform building code inspections, including single-trade inspections, as long as the plans' approval and building inspections are within the scope of the provider's or representative's license. "Single-trade inspection" is defined as:

> "…any inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping."[49]

A local government may establish, for private providers and duly authorized representatives working within the local government's jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.[50]

If an owner or contractor opts to use a private provider for purposes of plans review or building inspection services, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.[51] Additionally, 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 for the clerical and supervisory assistance required.[52]

Current law specifies a process for an owner or contractor to notify the local government that a private provider has been contracted to perform building code inspection services, including single-trade inspections. Such notice must be provided in writing at the time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.[53]

After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner, the owner or contractor may elect to use a private provider to provide inspection services by notifying the local building official by 2 p.m., two days before the next schedule inspection.[54]

---

[48] "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. Section 553.791(1)(f), F.S.
[49] Section 553.791(1)(q), F.S.
[50] Section 553.791(16)(b), F.S.
[51] "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.
[52] Section 553.791(2)(b), F.S.
[53] Section 553.791(4), F.S.
[54] Section 553.791(5), F.S.

A private provider performing required inspections must inspect each phase of construction as required by the applicable codes, and such inspection may be performed in-person or virtually.[55]

For plans review, a private provider must review the plans[56] to determine compliance with the applicable codes[57] and prepare an affidavit[58] certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.[59]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.[60] If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and shall be issued on the next business day.[61] If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.[62] The law further specifies the process for a private provider to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.

III. Effect of Proposed Changes:

Section 1 creates s. 125.572, F.S., to direct the Department of Environmental Protection (DEP) to adopt minimum standards for the installation of synthetic turf on single-family residential properties one acre or less in size. These standards must take into account material type, permeability, stormwater management, potable water conservation, water quality, proximity to vegetation, and other environmental conditions.

Upon the adoption of such standards, the section prohibits local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf on his or her land that complies with these standards.

The section also prohibits a local government from adopting or enforcing any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent to the standards adopted.

The term "synthetic turf" is defined to mean "a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas."

The bill directs the DEP to adopt rules to implement the section.

---

[55] Section 553.791(8), F.S.
[56] "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review. Section 553.791(1)(m), F.S.
[57] "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to ch. 633, F.S. Section 553.791(1)(a), F.S.
[58] The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.
[59] Section 553.791(6), F.S.
[60] Section 553.791(7)(a), F.S.
[61] *Id.*
[62] Section 553.791(7)(b), F.S.

Section 2 creates s. 218.755, F.S., to provide that if a local government receives a price quote for a change order from its contractor, which meets all statutory and contractual requirements, the local government must provide written notice to the contractor approving or denying the price quote within 35 days. This provision applies to contracts for construction services entered into on or after July 1, 2025.

If a local government denies the price quote, the written notice must specify the alleged deficiencies in the quote and list the actions necessary to remedy the deficiencies. If a local government fails to provide such information in the written denial notice then it is liable to the contractor for any additional labor, staffing, materials, supplies, equipment, and overhead associated with the change order.

A contract between a local government and a contractor may not alter these provisions.

Section 3 amends s. 255.0992, F.S., to provide that the state or any political subdivision which contracts for public works may not, when scoring or evaluating bids for a public works project, penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

Section 4 amends s. 399.035, F.S., to provide that only one interior support rail in an elevator must be continuous and at least 42 inches long, instead of requiring all interior support rails in an elevator to meet these requirements.

Section 5 amends s. 489.505, F.S., to include surveillance cameras in the scope of work used to define certified alarm system contractors. Specifically, the bill provides that the scope of certification for alarm system contractors newly includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts, when those items are for the purpose of providing surveillance cameras.

Section 6 amends s. 553.73, F.S., to provide total exemption from the Florida Building Code for any system or equipment, whether affixed or movable, which is located on property within a spaceport territory,[63] and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

Section 7 amends s. 553.79, F.S., to provide that a local enforcement agency may not require a copy of a contract between a builder and an owner or any ancillary documents such as letters of intent, material costs lists, labor costs, or overhead or profit statements, as a requirement to apply for or receive a building permit.

[63] Section 331.304, F.S., provides areas that are designated as spaceport territory. The list includes Patrick Space Force Base, Cape Canaveral Space Force Station, John F. Kennedy Space Center, Eglin Air Force Base, Cecil Airport in Duval County, Homestead Air Force Base, Tyndall Air Force Base, and certain other properties.

Section 8 amends s. 553.791, F.S., to allow private providers to perform "single-trade plans review," an analogous concept to the existing single-trade inspections provided for in current law. Such single-trade plans review may be conducted using an automated or software-based plans review system to determine compliance with applicable codes, provided that the provider specifies in the required affidavit any such system used. Additionally, where the local building official must issue a permit within 20 business days after receipt of an application and private provider affidavit, the bill requires action within five business days if the permit application is related to single-trade plans review for single-family or two-family dwellings.

The bill also expands the universe of valid trade work for which private providers can perform inspections, and now plans review, to include solar energy and energy storage installations or alterations.

Finally, the bill specifically allows private providers to perform single-trade inspections virtually and requires the notice to the building official pursuant to s. 553.791(5), F.S., include whether inspections will be conducted virtually or in person.

Sections 9-14 reenact various statutes for the purpose of incorporation.

Section 15 provides an effective date of July 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Requiring local governments to process change orders within 30 days may lead to a decrease in construction time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 255.0992, 399.035, 489.505, 553.73, 553.79, and 553.791.

This bill creates the following sections of the Florida Statutes: 125.572 and 218.755.

This bill reenacts the following sections of the Florida Statutes: 201.21, 177.073, 468.621, 471.033, 481.225, and 553.80.

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/CS by Rules on April 21, 2025:
The committee substitute:
- Clarifies that the provision related to prompt processing of change orders applies prospectively;
- Removes the provisions of the bill related to swimming pool contractors;
- Removes the bill's provision related to the approval of mass timber construction products under the Florida Building Code, and removes a section amending a cross reference.

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:
The committee substitute:
- Requires one continuous interior support rail in elevators;
- Revises the scope of allowable work for swimming pool contractors;

- Allows private providers to perform single-trade plans reviews, provides for expedited permit processing, and expands the work for which private providers can perform inspections;
- Extends the timeline for local governments to approve or deny the price quote for a contractor change order from 30 days to 35 days, and;
- Includes clarifying language for prohibited governmental actions on public works projects.

CS by Community Affairs on March 31, 2025:
The committee substitute:

- Revises the turf preemption to require that the Department of Environmental Protection adopt standards for installation on residential properties smaller than one acre. The general preemption takes effect when those standards are adopted.
- Introduces three new subjects to the bill: adding surveillance cameras to the scope of certification for certified alarm system contractors; requiring that the Florida Building Commission include certain standards for mass timber in the Florida Building Code; and exempting systems and equipment involved in the launch of spacecraft from the Florida Building Code.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

564952

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 142 - 993
and insert:
218.755 Prompt processing of change orders.—For any contract for construction services entered into on or after July 1, 2025, if a local governmental entity receives from its contractor a price quote for a change order requested or issued by the local governmental entity for construction services, and the price quote conforms to all statutory requirements and contractual requirements for the project, the local governmental

564952

entity must approve or deny the price quote and send written notice of that decision to the contractor within 35 days after receipt of such quote. A denial notice must specify the alleged deficiencies in the price quote and the actions necessary to remedy those deficiencies. If the local governmental entity fails to provide the contractor with a notice in compliance with this section, the change order and price quote are deemed approved, and the local governmental entity must pay the contractor the amount stated in the price quote upon the completion of the change order. A contract between a local governmental entity and a contractor may not alter the local governmental entity's duties under this section.

Section 3. Paragraph (d) is added to subsection (2) of section 255.0992, Florida Statutes, to read:

255.0992 Public works projects; prohibited governmental actions.—

(2) Except as required by federal or state law, the state or any political subdivision that contracts for a public works project may not take the following actions:

(d) When scoring or evaluating bids for a public works project, penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

Section 4. Paragraph (b) of subsection (1) of section 399.035, Florida Statutes, is amended to read:

399.035 Elevator accessibility requirements for the physically handicapped.—

(1) Each elevator, the installation of which is begun after

564952

October 1, 1990, must be made accessible to physically handicapped persons with the following requirements:

(b) Each elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 1 1/2 inches thick or 2 1/2 inches in diameter. At least one support rail ~~Support rails~~ must be continuous and a minimum length of 42 inches overall. The inside surface of support rails must be 1 1/2 inches clear of the car wall. The distance from the top of the support rail to the finished car floor must be at least 31 inches and not more than 33 inches. Padded or tufted material or decorative materials, such as wallpaper, vinyl, cloth, or the like, may not be used on support rails.

Section 5. Subsection (7) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 722, 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of

564952

transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability, surveillance cameras, or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

Section 6. Subsections (2) and (10) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(2)(a) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and

564952

standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4) and (6)-(9)~~, (6), (7), (8), and (9)~~ are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(b) By January 1, 2026, or the next update of the Florida Building Code, whichever occurs first, the commission shall amend the Florida Building Code to be consistent with the 2024 International Building Code that recognizes tall mass timber as an allowable material for construction types IV-A, IV-B, IV-C, and IV-HT.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility

564952

by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for

564952

hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

(l) A drone port as defined in s. 330.41(2).

(m) Any system or equipment, whether affixed or movable, which is located on property within a spaceport territory pursuant to s. 331.304 and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must

564952

be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 7. Paragraph (f) of subsection (1) of 553.79, Florida Statutes, is amended, and subsection (11) of that section is reenacted, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application.

(11) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the

564952

alternative plans review and inspection process created in s. 553.791 or by a local governmental entity having authority to enforce the Florida Building Code.

Section 8. Paragraphs (l) and (q) of subsection (1) and subsections (5) through (8) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, or in the case of a single-trade plan review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans review of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of

564952

the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(5) After construction has commenced and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and

564952

holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall 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. If the local building official does not provide a written notice of the plan deficiencies within the prescribed time ~~20-day~~ period, the permit application must ~~shall~~ be deemed approved as a matter of law, and the permit must ~~shall~~ be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed time ~~20-day~~ period, the time ~~20-day~~ period is ~~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) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled time ~~20-day~~ period plus 5 business days after ~~from~~ the date of resubmittal

564952

to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must ~~shall~~ be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(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) 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 after ~~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 specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person ~~in-person~~ or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all

564952

required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

Section 9. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(3) The licensing authority shall transmit the rules as adopted under subsection (2), ~~hereinafter~~ referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they must ~~shall~~ be returned by the Florida Building Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission must ~~shall~~ adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When ~~so~~ designated by the Florida Building Commission, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but

564952

shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum 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 19 - 82

and insert:

218.755, F.S.; requiring that, for certain contracts entered into on or after a specified date, local governmental entities approve or deny certain price quotes and provide notice to contractors within a specified timeframe; requiring denials to specify alleged deficiencies and actions necessary to remedy such deficiencies; providing that if a local governmental entity fails to provide the contractor with a certain notice, the change order and price quote are deemed approved and the local governmental entity must pay the contractor a certain amount upon completion of the change order; prohibiting contracts from altering specified duties of a local governmental entity; amending s. 255.0992, F.S.; prohibiting the

564952

state or political subdivisions that contract for public works projects from penalizing or rewarding bidders for performing larger or smaller volumes of construction work for the state or political subdivisions when scoring or evaluating certain bids; amending s. 399.035, F.S.; requiring that elevator car interiors have at least one support rail that meets certain specifications; amending s. 489.505, F.S.; revising the definition of the term "certified alarm system contractor"; amending s. 553.73, F.S.; requiring the Florida Building Commission, within a specified timeframe, to amend the Florida Building Code to recognize tall mass timber as an allowable material for specified construction types; providing an exemption from the Florida Building Code to systems or equipment located within a spaceport territory which is used for specified purposes; reenacting and amending s. 553.79, F.S.; prohibiting local governments from requiring copies of contracts and certain associated documents for the issuance of building permits or as a requirement for submitting building permit applications; amending s. 553.791, F.S.; revising definitions; revising the conditions under which specified contractors may elect to use a private provider to provide inspection services; authorizing private providers to use automated or software-based plans review systems designed to make certain determinations; requiring local building officials to issue permits within a specified

564952

timeframe if such permit application is related to certain single-trade plans reviews; authorizing certain inspections to be performed in person or virtually; amending s. 497.271, F.S.; conforming a cross-reference; reenacting s. 201.21(2), F.S.,

387298

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment to Amendment (564952) (with title amendment)

Delete lines 76 - 369
and insert:
Section 6. Subsection (10) of section 553.73, Florida Statutes, is amended to read:
553.73 Florida Building Code.—
(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the



Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this


387298

paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

(l) A drone port as defined in s. 330.41(2).

(m) Any system or equipment, whether affixed or movable, which is located on property within a spaceport territory pursuant to s. 331.304 and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

With the exception of paragraphs (a), (b), (c), and (f), in

387298

order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 7. Paragraph (f) of subsection (1) of section 553.79, Florida Statutes, is amended, and subsection (11) of that section is reenacted, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(f) A local government may not require a contract between a builder and an owner<u>, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements,</u> for the issuance of a building permit or as a



requirement for the submission of a building permit application.

(11) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the alternative plans review and inspection process created in s. 553.791 or by a local governmental entity having authority to enforce the Florida Building Code.

Section 8. Paragraphs (l) and (q) of subsection (1) and subsections (5) through (8) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider<u>, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes</u>.

2. The affidavit from the private provider required under subsection (6).



3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(5) After construction has commenced and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private



provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall 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. If the local building official does not provide a written notice of the plan deficiencies within the prescribed time ~~20-day~~ period, the permit application must ~~shall~~ be deemed approved as a matter of law, and the permit must ~~shall~~ be issued by the local building official on the next business day.


387298

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed time ~~20-day~~ period, the time ~~20-day~~ period is ~~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) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled time ~~20-day~~ period plus 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must ~~shall~~ be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(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) 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 after ~~from~~ the date of resubmittal to issue the requested permit or to

387298

provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person ~~in-person~~ or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

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

And the title is amended as follows:

Delete lines 399 - 422

and insert:

providing an exemption from the Florida Building Code to systems or equipment located within a spaceport territory which is used for specified purposes; reenacting and amending s. 553.79, F.S.; prohibiting local governments from requiring copies of contracts and certain associated documents for the issuance of building permits or as a requirement for submitting

387298

building permit applications; amending s. 553.791, F.S.; revising definitions; revising the conditions under which specified contractors may elect to use a private provider to provide inspection services; authorizing private providers to use automated or software-based plans review systems designed to make certain determinations; requiring local building officials to issue permits within a specified timeframe if the permit application is related to certain single-trade plans reviews; authorizing certain inspections to be performed in person or virtually; reenacting s. 201.21(2), F.S.,

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Community Affairs; and Senator Grall

601-03616-25 2025712c2

A bill to be entitled

An act relating to construction regulations; creating s. 125.572, F.S.; defining the term "synthetic turf"; requiring the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on specified properties; requiring that the standards take into account specified factors; prohibiting local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, property owners from installing synthetic turf meeting certain standards on single-family residential property of a specified size; prohibiting local governments from adopting or enforcing specified ordinances, resolutions, orders, rules, or policies that regulate synthetic turf which are inconsistent with specified standards; requiring the Department of Environmental Protection to adopt rules; creating s. 218.755, F.S.; requiring local governmental entities to approve or deny certain price quotes and provide notice to contractors within a specified timeframe; requiring denials to specify alleged deficiencies and actions necessary to remedy such deficiencies; providing that if a local governmental entity fails to provide the contractor with a certain notice, the change order and price quote are deemed approved and the local governmental entity must pay the contractor a certain amount upon completion of the change order; prohibiting contracts from altering specified duties

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

601-03616-25 2025712c2

of a local governmental entity; amending s. 255.0992, F.S.; prohibiting the state or political subdivisions that contract for public works projects from penalizing or rewarding bidders for performing larger or smaller volumes of construction work for the state or political subdivisions when scoring or evaluating certain bids; amending s. 399.035, F.S.; requiring that elevator car interiors have at least one support rail that meets certain specifications; amending s. 489.105, F.S.; revising definitions for purposes of part I of ch. 489, F.S.; amending s. 489.113, F.S.; prohibiting general or building contractors from being required to subcontract pool wet deck area work; defining the term "pool wet deck area"; amending s. 489.505, F.S.; revising the definition of the term "certified alarm system contractor"; amending s. 553.73, F.S.; requiring the Florida Building Commission, within a specified timeframe, to amend the Florida Building Code to recognize tall mass timber as an allowable material for specified construction types; providing an exemption from the Florida Building Code to systems or equipment located within a spaceport territory which is used for specified purposes; reenacting and amending s. 553.79, F.S.; prohibiting local governments from requiring copies of contracts and certain associated documents for the issuance of building permits or as a requirement for submitting building permit applications; amending s. 553.791, F.S.; revising definitions; revising the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

conditions under which specified contractors may elect to use a private provider to provide inspection services; authorizing private providers to use automated or software-based plans review systems designed to make certain determinations; requiring local building officials to issue permits within a specified timeframe if such permit application is related to certain single-trade plans reviews; authorizing certain inspections to be performed in person or virtually; amending s. 497.271, F.S.; conforming a cross-reference; reenacting ss. 489.107(4)(b), 489.113(2), 489.117(1)(a), (2)(a) and (b), and (4)(a), (d), and (e), 489.118(1), 489.131(10) and (11), 489.141(2), 514.0315(3), and 514.075, F.S., relating to the Construction Industry Licensing Board, qualifications for and restrictions on the practice of contracting, registration requirements for specialty contractors, certification of registered contractors, applicability, conditions and eligibility for recovery from the recovery fund, required safety features for public swimming pools and spas, and public pool service technician certification, respectively, to incorporate the amendment made to s. 489.105, F.S., in references thereto; reenacting s. 201.21(2), F.S., relating to an exemption from all excise taxes imposed by ch. 201, F.S., for specified notes and obligations when given by a customer to an alarm system contractor in connection with the sale of an alarm system, to incorporate the amendment made to s. 489.505, F.S., in

a reference thereto; reenacting ss. 177.073(4)(a), 468.621(1)(i) and (j), 471.033(1)(l), 481.225(1)(l), and 553.80(7)(a), F.S., relating to inspections performed for expedited approval of residential building permits before a final plat is recorded; disciplinary proceedings against building code administrators and inspectors for performing building code inspection services without satisfying specified insurance requirements; disciplinary proceedings against engineers for performing building code inspection services without satisfying specified insurance requirements; disciplinary proceedings against registered architects for performing building code inspection services without satisfying specified insurance requirements; and the refunding of certain fees due to specified reduced services provided by a local building official, respectively, to incorporate the amendment to s. 553.791, F.S., in references thereto; providing an effective date.

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

Section 1. Section 125.572, Florida Statutes, is created to read:

125.572 Regulation of synthetic turf.—

(1) As used in this section, the term "synthetic turf" means a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.

(2) The Department of Environmental Protection shall adopt

minimum standards for the installation of synthetic turf on single-family residential properties 1 acre or less in size. The standards must take into account material type, color, permeability, stormwater management, potable water conservation, water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties.

(3) Upon the Department of Environmental Protection adopting rules pursuant to subsection (4), a local government may not:

(a) Adopt or enforce any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(b) Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with the Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(4) The Department of Environmental Protection shall adopt rules to implement this section.

Section 2. Section 218.755, Florida Statutes, is created to read:

218.755 Prompt processing of change orders.—Beginning on or after July 1, 2025, if a local governmental entity receives from its contractor a price quote for a change order requested or issued by the local governmental entity for construction

services, and the price quote conforms to all statutory requirements and contractual requirements for the project, the local governmental entity must approve or deny the price quote and send written notice of that decision to the contractor within 35 days after receipt of such quote. A denial notice must specify the alleged deficiencies in the price quote and the actions necessary to remedy those deficiencies. If the local governmental entity fails to provide the contractor with a notice in compliance with this section, the change order and price quote are deemed approved, and the local governmental entity must pay the contractor the amount stated in the price quote upon the completion of the change order. A contract between a local governmental entity and a contractor may not alter the local governmental entity's duties under this section.

Section 3. Paragraph (d) is added to subsection (2) of section 255.0992, Florida Statutes, to read:

255.0992 Public works projects; prohibited governmental actions.—

(2) Except as required by federal or state law, the state or any political subdivision that contracts for a public works project may not take the following actions:

(d) When scoring or evaluating bids for a public works project, penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

Section 4. Paragraph (b) of subsection (1) of section 399.035, Florida Statutes, is amended to read:

399.035 Elevator accessibility requirements for the

physically handicapped.—

(1) Each elevator, the installation of which is begun after October 1, 1990, must be made accessible to physically handicapped persons with the following requirements:

(b) Each elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 1 1/2 inches thick or 2 1/2 inches in diameter. At least one support rail ~~Support rails~~ must be continuous and a minimum length of 42 inches overall. The inside surface of support rails must be 1 1/2 inches clear of the car wall. The distance from the top of the support rail to the finished car floor must be at least 31 inches and not more than 33 inches. Padded or tufted material or decorative materials such as wallpaper, vinyl, cloth, or the like may not be used on support rails.

Section 5. Paragraphs (j), (k), and (l) of subsection (3) of section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition

of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(j) "Commercial pool/spa contractor" means a contractor whose scope of work includes ~~involves~~, but is not limited to, all phases of the construction, repair, renovation, remodel, deconstruction, and servicing of a ~~any~~ swimming pool, ~~or~~ hot tub, ~~or~~ spa, splash pad or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance, whether public, private, or otherwise, regardless of use.

1. The scope of such work includes, but is not limited to, all of the following:

a. The scope of work of a swimming pool/spa servicing contractor.

b. The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.

c. The installation of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.

d. The construction of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment for the protection of the equipment from

outside elements or preventing unauthorized access.

e. The excavation and earthmoving required for the installation of swimming pools, spas, hot tubs, or interactive water features and the operation of construction pumps for dewatering purposes for swimming pool, spa, hot tub, or interactive water feature excavation sites and draining swimming pools, spas, hot tubs, or interactive water features.

f. The installation of rebar or similar support materials for swimming pool, spa, hot tub, or interactive water feature structures, and the shaping and shooting of gunite dry mix and wet mix, concrete, or similar product mix used in the construction of swimming pools, spas, hot tubs, or interactive water features.

g. The installation of fiberglass swimming pool, spa, or hot tub shells and vinyl swimming pool, spa, or hot tub liners.

h. The application and removal of all interior swimming pool, spa, hot tub, or interactive water feature finishes.

i. The construction, maintenance, or remodel of decorative or interactive water features, displays, or areas that use recirculated water, including fountains, waterfalls, and spray nozzles.

j. The installation of all swimming pool, spa, hot tub, or interactive water feature piping, including, but not limited to, drain piping, perimeter piping, and circulation or filter piping used in the construction of swimming pools, spas, hot tubs, or decorative or interactive water feature displays or areas.

k. The construction and installation of retaining walls, concrete flatwork, pavers and bricks, and footings for the construction of a swimming pool, spa, hot tub, or interactive

water feature, whether newly constructed or additions to or remodels of existing swimming pools, spas, hot tubs, or interactive water features ~~The installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor~~.

2. The scope of ~~such~~ work does not include direct connections to a sanitary sewer system or to potable water lines, the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel. ~~The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however,~~

3. The use ~~usage~~ of swimming pool, spa, hot tub, or interactive water feature ~~such~~ equipment for the purposes of water treatment or cleaning does not require licensure unless such use ~~the usage~~ involves installation ~~construction~~, modification, or replacement of such equipment. Water treatment that does not require such equipment; filter media changes; or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot

tub, or interactive water feature, does not require a license. ~~In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.~~

(k) "Residential pool/spa contractor" means a contractor whose scope of work is the same as a commercial pool/spa contractor under paragraph (j), except a residential pool/spa contractor may not construct any new commercial swimming pool, spa, hot tub, or public bathing place ~~means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of a residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment.~~

~~Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment~~.

(l) "Swimming pool/spa servicing contractor" means a contractor whose scope of work includes ~~involves~~, but is not limited to, all aspects of the repair, renovation, remodeling, or ~~and~~ servicing of a swimming pool, ~~or~~ hot tub, ~~or~~ spa, splash pad or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance, whether public or private, or otherwise, regardless of use.

1. The scope of work includes, but is not limited to, all of the following:

a. The installation, repair, or replacement of all swimming pool, spa, hot tub, or interactive water feature equipment, including, but not limited to, pool pumps; filters; feeders; controllers; and swimming pool, spa, or hot tub heaters, whether electric, gas, or solar.

b. The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.

c. The repair or replacement of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.

d. The repair of uninhabitable equipment rooms or housing

for swimming pool, spa, hot tub, or interactive water feature equipment.

e. The repair or replacement of all perimeter piping and filter piping.

f. The substantial or complete draining of a swimming pool, spa, or hot tub for repair or renovation and the operation of construction pumps for dewatering purposes for drained swimming pools, spas, hot tubs, or interactive water features.

g. The removal and reapplication of all interior swimming pool, spa, hot tub, or interactive water feature finishes.

h. The installation, repair, or replacement of all tile and coping for a swimming pool, spa, hot tub, or interactive water feature ~~the repair or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of repair or renovation~~.

2. The scope of the ~~such~~ work does not include direct connections to a sanitary sewer system or to potable water lines, the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel. ~~The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa~~

~~requires licensure; however,~~

3. The use ~~usage~~ of swimming pool, spa, hot tub, or interactive water feature ~~such~~ equipment for the purposes of water treatment or cleaning does not require licensure unless such use ~~the usage~~ involves installation ~~construction~~, modification, ~~substantial or complete disassembly,~~ or replacement of such equipment. Water treatment that does not require such equipment; filter media changes; or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment which does not affect the structural integrity of the swimming pool, spa, hot tub, or interactive water feature does not require a license. ~~In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.~~

Section 6. Paragraph (c) of subsection (3) of section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(3) A contractor shall subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work, unless such contractor holds a state certificate or registration in the respective trade category, however:

(c) A general or building contractor may ~~shall~~ not be required to subcontract structural swimming pool or pool wet deck area work. All other swimming pool work must ~~shall~~ be subcontracted to an appropriately licensed certified or registered swimming pool contractor. For the purposes of this paragraph, the term "pool wet deck area" means the 4-foot-wide

unobstructed pool deck area around the outside of the pool water perimeter, curb, ladders, handrails, diving boards, diving towers, pool slides, waterfalls, water features, starting blocks, planters, or lifeguard chairs.

Section 7. Subsection (7) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 722, 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability, surveillance cameras, or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

Section 8. Subsections (2) and (10) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(2)(a) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4) and (6)-(9)~~, (6), (7), (8), and (9)~~ are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Building Code.

(b) By January 1, 2026, or the next update of the Florida Building Code, whichever occurs first, the commission shall amend the Florida Building Code to be consistent with the 2024 International Building Code that recognizes tall mass timber as an allowable material for construction types IV-A, IV-B, IV-C, and IV-HT.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water

supply.

(l) A drone port as defined in s. 330.41(2).

(m) Any system or equipment, whether affixed or movable, which is located on property within a spaceport territory pursuant to s. 331.304 and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 9. Paragraph (f) of subsection (1) of 553.79, Florida Statutes, is amended, and subsection (11) of that section is reenacted, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application.

(11) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the alternative plans review and inspection process created in s. 553.791 or by a local governmental entity having authority to enforce the Florida Building Code.

Section 10. Paragraphs (l) and (q) of subsection (1) and subsections (5) through (8) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(l) "Permit application" means a properly completed and

submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, or in the case of a single-trade plan review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans review of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(5) After construction has commenced and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related

to a single-trade inspection for a single-family or two-family dwelling, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit

from the private provider required pursuant to subsection (6), the local building official shall 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. If the local building official does not provide a written notice of the plan deficiencies within the prescribed time ~~20-day~~ period, the permit application must ~~shall~~ be deemed approved as a matter of law, and the permit must ~~shall~~ be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed time ~~20-day~~ period, the time ~~20-day~~ period is ~~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) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled time ~~20-day~~ period plus 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must ~~shall~~ be deemed approved as a matter of law, and the

local building official must issue the permit on the next business day.

(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) 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 after ~~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 specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person ~~in-person~~ or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

Section 11. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(3) The licensing authority shall transmit the rules as adopted under subsection (2), ~~hereinafter~~ referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they must ~~shall~~ be returned by the Florida Building Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission must ~~shall~~ adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When ~~so~~ designated by the Florida Building Commission, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building

code.

Section 12. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 489.107, Florida Statutes, is reenacted to read:

489.107 Construction Industry Licensing Board.—

(4) The board shall be divided into two divisions, Division I and Division II.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

Section 13. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (2) of section 489.113, Florida Statutes, is reenacted to read:

489.113 Qualifications for practice; restrictions.—

(2) A person must be certified or registered in order to engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a subcontractor who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervising contractor's license, the supervising contractor is responsible for the work, and the subcontractor

being supervised is not engaged in construction work that would require a license as a contractor under any of the categories listed in s. 489.105(3)(d)-(o). This subsection does not affect the application of any local construction licensing ordinances. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county, municipality, or local licensing board created by special act may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

Section 14. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in references thereto, paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraphs (a), (d), and (e) of subsection (4) of section 489.117, Florida Statutes, are reenacted to read:

489.117 Registration; specialty contractors.—

(1)(a) A person engaged in the business of a contractor as defined in s. 489.105(3)(a)-(o) must be registered before engaging in business as a contractor in this state, unless he or she is certified. Except as provided in paragraph (2)(b), to be

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

initially registered, the applicant must submit the required fee and file evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. An examination is not required for registration.

(2)(a) Except as provided in paragraph (b), the board may not issue a new registration after July 1, 1993, based on any certificate of competency or license for a category of contractor defined in s. 489.105(3)(a)-(o) which is issued by a municipal or county government that does not exercise disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in s. 489.131(7). For purposes of this subsection and s. 489.131(10), the board shall determine the adequacy of such disciplinary control by reviewing the local government's ability to process and investigate complaints and to take disciplinary action against locally licensed contractors.

(b) The board shall issue a registration to an eligible applicant to engage in the business of a contractor in a specified local jurisdiction, provided each of the following conditions are satisfied:

1. The applicant held, in any local jurisdiction in this state during 2021, 2022, or 2023, a certificate of registration issued by the state or a local license issued by a local jurisdiction to perform work in a category of contractor defined in s. 489.105(3)(a)-(o).

2. The applicant submits all of the following to the board:

a. Evidence of the certificate of registration or local

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

license held by the applicant as required by subparagraph 1.

b. Evidence that the specified local jurisdiction does not have a license type available for the category of work for which the applicant was issued a certificate of registration or local license during 2021, 2022, or 2023, such as a notification on the website of the local jurisdiction or an e-mail or letter from the office of the local building official or local building department stating that such license type is not available in that local jurisdiction.

c. Evidence that the applicant has submitted the required fee.

d. Evidence of compliance with the insurance and financial responsibility requirements of s. 489.115(5).

An examination is not required for an applicant seeking a registration under this paragraph.

(4)(a)1. A person whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board. A local government, as defined in s. 163.211, may not require a person to obtain a license, issued by the local government or the state, for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1), or the job scope of one of the certified specialty contractor categories established pursuant to s. 489.113(6). A local government may not require a state or local license to

obtain a permit for such job scopes. For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling when the scope of the project does not include a task for which a state license is required; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; pressure washing; stuccoing; caulking; and canvas awning and ornamental iron installation.

2. A county that includes an area designated as an area of critical state concern under s. 380.05 may offer a license for any job scope which requires a contractor license under this part if the county imposed such a licensing requirement before January 1, 2021.

3. A local government may continue to offer a license for veneer, including aluminum or vinyl gutters, siding, soffit, or fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before January 1, 2021.

4. A local government may not require a license as a prerequisite to submit a bid for public works projects if the work to be performed does not require a license under general law.

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(d)-(o) may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without

obtaining a local license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

(e) Any person who is not certified or registered may perform the work of a specialty contractor whose scope of practice is limited to the type of work specified under s. 489.105(3)(j), (k), or (l) for the construction, remodeling, repair, or improvement of commercial or residential swimming pools, interactive water features as defined in the Florida Building Code, hot tubs, and spas without obtaining a local license or certification as a specialty contractor if he or she is supervised by a contractor who is certified or registered under s. 489.105(3)(j), (k), or (l); the work is within the scope of the supervising contractor's license; the supervising contractor is responsible for the work; and the work does not require certification or registration under s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505. Such supervision does not require a direct contract between the contractor certified or registered under s. 489.105(3)(j), (k), or (l) and the person performing the work, or for the person performing the work to be an employee of the contractor certified or registered under s. 489.105(3)(j), (k), or (l). This paragraph does not limit the exemptions provided in s. 489.103 and may not be construed to expand the scope of a contractor certified or registered under s. 489.105(3)(j), (k), or (l) to provide plumbing or electrical

services for which certification or registration is required by this part or part II.

Section 15. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (1) of section 489.118, Florida Statutes, is reenacted to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p).

Section 16. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in references thereto, subsections (10) and (11) of section 489.131, Florida Statutes, are reenacted to read:

489.131 Applicability.—

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in subsection (7). Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the board has seven or more members, at least three of those members must be consumer representatives. The

consumer representative may be any resident of the local jurisdiction who is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(3)(a)-(o), shall file a certified copy of such agreement with the board not later than 60 days after July 1, 1993, or 30 days after the effective date of such agreement.

Section 17. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (2) of section 489.141, Florida Statutes, is reenacted to read:

489.141 Conditions for recovery; eligibility.—

(2) A claimant is not qualified to make a claim for recovery from the recovery fund if:

(a) The claimant is the spouse of the judgment debtor or licensee or a personal representative of such spouse;

(b) The claimant is a licensee who acted as the contractor in the transaction that is the subject of the claim;

(c) The claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee;

(d) The claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract;

(e) The claimant was associated in a business relationship with the licensee other than the contract at issue; or

(f) The claimant had entered into a contract with a licensee to perform a scope of work described in s. 489.105(3)(d)-(q) before July 1, 2016.

Section 18. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (3) of section 514.0315, Florida Statutes, is reenacted to read:

514.0315 Required safety features for public swimming pools and spas.—

(3) The determination and selection of a feature under subsection (2) for a public swimming pool or spa constructed before January 1, 1993, is at the sole discretion of the owner or operator of the public swimming pool or spa. A licensed contractor described in s. 489.105(3)(j), (k), or (l) must install the feature.

Section 19. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, section 514.075, Florida Statutes, is reenacted to read:

514.075 Public pool service technician; certification.—The department may require that a public pool, as defined in s. 514.011, be serviced by a person certified as a pool service technician. To be certified, an individual must demonstrate knowledge of public pools which includes, but is not limited to: pool cleaning; general pool maintenance; source of the water supply; bacteriological, chemical, and physical quality of water; and water purification, testing, treatment, and

disinfection procedures. The department may, by rule, establish the requirement for the certification course and course approval. The department shall deem certified any individual who is certified by a course of national recognition or any person licensed under s. 489.105(3)(j), (k), or (l). This requirement does not apply to a person, or the direct employee of a person, permitted as a public pool operator under s. 514.031.

Section 20. For the purpose of incorporating the amendment made by this act to section 489.505, Florida Statutes, in a reference thereto, subsection (2) of section 201.21, Florida Statutes, is reenacted to read:

201.21 Notes and other written obligations exempt under certain conditions.—

(2) There shall be exempt from all excise taxes imposed by this chapter all non-interest-bearing promissory notes, non-interest-bearing nonnegotiable notes, or non-interest-bearing written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, of $3,500 or less, when given by a customer to an alarm system contractor, as defined in s. 489.505, in connection with the sale of an alarm system as defined in s. 489.505.

Section 21. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 177.073, Florida Statutes, is reenacted to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

(4)(a) An applicant may use a private provider pursuant to

s. 553.791 to expedite the application process for building permits after a preliminary plat is approved under this section.

Section 22. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in references thereto, paragraphs (i) and (j) of subsection (1) of section 468.621, Florida Statutes, are reenacted to read:

468.621 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(i) Failing to lawfully execute the duties and responsibilities specified in this part and ss. 553.73, 553.781, 553.79, and 553.791.

(j) Performing building code inspection services under s. 553.791 without satisfying the insurance requirements of that section.

Section 23. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in a reference thereto, paragraph (l) of subsection (1) of section 471.033, Florida Statutes, is reenacted to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(l) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

Section 24. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in a reference thereto, paragraph (l) of subsection (1) of section 481.225, Florida Statutes, is reenacted to read:

481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(l) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

Section 25. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in a reference thereto, paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is reenacted 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 only be used 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 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.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for 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 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.

Section 26. This act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 16, 2025

I respectfully request that **Senate Bill #712**, relating to Construction Regulations, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

RULES
Committee

SB 712
Bill Number or Topic

388298
Amendment Barcode (if applicable)

Name JEFFREY SHARKEY

Phone 850 224 1660

Address 106 E College Ave # 1110
Street

TLH FL 32301
City State Zip

Email JEFFREY.SHARKEY@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:
SPACE X

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

RULES
Committee

712
Bill Number or Topic

AA ~~394727~~ 574482
Amendment Barcode (if applicable)

Name DAVID RAMBA

Phone 850 727 7087

Address 120 S. MONROE ST.
Street

Email david@rambalaw.com

TALLAHASSEE FL 32301
City *State* *Zip*

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

OF AA

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FLORIDA CONCRETE & PRODUCTS 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. 2020-2022JointRules.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

4-21-2025
Meeting Date

Senate judiciary committee
Committee

SB 712
Bill Number or Topic

564952
Amendment Barcode (if applicable)

Name Peter Molodecki

Phone 813-445-0563

Address 9654 Southern Charm Cir
Street

Email peterVZla@msn.com

Brooksville FL 34613
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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules Committee
Committee

SB712
Bill Number or Topic

564952
Amendment Barcode (if applicable)

Name Brent Handy - Paragon Pools

Phone 386-984-0917 cell

Address 800 N Thompson St
Street

Email Brent@Paragon-Pools.net

Starke FL 32091
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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Roles Committee
Committee

SB 712
Bill Number or Topic

564952
Amendment Barcode (if applicable)

Name Donald Ball The Pool Works of Florida Phone 727-638-4638

Address 10435 Hodge Road Email dball@thepoolworks.com
Street

Brooksville FL 34614
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, 2020-2022Joint 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

4/21/25
Meeting Date

Rules
Committee

~~56~~ SB 712
Bill Number or Topic

564952
Amendment Barcode (if applicable)

Name Dallas Thiesen

Phone 941-404-8327

Address 2555 Porter Lake Dr.
Street

Email dallas@FSPA.com

Sarasota 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 Swimming Pool 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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

SB 712
Bill Number or Topic

564952
Amendment Barcode (if applicable)

Name RYAN W. ROSH

Phone 941-900-3396

Address 9604 CYPRESS HARBOR DR
Street

GIBSONTON FL 33534
City State Zip

Email RYAN.ROSH@HASKINS.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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

SB 712

The Florida Senate
APPEARANCE RECORD

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

4/21/25
Meeting Date

Committee

564952
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ray Pearce

Phone 727.200.6019

Address 29656 US HWY 19 N SUITE 213
Street

Email rayofreshfinishpools.com

CLEARWATER FL 33761
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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules Committee
Committee

SB 712
Bill Number or Topic

564952
Amendment Barcode (if applicable)

Name Lyndsey Shock

Phone 813-767-6354

Address 14911 Wedgewood Pl
Street

Email lshock415@hotmail.com

Tampa FL 33613
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

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

4/21/2025
Meeting Date

Rules
Committee

712
Bill Number or Topic

564952
Amendment Barcode (if applicable)

Name Elizabeth Alvi

Phone 850-999-1028

Address 1002 Thomasville Road
Street

Email beth.Alvi@Audubon.Org

Tallahassee FI 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:
Audubon 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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

712
Bill Number or Topic

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 405-6811

Address PO Box 880448
Street

Email chair@cbcflorida.com

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

712
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call
Street

Email fcfep@yahoo.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: 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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

SB 712
Bill Number or Topic

Amendment Barcode (if applicable)

Name KARI HEBRANK

Phone 850-566-7824

Address 215 S. Monroe St. #500
Street

Tallahassee FL 32301
City State Zip

Email khebrank@carltonfields.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: NUCA of Florida, Underground 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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

712
Bill Number or Topic

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 405-6811

Address PO Box 880448
Street

Email cbowen@carolbowenstrategy

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: Synthetic Turf 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 822
INTRODUCER:	Rules Committee; Education Pre-K - 12 Committee and Senator Rodriguez
SUBJECT:	Education
DATE:	April 22, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sabitsch	Bouck	ED	**Fav/CS**
2.	Gray	Elwell	AED	**Favorable**
3.	Sabitsch	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 822 modifies numerous provisions related to charter schools, high performing charter schools and developmental research (lab) schools. Specifically, the bill:

- Limits the administrative deadlines a sponsor can impose on a charter school.
- Allows a charter school to adopt its own code of student conduct with certain restrictions.
- Modifies priority enrollment provisions for eligible charter school students related to prekindergarten participation.
- Requires charter schools to comply with parental notification requirements related to student well-being.
- Allows charter schools meeting certain conditions to increase enrollment capacity to more than what is specified in the charter without exceeding the capacity of the facility and requiring notice to the sponsor.
- Requires that access to the sponsor's student information system as allowed by law be provided to the charter school or its contractor and specifies the performance data to be accessed.
- Requires that the Department of Education provide student performance data to the charter school and its contractor as allowed by law.
- Adds a prohibition for the landlord or other associated individuals of a charter school to serve on a governing board of that charter school.
- Allows a high-performing charter school to assume the charter of an existing charter school in the same school district under certain circumstances.

- Specifies that universities operating developmental research (lab) schools and lab charter schools may use discretionary capital improvement funds for certain purchases, lease-purchases, and leases.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Charter Schools

Charter schools are tuition-free public schools created through an agreement or "charter" that provides flexibility relative to regulations for traditional public schools. During the 2022–2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.[1] In general, charter schools are exempt for most Florida laws that govern public schools. The specific regulations that charter schools must comply with are named in law.[2] Charter school governing board members are provided with requirements regarding standards of conduct and financial disclosure.[3]

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.[4]

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity applies to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.[5]

Charter schools are required to employ or contract with employees who have undergone background screening that is the same as required for school district employees.[6] Members of the governing board of a charter school are also required to undergo similar background screening.

---

[1] Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), *available at* https:https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf.
[2] Section 1002.33(16), F.S.
[3] Section 1002.33(26), F.S.
[4] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited April 8, 2025). *See also* s. 1002.33(10), F.S.
[5] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited April 8, 2025). *See also* s. 1002.33(6), F.S.
[6] Section 1002.33(12), F.S.

A charter school must be organized as, or be operated by, a nonprofit organization. The charter school may serve at-risk students, or offer a specialized curriculum or core academic program, provide early intervention programs, or serve exceptional education students.[7] Charter schools are permitted to give preference for enrollment to certain student populations that include students who are:

- Siblings of a student enrolled in the charter school.
- Children of a member of the governing board of the charter school.
- Children of an employee of the charter school.
- Children of specific residents or employees related to a charter school-in-the-workplace or a charter school-in-a-municipality.
- Students who have successfully completed, during the previous year, a voluntary prekindergarten (VPK) education program provided by the charter school, the charter school's governing board, or a VPK provider that has a written agreement with the governing board.
- Children of an active duty member of any branch of the United States Armed Forces.
- Students who attended or are assigned to failing schools.
- Children of a safe-school officer at the school.
- Students who transfer from a classical school in this state to a charter classical school in this state.[8]

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education (DOE), which:

- Demonstrates how the school will use the guiding principles.
- Provides a detailed curriculum.
- Contains goals and objectives for improving student learning.
- Describes the separate reading curricula and differentiated strategies.
- Contains an annual financial plan.[9]

A school board is required to review all charter school applications and, within 90 days of receipt, approve or deny the application.[10]

A charter school may be sponsored by any of the following:

- A district school board.
- A state university approved to sponsor certain lab schools.
- A state university approved by the DOE.
- Florida College System institution approved by the DOE.[11]

---

[7] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited April 8, 2025). *See also* s. 1002.33(6), F.S.
[8] Section 1002.33(10), F.S.
[9] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited April 8, 2025). *See also* s. 1002.33(6), F.S.
[10] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited April 8, 2025). *See also* s. 1002.33(6), F.S.
[11] Section 1002.33(5), F.S.

Each charter school sponsor is provided with duties specified in law. The charter school sponsor is tasked with performing the following:

- Monitor and review the charter school in its progress toward the goals established in the charter.
- Monitor the revenues and expenditures of the charter school and perform the duties related to deteriorating financial conditions of charter schools.
- Approve a charter before the applicant has identified space, equipment, or personnel, when necessary.
- Ensure that the charter is innovative and consistent with the state education goals established in Florida law.
- Ensure that the charter school participates in the state's education accountability system and report any shortcoming to the DOE.

Charter school sponsors are also subject to additional provisions, specifically the sponsor:

- Cannot apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school.
- Is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.
- Is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.
- By monitoring the charter school that does not constitute the basis for a private cause of action.
- Cannot impose additional reporting requirements on a charter school except when the charter school has been identified as having a deteriorating financial condition or a financial emergency.
- Is required to submit an annual report to the DOE in a web-based format determined by the DOE.[12]

The charter agreement is a written agreement that sets forth the terms and conditions for the operation of a charter school, including a virtual charter school, by the sponsor and the applicant. The sponsor and the governing board of the charter school are required to use the standard charter contract or standard virtual charter contract. The charter must be signed by the governing board of the charter school and the sponsor, following a public hearing. The charter agreement is required to include or address the following elements:

- The school's mission, the types of students to be served, and, for a virtual charter school, the types of students the school intends to serve who reside outside of the sponsoring school district.
- The ages and grades to be served.
- The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance.

[12] Section 1002.33(5), F.S.

- Ensure that reading is a primary focus. The curriculum and instructional strategies for reading must be consistent with the state's academic standards and grounded in scientifically based reading research.
- Ensure that mathematics is a focus of the curriculum.
- Facilitate the integration of technology within traditional classroom instruction.
- The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.
- The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school.
- A method for determining that a student has satisfied the requirements for graduation.
- A method for resolving conflicts between the governing board of the charter school and the sponsor.
- Admissions procedures and dismissal procedures, including the school's code of student conduct.
- The ways by which the school will achieve a racial/ethnic balance that reflects the community it serves.
- The financial and administrative management of the school.
- The asset and liability projections of the charter school.
- A description of procedures to reduce the impact of losses; plans to ensure the safety and security of students and staff; and the way the school will be insured.
- The term of the charter.
- The facilities to be used and their location.
- The qualifications of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff.
- The governance structure of the school.
- A timetable for implementing the charter.
- In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school.
- Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decision-making authority.
- Implementation of the activities of a charter school determined to be a high-performing charter school.[13]

High Performing Charter Schools

A high-performing charter school is a school that has met each of the following criteria:
- Received at least two school grades of "A" and no school grade below "B" for the last three years or received at least two consecutive school grades of "A" in the most recent two school years.
- Received an unqualified opinion on each annual audit in the most recent three years for which such audits are available

[13] Section 1002.33(7), F.S.

- Has not received a financial audit that revealed one or more of the financial emergency conditions set described in Florida law in the most three recent fiscal years for which audits are available or for initial eligibility, for the most recent two fiscal years if the charter school has earned two consecutive grades of "A."[14]

High performance charter schools are allowed additional considerations that include:
- Increasing the school's student enrollment once per school year to more than the capacity identified in the charter but limited to the capacity of the facility.
- Expanding grade levels within kindergarten through grade 12 to add grade levels not already served.
- Submitting a quarterly, rather than a monthly, financial statement to the sponsor.
- Consolidation under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board.
- Receiving a modification of its charter to a term of 15 years or a 15-year charter renewal.[15]

Developmental Research (Lab) Schools and Lab Charter School Funding

Developmental research schools (lab schools) and charter lab schools operated by designated universities are established as separate school districts for purposes of funding. Section 1002.32(9), F.S., authorizes the calculation and allocation of funds for these schools in lieu of discretionary local tax revenue that is generated for district students by the tax base of the district where the school is located. Because these special districts have no taxing authority, the state provides the same dollar amount per student for the 0.748 discretionary operating millage revenues as is generated for district students by the tax base of the district where the school is located. There is no required local effort for special school districts; therefore, special districts are funded entirely with state funds.[16]

Currently, the following universities operate laboratory schools and laboratory charter schools and serve nearly 6,000 students for the 2024-2025 school year:[17]
- Florida Atlantic University.
- Florida State University.
- Florida A&M University.
- University of Florida.

Student Code of Conduct

Each district school board is required to adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools. The school district is required to distribute the codes to all teachers, school personnel, students, and parents, at the beginning of every school year. The code of conduct is required to be made available in the student handbook or a similar publication. Each code is required to include the following elements:

[14] Section 1002.331(1), F.S.
[15] Section 1002.331(2), F.S.
[16] Florida Department of Education, *Funding for Florida School Districts (2024-2025), available at* https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf.
[17] Florida Department of Education, *Know Your Schools, PK-12 Enrollment Map (2024-2025), available at* https://edudata.fldoe.org/AdvancedReports_Tableau.html?StudentEnrollments=true.

- Consistent policies and specific grounds for disciplinary action for the possession or use of alcohol.
- Procedures to be followed for acts requiring discipline, including corporal punishment.
- Responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.
- Responsibilities of each student with regard to appropriate dress, respect for self and others.
- Notice that illegal use, possession, or sale of controlled substances is grounds for disciplinary action by the school and can result in criminal penalties being imposed.
- Notice regarding use of a wireless communications device.
- Notice regarding the possession of a firearm or weapon.
- Notice regarding violence against any district school board personnel,
- Notice regarding violation of district school board transportation policies.
- Notice regarding violation of the district school board sexual harassment policy.
- Policies regarding the assignment of violent or disruptive students to an alternative educational program and referral to mental health services.
- Notice regarding a student having made a threat or false report involving school or school personnel's property, school transportation, or a school-sponsored activity.
- Criteria for recommending to law enforcement participation in a prearrest delinquency citation program as an alternative to expulsion or arrest.
- Criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program.[18]

Charter schools are not subject to the district school board adopted policies for code of conduct.[19]

III. Effect of Proposed Changes:

The bill modifies s. 1002.34, F.S., to allow universities operating lab schools and lab charter schools to utilize the discretionary capital improvement funds for specific purposes that include:

- Purchase of real property.
- Construction of facilities.
- Purchase, lease-purchase or lease of facilities.
- Purchase of specific vehicles.
- Renovation, repair, and maintenance of facilities.
- Cost of insurance for facilities.
- Purchase, lease-purchase or lease of specific computer hardware and software systems.
- Payment for the cost of the opening day collection for new media centers.

The provision specifies restrictions on purchases, lease-purchases and leases based on appraised value.

This bill modifies numerous provisions related to charter schools including administrative, enrollment, control of students, student safety, facilities, and high-performing charter schools. The bill modifies s. 1002.33, F.S., which:

[18] Section 1006.07(2), F.S.
[19] Section 1002.33(16), F.S.

- Prohibits a charter school sponsor from imposing upon a charter school administrative deadlines that are earlier than the sponsor's own corresponding deadlines for similar reports or submissions. The bill prohibits any deadline imposed upon a charter school for financial audits or other administrative requirements that is earlier than 15 days before the sponsor's own deadline for similar submissions to the Department of Education (DOE).
- Allows a charter school meeting certain criteria to increase its student enrollment to more than the capacity identified in the charter, as long as the increase does not exceed the facility capacity, including new or expanded facilities. The bill requires the charter school to notify its sponsor by March 1 if the school intends to increase enrollment capacity in the following school year and is required to specify the amount of increase.
- Allows a charter school governing board to adopt its own code of student conduct, which the sponsor may review and offer recommendations. The code of student conduct must meet or exceed the minimum standards in the sponsor's code of student conduct. If a provision of the code of student conduct is more stringent than the sponsor's code of student conduct it must align with the mission of the charter school. The bill requires that any complaint or appeal related to the code of student conduct has to be resolved by the charter school's governing board using the board's established procedures and must be in compliance with applicable law and rules.
- Removes the reference for priority enrollment in charter schools that specifically referred to Voluntary Prekindergaten (VPK) and allows for any child completing a prekindergarten program that meets certain conditions to have a priority.
- Requires charter schools to comply with s. 1001.42(8)(c), F.S., regarding procedures for notification of a student's parents related to a student's mental, emotional, or physical well-being.
- Requires that the sponsor and the DOE ensure that student data, including student assessment data, are promptly and efficiently shared with charter schools, including a charter school's contractor. The sponsor or the DOE must comply with law that may limit sharing or providing data.
- Adds a requirement that a landlord of a charter school or his or her spouse or an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established as a charter school-in-a-municipality.

The bill modifies s. 1002.331, F.S., to allow a high performing charter school to assume the charter of an existing charter school within the same school district in which the high-performing charter school operates. The request to be assumed is required to be initiated by the school being assumed and is required to be in writing to the high performing charter school.

The bill takes effect on July 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.32, 1002.33 and 1002.331.

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 Rules on April 21, 2025:
The committee substitute allows a developmental research (lab) school or charter lab school operated by a state university to use discretionary capital improvement funds for specified certain purchases, lease-purchases, and leases.

CS by Education Pre-K - 12 on March 31, 2025:
The committee substitute maintained numerous provisions from the bill related to charter schools, with some modifications, related to the authority of a charter school to increase its enrollment subject to facility capacity, priorities for prekindergarten enrollment, district and Department of Education sharing of data with charter schools or their contractors, and charter school charters being assumed by high performing charter schools. Additionally, the committee substitute removed provisions in the bill that:

- Allowed a charter school to assign its charter to a not-for-profit board of another charter school.
- Allowed for a charter school to conduct background screening independent of the sponsor's screening procedures.
- Allowed charter schools to use land owned by specified entities and that met certain criteria without rezoning or change in land use designation.
- Clarified provisions in law related to conduct and financial disclosure for certain charter school transactions.
- Provided legislative intent concerning real property and set requirements regarding disposal of real property by school districts. Provided certain rights to charter schools regarding real property being disposed of be a school district.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

856780

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Before line 27

insert:

Section 1. Paragraph (f) is added to subsection (9) of section 1002.32, Florida Statutes, to read:

1002.32 Developmental research (laboratory) schools.—

(9) FUNDING.—Funding for a lab school, including a charter lab school, shall be provided as follows:

(f) A lab school's governing body may use the lab school's discretionary capital improvement funds for the following

856780

purposes:

1. Purchase of real property.

2. Construction of school facilities.

3. Purchase, lease-purchase, or lease of permanent or relocatable school facilities.

4. Purchase of vehicles to transport students to and from the charter lab school.

5. Renovation, repair, and maintenance of school facilities that the charter lab school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer.

6. Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.

7. Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

8. Purchase, lease-purchase, or lease of computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support schoolwide administration or state-mandated reporting requirements. Enterprise resource software may be acquired by annual license fees, maintenance fees, or a lease agreement.

9. Payment of the cost of the opening day collection for the library media center of a new school.

856780

Any purchase, lease-purchase, or lease made pursuant to this subsection must be at or below the appraised value. For purposes of this subsection, the term "appraised value" means the fair market value as determined by an independent, state-licensed, qualified appraiser selected by the governing board. Documentation of the appraised value must be provided to the department upon request.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to education; amending s. 1002.32, F.S.; providing that a lab school may use the lab school's discretionary capital improvement funds for specified purposes; requiring that an expenditure be at or below appraised value; defining the term "appraised value"; requiring that certain documentation be provided to the Department of Education upon request; amending s. 1002.33,

By the Committee on Education Pre-K - 12; and Senator Rodriguez

581-03083-25 2025822c1

A bill to be entitled

An act relating to education; amending s. 1002.33, F.S.; providing requirements for specified deadlines for charter schools; authorizing a charter school governing board to adopt its own code of student conduct; providing requirements for the code of student conduct; providing that charter schools are not exempt from a specified statute; authorizing a charter school to increase its student enrollment beyond the capacity identified in the charter under certain conditions; requiring a charter school to notify its sponsor in writing by a specified date, and to include specified information, if it plans to increase enrollment; revising services a sponsor must provide to a charter school; requiring the Department of Education to provide student performance data to a charter school and its contractor; providing an exception; prohibiting specified individuals from being on a charter school governing board; providing an exception; amending s. 1002.331, F.S.; authorizing a high-performing charter school to assume the charter of an existing charter school within the same school district; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (5), paragraphs (d) and (h) of subsection (10), paragraph (b) of subsection (16), and paragraph (a) of subsection (20) of section

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03083-25 2025822c1

1002.33, Florida Statutes, are amended, and paragraph (s) is added to subsection (9), paragraph (h) is added to subsection (18), and paragraph (d) is added to subsection (26) of that section, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor may not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school do not constitute the basis for a private cause of action.

j. The sponsor may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345.

k. The sponsor may not impose upon a charter school administrative deadlines that are earlier than the sponsor's own corresponding deadlines for similar reports or submissions. Any deadline imposed upon a charter school for financial audits or other administrative requirements may not be earlier than 15 days before the sponsor's own deadline for similar submissions to the department.

l.~~k.~~ The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report must ~~shall~~ include the following

information:

(A) The number of applications received during the school year and up to August 1 and each applicant's contact information.

(B) The date each application was approved, denied, or withdrawn.

(C) The date each final contract was executed.

(II) Annually, by November 1, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by sponsor, and post the report on its website by January 15 of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a sponsor's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. District school boards shall

cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. For purposes of assisting the development of a charter school, a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20). Notwithstanding any other provision of law, an interlocal agreement or ordinance that imposes a greater regulatory burden on charter schools than school districts or that prohibits or limits the creation of a charter school is

void and unenforceable. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) *Sponsor accountability.*—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

a. The sponsor's strategic vision for charter school authorization and the sponsor's progress toward that vision.

b. The alignment of the sponsor's policies and practices to best practices for charter school authorization.

c. The academic and financial performance of all operating charter schools overseen by the sponsor.

d. The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.

2. The department shall compile the results by sponsor and include the results in the report required under sub-sub-

subparagraph (b)1.l.(III) ~~(b)1.k.(III)~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(s) A charter school governing board may adopt its own code of student conduct. The code of student conduct must meet or exceed the minimum standards set forth in the sponsor's code of student conduct. Any provision of the code of student conduct which is more stringent than the sponsor's code of student conduct must align with the mission of the charter school. The sponsor may review the code and offer recommendations. Any complaint or appeal related to the code of student conduct must be resolved by the charter school's governing board using the board's established procedures and must be in compliance with applicable law and rules.

(10) ELIGIBLE STUDENTS.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c)

or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a ~~voluntary~~ prekindergarten education program ~~under ss. 1002.51-1002.79~~ provided by the charter school, the charter school's governing board, or a ~~voluntary~~ prekindergarten provider that has a written agreement with the governing board.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

8. Students who are the children of a safe-school officer, as defined in s. 1006.12, at the school.

9. Students who transfer from a classical school in this state to a charter classical school in this state. For purposes of this subparagraph, the term "classical school" means a traditional public school or charter school that implements a classical education model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences which is based on the classical trivium stages of grammar, logic, and rhetoric.

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection and subsection (18) unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331. A sponsor may not require a charter

school to waive the provisions of s. 1002.331 or require a student enrollment cap that prohibits a high-performing charter school from increasing enrollment in accordance with s. 1002.331(2) as a condition of approval or renewal of a charter.

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat management teams.

10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.

11. Section 1006.07(10), relating to reporting of involuntary examinations.

12. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

13. Section 1006.07(6)(d), relating to adopting an active assailant response plan.

14. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

15. Section 1012.584, relating to youth mental health awareness and assistance training.

16. Section 1001.42(4)(f)2., relating to middle school and high school start times. A charter school-in-the-workplace is exempt from this requirement.

17. Section 1001.42(8)(c), relating to student welfare.

(18) FACILITIES.—

(h) A charter school that is not implementing a school improvement plan pursuant to paragraph (9)(n) or a corrective action plan pursuant to s. 1002.345 may increase its student enrollment to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion must include any improvements to an existing facility or any new facility in which the students of the charter school will enroll. A charter school must notify its sponsor in writing by March 1 if it intends to increase enrollment for the following school year. The written notice must specify the amount of the enrollment increase.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education

administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Access to the sponsor's student information system must be provided to the charter school and its contractor, unless prohibited by general or federal law. Student performance data for each student in a charter school, including, but not limited to, statewide ~~FCAT scores,~~ standardized test scores, coordinated screening and progress monitoring student results, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. The department

shall provide student performance data to a charter school and its contractor, unless prohibited by general or federal law.

2. A sponsor shall provide training to charter schools on systems the sponsor will require the charter school to use.

3. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(9), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

(I) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment of at least one school district in this state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in

s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

4. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.

5. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

6. A sponsor shall annually provide a report to its charter schools on what services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the department by September 15 of each year.

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(d) A landlord of a charter school or his or her spouse or an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established pursuant to paragraph (15)(c).

Section 2. Subsection (2) of section 1002.331, Florida

Statutes, is amended to read:

1002.331 High-performing charter schools.—

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion must ~~shall~~ include any improvements to an existing facility or any new facility in which the students of the high-performing charter school will enroll.

(b) Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established in paragraph (a).

(c) Submit a quarterly, rather than a monthly, financial statement to the sponsor pursuant to s. 1002.33(9)(g).

(d) Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board regardless of the renewal cycle.

(e) Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school. The charter must be consistent with s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual review by the sponsor, and may be terminated during its term pursuant to s. 1002.33(8).

(f) Assume the charter of an existing charter school within the same school district in which it operates. Any request to

assume a charter must be initiated by a school in a written format to the high-performing charter school.

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters or to assume an existing charter, the sponsor has ~~shall have~~ 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

Section 3. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 15, 2025

I respectfully request that **CS/SB 822**, relating to Education, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

(S) Rules
Committee

SB 822
Bill Number or Topic

#856780
Amendment Barcode (if applicable)

Name Lina Rojas - FSU

Phone 305 301 8407

Address Westcott
Street

Email lina.rojas@fsu.edu

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: FSU

☐ 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. 2020-2022JointRules.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

4.21.25
Meeting Date

Rules
Committee

822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Andreina Figueroa

Phone 786.586.7001

Address 8700 SW 150th Ter
Street

Email ADF@ADFconsulting.com

Palmetto Bay, FL 33176
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:
Academica

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Derick Tabertshofer

Phone 863-220-0138

Address 107 E. College Ave.
Street

Email dtabertshofer@afpha.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:

Americans For Prosperity

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/CS/SB 954
INTRODUCER:	Rules Committee; Appropriations Committee on Health and Human Services; Community Affairs Committee; Senators Gruters and Rouson
SUBJECT:	Certified Recovery Residences
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Sneed	McKnight	AHS	**Fav/CS**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 954 requires local governments to adopt an ordinance, subject to certain restrictions, to formalize and streamline the process for applicants seeking reasonable accommodations from land use regulations in order to open a certified recovery residence.

For certain Level IV certified recovery residences, the bill also eliminates staffing requirements when patients are not present, and increases the number of residents that a recovery residence administrator can oversee from 150 to 300 if the operator maintains a minimum 1:6 personnel-to-resident ratio when residents are present.

The bill has no fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Substance abuse is the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.[1] According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth

[1] The World Health Organization, *Mental Health and Substance Abuse*, available at https://www.who.int/westernpacific/about/how-we-work/programmes/mental-health-and-substance-abuse; (last visited

Edition (DSM-5), a diagnosis of substance use disorder (SUD) is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.[2] SUD occurs when an individual chronically uses alcohol or drugs, resulting in significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.[3] Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance abuse disorder.[4] Imaging studies of brains belonging to persons with SUD reveal physical changes in areas of the brain critical to judgment, decision making, learning and memory, and behavior control.[5]

In 2021, approximately 46.3 million people aged 12 or older had a SUD related to corresponding use of alcohol or illicit drugs within the previous year.[6] The most common substance abuse disorders in the United States are from the use of alcohol, tobacco, cannabis, opioids, hallucinogens, and stimulants. Provisional data from the CDC's National Center for Health Statistics indicate there were an estimated 107,622 drug overdose deaths in the United States during 2021 (the last year for which there is complete data), an increase of nearly 15% from the 93,655 deaths estimated in 2020.[7]

Substance Abuse Treatment in Florida

In the early 1970s, the federal government enacted laws creating formula grants for states to develop continuums of care for individuals and families affected by substance abuse. The laws resulted in separate funding streams and requirements for alcoholism and drug abuse. In response to the laws, the Florida Legislature enacted chs. 396 and 397, F.S., relating to alcohol and drug abuse, respectively.[8] Each of these laws governed different aspects of addiction, and thus had different rules promulgated by the state to fully implement the respective pieces of legislation.[9] However, because persons with substance abuse issues often do not restrict their misuse to one substance or another, having two separate laws dealing with the prevention and treatment of addiction was cumbersome and did not adequately address Florida's substance abuse problem.[10]

March 28, 2025); the National Institute on Drug Abuse (NIDA), *The Science of Drug Use and Addiction: The Basics*, available at https://www.drugabuse.gov/publications/media-guide/science-drug-use-addiction-basics (last visited March 28, 2025).

[2] The National Association of Addiction Treatment Providers, *Substance Use Disorder*, available at https://www.naatp.org/resources/clinical/substance-use-disorder (last visited March 28, 2025).

[3] Substance Abuse and Mental Health Services Administration (SAMHSA), *Substance Use Disorders*, http://www.samhsa.gov/disorders/substance-use (last visited March 28, 2025).

[4] The NIDA, *Drugs, Brains, and Behavior: The Science of Addiction*, available at https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction (last visited March 28, 2025).

[5] *Id.*

[6] SAMHSA, *Highlights for the 2021 National Survey on Drug Use and Health*, p. 2, available at https://www.samhsa.gov/data/sites/default/files/2022-12/2021NSDUHFFRHighlights092722.pdf (last visited March 28, 2025).

[7] The Center for Disease Control and Prevention, National Center for Health Statistics, *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020 – But Are Still Up 15%*, available at https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm (last visited March 28, 2025).

[8] *Id.*

[9] *Id.*

[10] The Center for Disease Control and Prevention, National Center for Health Statistics, *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020 – But Are Still Up 15%*, available at https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm (last visited March 28, 2025).

In 1993, legislation was adopted to combine ch. 396 and 397, F.S., into a single law, the Hal S. Marchman Alcohol and Other Drug Services Act (Marchman Act).[11]

The Marchman Act encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider.[12] However, denial of addiction is a prevalent symptom of SUD, creating a barrier to timely intervention and effective treatment.[13] As a result, treatment typically must stem from a third party providing the intervention needed for SUD treatment.[14]

The Department of Children and Families (DCF) administers a statewide system of safety net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. Services are provided based upon state and federally established priority populations.[15] The DCF provides treatment for SUD through a community-based provider system offering detoxification, treatment, and recovery support for individuals affected by substance misuse, abuse, or dependence.[16]

- **Detoxification Services:** Detoxification services use medical and clinical procedures to assist individuals and adults as they withdraw from the physiological and psychological effects of substance abuse.[17]
- **Treatment Services:** Treatment services[18] include a wide array of assessment, counseling, case management, and support that are designed to help individuals who have lost their ability to control their substance use on their own and require formal, structured intervention and support.[19]
- **Recovery Support:** Recovery support services, including transitional housing, life skills training, parenting skills, and peer-based individual and group counseling are offered during and following treatment to further assist individuals in their development of the knowledge and skills necessary to maintain their recovery.[20]

---

[11] Chapter 93-39, s. 2, L.O.F., which codified current ch. 397, F.S.
[12] *See* s. 397.601(1) and (2), F.S. An individual who wishes to enter treatment may apply to a service provider for voluntary admission. Within the financial and space capabilities of the service provider, the individual must be admitted to treatment when sufficient evidence exists that he or she is impaired by substance abuse and his or her medical and behavioral conditions are not beyond the safe management capabilities of the service provider.
[13] Darran Duchene and Patrick Lane, *Fundamentals of the Marchman Act*, Risk RX, Vol. 6 No. 2 (Apr. – Jun. 2006) State University System of Florida Self-Insurance Programs, available at http://flbog.sip.ufl.edu/risk-rx-article/fundamentals-of-the-marchman-act/ (last visited March 28, 2025) (hereinafter cited as "Fundamentals of the Marchman Act").
[14] *Id*.
[15] *See* chs. 394 and 397, F.S.
[16] The Department of Children and Families, *Treatment for Substance Abuse*, available at https://www.myflfamilies.com/services/samh/treatment (last visited March 28, 2025).
[17] *Id*.
[18] *Id*. Research indicates that persons who successfully complete substance abuse treatment have better post-treatment outcomes related to future abstinence, reduced use, less involvement in the criminal justice system, reduced involvement in the child-protective system, employment, increased earnings, and better health.
[19] *Id*.
[20] The Department of Children and Families, *Treatment for Substance Abuse*, available at https://www.myflfamilies.com/services/samh/treatment (last visited March 28, 2025).

Day or Night Treatment with Community Housing

The DCF licenses "Day or Night Treatment" facilities both with and without community housing components. Day or night treatment programs provide substance use treatment as a service in a nonresidential environment, with a structured schedule of treatment and rehabilitative services.[21] Day or night treatment programs with community housing are intended for individuals who can benefit from living independently in peer community housing while participating in treatment services for a minimum of 5 hours a day or 25 hours per week.[22]

Day or night treatment with community housing is appropriate for individuals who do not require structured, 24 hours a day, 7 days a week residential treatment.[23] The housing must be provided and managed by the licensed service provider, including room and board and any ancillary services such as supervision, transportation, and meals. Activities for day or night treatment with community housing programs emphasize rehabilitation and treatment services using multidisciplinary teams to provide integration of therapeutic and family services.[24] This component allows individuals to live in a supportive, community housing location while participating in treatment. Treatment must not take place in the housing where the individuals live, and the housing must be utilized solely for the purpose of assisting individuals in making a transition to independent living.[25] Individuals who are considered appropriate for this level of care:

- Would not have active suicidal or homicidal ideation or present a danger to self or others;
- Are able to demonstrate motivation to work toward independence;
- Are able to demonstrate a willingness to live in supportive community housing;
- Are able to demonstrate commitment to comply with rules established by the provider;
- Are not in need of detoxification or residential treatment; and
- Typically need ancillary services such as transportation, assistance with shopping, or assistance with medical referrals and may need to attend and participate in certain social and recovery oriented activities in addition to other required clinical services.[26]

Services provided by such programs may include:

- Individual counseling;
- Group counseling;
- Counseling with families or support system;
- Substance-related and recovery-focused education, such as strategies for avoiding substance use or relapse, information regarding health problems related to substance use, motivational enhancement, and strategies for achieving a substance-free lifestyle;
- Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery management, decision-making, relationship skills, symptom management, and food purchase and preparation;

[21] Section 397.311(26)(a)2., F.S.
[22] Section 397.311(26)(a)3., F.S.
[23] Rule 65D-30.0081(1), F.A.C.
[24] *Id*.
[25] *Id*.
[26] *Id*.

- Expressive therapies, such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the individual with alternative means of self-expression and problem resolution;
- Training or provision of information regarding health and medical issues;
- Employment or educational support services to assist individuals in becoming financially independent;
- Nutrition education; and
- Mental health services for the purpose of:
  - Managing individuals with disorders who are stabilized,
  - Evaluating individuals' needs for in-depth mental health assessment,
  - Training individuals to manage symptoms; and
  - If the provider is not staffed to address primary mental health problems that may arise during treatment, the provider shall initiate a timely referral to an appropriate provider for mental health crises or for the emergence of a primary mental health disorder in accordance with the provider's policies and procedures.[27]

Each enrolled individual must receive a minimum of 25 hours of service per week, including:
- Counseling;
- Group counseling; or
- Counseling with families or support systems.[28]

Each provider is required to arrange for or provide transportation services, if needed and as appropriate, to clients who reside in community housing.[29] Each provider must have an awake, paid employee on the premises at all times at the treatment location when one or more individuals are present.[30] For adults, the provider must have a paid employee on call during the time when individuals are at the community housing location.[31] In addition, the provider must have an awake, paid employee at the community housing location at all times if individuals under the age of 18 are present.[32] No primary counselor may have a caseload that exceeds 15 individuals.[33] For individuals in treatment who are granted privilege to self-administer their own medications, provider staff are not required to be present for the self-administration.[34]

Recovery Residences

Recovery residences (also known as "sober homes" or "sober living homes") are alcohol- and drug-free living environments for individuals in recovery who are attempting to maintain abstinence from alcohol and drugs.[35] These residences offer no formal treatment and are, in some cases, self-funded through resident fees.

---

[27] Rule 65D-30.0081(2), F.A.C.
[28] Rule 65D-30.0081(4), F.A.C.
[29] Rule 65D-30.0081(5), F.A.C.
[30] Rule 65D-30.0081(6), F.A.C.
[31] *Id*.
[32] *Id*.
[33] Rule 65D-30.0081(7), F.A.C.
[34] Rule 65D-30.0081(8), F.A.C.
[35] SAMSHA, *Recovery Housing: Best Practices and Suggested Guidelines*, p. 2, available at https://www.samhsa.gov/sites/default/files/housing-best-practices-100819.pdf (last visited March 28, 2025).

A recovery residence is defined as "a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment."[36]

Staffing Requirements for Certified Recovery Residences

A certified recovery residence administrator (CRAA) may actively manage up to 50 residents at any given time, though may manage up to 100 residents if written justification is provided to, and approved by, the credentialing entity as to how the administrator is able to effectively and appropriately respond to the needs of the residents, maintain residence standards, and meet the residence certification requirements.[37] CRRAs at certain Level IV certified recovery residences (those operating as community housing as defined in s. 397.311(9), F.S., which residence is actively managed by a certified recovery residence administrator approved for 100 residents under this section and is wholly owned or controlled by a licensed service provider) are allowed to actively manage up to 150 residents provided certain conditions are met:

- Maintains a personnel-to-patient ratio of 1 to 8;
- Maintains onsite supervision at the residence 24 hours a day, 7 days a week; and
- Has a personnel-to-resident ratio of 1 to 10.[38]

Recovery Residence Levels of Support

Section 397.311(5), F.S., establishes a four level-classification of certified recovery residences, including:

- Level I—houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.
- Level II—encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.
- Level III—offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.
- Level IV—is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a

[36] Section 397.311(38), F.S.
[37] Section 397.4871(6)(b), F.S.
[38] Section 397.4871(8)(b) and (c), F.S.

recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

Voluntary Certification of Recovery Residences and Administrators in Florida

Florida has a voluntary certification programs for recovery residences and recovery residence administrators, conducted by private credentialing entities.[39] Under the voluntary certification program, the DCF has approved two credentialing entities to design the certification programs and issue certificates: the Florida Association of Recovery Residences (FARR) certifies recovery residences and the Florida Certification Board (FCB) certifies recovery residence administrators.[40] Under the voluntary certification program, recovery residences are classified into four levels of care, with Level IV being the most intense level.[41]

Credentialing entities must require prospective recovery residences to submit the following documents with a completed application and fee:

- A policy and procedures manual containing:
  - Job descriptions for all staff positions;
  - Drug-testing procedures and requirements;
  - A prohibition on the premises against alcohol, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed;
  - Policies to support a resident's recovery efforts; and
  - A good neighbor policy to address neighborhood concerns and complaints.
- Rules for residents;
- Copies of all forms provided to residents;
- Intake procedures;
- Sexual predator and sexual offender registry compliance policy;
- Relapse policy;
- Fee schedule;
- Refund policy;
- Eviction procedures and policy;
- Code of ethics;
- Proof of insurance;
- Proof of background screening; and
- Proof of satisfactory fire, safety, and health inspections.[42]

Patient Referrals

While certification is voluntary, Florida law incentivizes certification. Since 2016, Florida has prohibited licensed substance abuse service providers from referring patients to a recovery residence unless the recovery residence holds a valid certificate of compliance and is actively

[39] Sections 397.487 through 397.4872, F.S.
[40] The Department of Children and Families, *Recovery Residence Administrators and Recovery Residences*, available at https://www.myflfamilies.com/services/samh/recovery-residence-administrators-and-recovery-residences (last visited March 28, 2025).
[41] Section 397.311, F.S., and sections 397.487 through 397.4873, F.S.
[42] Section 397.487(3), F.S.

managed by a certified recovery residence administrator (CRRA).[43] There are certain exceptions that allow referrals to or from uncertified recovery residences, including any of the following:

- A licensed service provider under contract with a behavioral health managing entity.
- Referrals by a recovery residence to a licensed service provider when the recovery residence or its owners, directors, operators, or employees do not benefit, directly or indirectly, from the referral.
- Referrals made before July 1, 2018, by a licensed service provider to that licensed service provider's wholly owned subsidiary.
- Referrals to, or accepted referrals from, a recovery residence with no direct or indirect financial or other referral relationship with the licensed service provider, and that is democratically operated by its residents pursuant to a charter from an entity recognized or sanctioned by Congress, and where the residence or any resident of the residence does not receive a benefit, directly or indirectly, for the referral.[44]

Service providers are required to record the name and location of each recovery residence that the provider has referred patients to or received referrals from in the DCF Provider Licensure and Designations System.[45] Prospective service providers must also include the names and locations of any recovery residences which they plan to refer patients to, or accept patients from, on their application for licensure.[46]

Residences managed by a certified recovery residence administrator approved for up to 100 residents and wholly owned or controlled by a licensed service provider may accommodate up to 150 residents under certain conditions.[47] These conditions include maintaining a service provider personnel-to-patient ratio of 1 to 8 and providing onsite supervision 24/7 with a personnel-to-resident ratio of 1 to 10. Additionally, administrators overseeing Level IV certified recovery residences with a personnel-to-resident ratio of 1 to 6 are not subject to limitations on the number of residents they may manage.

Zoning and Land Use

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.[48] All development, both public and private, and all development orders[49] approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.[50] The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and

[43] Section 397.4873(1), F.S.
[44] Section 397.4873(2)(a)-(d), F.S.
[45] Section 397.4104(1), F.S.
[46] Section 397.403(1)(j), F.S.
[47] Section 397.4871(8)(c), F.S.
[48] Section 163.3167(2), F.S.
[49] "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.
[50] Section 163.3194(3), F.S

intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[51]

III. Effect of Proposed Changes:

Section 1 amends s. 397.487, F.S., to require counties and municipalities, by January 1, 2026, to adopt an ordinance establishing procedures for the review and approval of certified recovery residences, including a process for requesting reasonable accommodations from land use regulations that otherwise prohibit such establishment. The bill requires that the ordinance:

- Be consistent with state and federal law;
- Establish a written application process;
- Require the local government to date-stamp each application upon receipt, and request additional information within 30 days if required, giving 30 days for such response;
- Require final written determination within 60 days which either approves in whole or part, with or without conditions, or denies the request, stating with specificity the objective reasons for denial and process for reconsideration;
- Provide that an application which does not receive final determination within 60 days is deemed approved unless the parties agree to extension; and
- Require the application to include the name and contact information of the applicant, the property address and parcel identification number, and a description of any accommodation requested.

The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests, but may not require public hearings beyond the minimum required by law to grant the requested accommodation. The ordinance may include provisions for the revocation of a granted accommodation for cause such as a violation of conditions or failure to maintain certification.

The bill also clarifies that the ordinance does not supersede covenants and restrictions related to condominium or homeowners' associations.

Section 2 amends s. 397.4871, F.S., to provide that a certified recovery residence administrator for level IV certified recovery residence which maintains a personnel-to-resident ratio of 1 to 6 may manage up to 300 residents. Currently the maximum allowed is 150 residents with a 1 to 8 ratio. The bill also amends the 24/7 onsite supervision requirement to only apply during times when residents are at the residence.

The bill takes effect July 1, 2025.

[51] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 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. The bill requires counties and municipalities to expend funds associated with the requirement to enact an ordinance for the review and approval of certified recovery residences. However, the mandate requirement does not apply to laws having an insignificant impact,[52] which for Fiscal Year 2025-2026 is forecast at approximately $2.4 million.[53] The aggregate cost for local governments to implement this provision is likely insignificant.

However, 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The overall effect of the bill may be to simplify the establishment and maintenance of a recovery residence, providing an indeterminate positive impact.

---

[52] FLA. CONST. art. VII, s. 18(d).

[53] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. See Fla. Senate Comm. On Cmty. Affairs, Interim Report 2012-115: Insignificant Impact (Sept. 2011), available at: http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf.

C. Government Sector Impact:

Counties and municipalities will likely incur administrative expenses associated with the development and noticing of the ordinance required in section 1 of the bill.

The bill has no fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 397.487 and 397.4871.

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/CS by Rules on April 21, 2025:
The committee substitute revises the mechanic for local approval of certified recovery residences to require that local governments adopt an ordinance outlining procedures for approving certified recovery residences within their jurisdiction, with certain conditions on the nature and scope of the ordinance.

CS/CS by Appropriations Committee on Health and Human Services on April 15, 2025:
The committee substitute changes the maximum number of residents that can be actively managed by a certified recovery residence administrator for Level IV certified recovery residence to 300 residents.

CS by Community Affairs on March 31, 2025:
The committee substitute removes all provisions of the bill except:

- The provisions of section 4 declaring a certified recovery residence is deemed a nontransient residential use of land for the purposes of all local zoning ordinances. The provisions requiring administrative approval and a reduction of parking requirements are removed.
- Section 5, adjusting bed limits by personnel-to-resident ratio. This provision is modified to provide a 500 resident limit.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

726196

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Gruters and Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 63
and insert:

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15)(a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery

726196

residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date-stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application, and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

726196

6. Require that the application include, at a minimum:

a. The name and contact information of the applicant or the applicant's authorized representative;

b. The property address and parcel identification number; and

c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification or licensure required under this section, if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable accommodation process does not relieve the local government from its obligations under the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

726196

(16) The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

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

And the title is amended as follows:

Delete lines 3 - 19

and insert:

amending s. 397.487, F.S.; requiring, by a specified date, the governing body of each county or municipality to adopt an ordinance to establish procedures for the review and approval of certified recovery residences; requiring that such ordinance include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; specifying criteria for the ordinance; providing that the ordinance may establish additional requirements for the review and approval of reasonable accommodation requests; prohibiting the ordinance from requiring public hearings beyond the minimum required by law; providing that the ordinance may include provisions for revocation of a granted accommodation for cause, if the accommodation is not reinstated within a specified timeframe; requiring that such additional requirements be consistent with federal law and not conflict with the act; providing

726196

construction; amending

By the Appropriations Committee on Health and Human Services; the Committee on Community Affairs; and Senators Gruters and Rouson

603-03582-25 2025954c2

A bill to be entitled

An act relating to certified recovery residences; amending s. 397.487, F.S.; providing that certain recovery residences are deemed a nontransient residential use of land for a specified purpose; prohibiting a local law, ordinance, or regulation from prohibiting or regulating a certified recovery residence in a multifamily structure; requiring a municipality or county to allow certain certified recovery residences in specified zoned districts without the need to obtain changes in certain zoning or land use; specifying the allowable use of such certified recovery residences; authorizing a municipality or county to deny the establishment of a certified Level IV recovery residence if the proposed use is adjacent to, or on two or more sides of, a parcel zoned for a specified use and within a certain single-family residential development; defining the term "adjacent to"; providing applicability; amending s. 397.4871, F.S.; providing that the personnel-to-resident ratio for a certified recovery residence must be met only when the residents are at the residence; providing that a certified recovery residence administrator for Level IV certified recovery residences which maintains a specified personnel-to-patient ratio has a limitation on the number of residents it may manage; providing an effective date.

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

603-03582-25 2025954c2

Section 1. Subsection (15) is added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15)(a) A certified recovery residence that does not occupy a community or structure that is governed by a condominium association under chapter 718, or which fully occupies a community or structure that is governed by a condominium association under chapter 718, is deemed a nontransient residential use for purposes of all local zoning ordinances. A local law, ordinance, or regulation may not prohibit certified recovery residences or regulate the duration or frequency of use of a certified recovery residence in a multifamily structure.

(b) A municipality or county shall allow the establishment of a certified recovery residence in all districts zoned multifamily residential and shall allow a structure originally constructed and permitted for multifamily purposes to be used as a certified recovery residence, allowing up to two residents per bedroom, without obtaining a zoning or a land use change, a special exception, a conditional use approval, a variance, or a comprehensive plan amendment for the zoning and densities authorized under this subsection.

(c) A municipality or county may deny the establishment of a Level IV certified recovery residence if the proposed use is adjacent to, or on two or more sides of, a parcel zoned for single-family residential use and is within a single-family residential development with at least 25 contiguous single-family homes. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

of a property line, but the term does not include properties separated by a public road.

(d) This subsection applies to certified recovery residence providers that were voluntarily certified by the credentialing entity pursuant to this section on or before July 1, 2025.

Section 2. Paragraph (c) of subsection (8) of section 397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified recovery residence operating as community housing as defined in s. 397.311(9), which residence is actively managed by a certified recovery residence administrator approved for 100 residents under this section and is wholly owned or controlled by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence ~~24 hours a day, 7 days a week,~~ with a personnel-to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been removed by a certified recovery residence due to termination,

resignation, or any other reason may not continue to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

Section 3. This act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 16, 2025

I respectfully request that **Senate Bill # 954**, relating to Certified Recovery Residences, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Joe Gruters

Senator Joe Gruters
Florida Senate, District 22

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

4/21/2025
Meeting Date

Rules
Committee

954
Bill Number or Topic

726196
Amendment Barcode (if applicable)

Name Sam Wagoner

Phone 850-701-3603

Address 301 S Bronough St Suite 300
Street

Email swagoner@flcities.com

TLH — *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 League of Cities

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

In addition 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. 2020-2022JointRules.pdf (flsenate.gov)

...meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

SB954
Bill Number or Topic

726196
Amendment Barcode (if applicable)

Name Chadwick Leonard

Phone 407 954 0605

Address 308 N. Monroe
Street

Email cleonard@1000fof.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:
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

954
Bill Number or Topic

726196
Amendment Barcode (if applicable)

Name Courtney Mooney Phone

Address 100 S Monroe 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: 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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

SB 954
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mayor JP O'Connor

Phone (561) 601-9769

Address
Street

Email joconnor@westlake.gov

Westlake 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

4/21/25
Meeting Date

Rules
Committee

The Florida Senate
APPEARANCE RECORD

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

954
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jarod Willis Phone

Address 215 S Monroe St. 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: Better Tomorrow Treatment Center

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 1150
INTRODUCER:	Education Pre-K - 12 Committee and Senator Calatayud
SUBJECT:	School Social Workers
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	**Fav/CS**
2.	Gray	Elwell	AED	**Favorable**
3.	Palazesi	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1150 provides an exemption to a person who is employed as a school social worker from the demonstration of mastery of general knowledge and subject area knowledge requirements for educator certification.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill is effective on July 1, 2025.

II. Present Situation:

Licensure of Social Workers in Florida

In Florida, the social work profession is under the oversight of the Florida Department of Health, specifically the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling (CSW Board).[1] The CSW Board was legislatively established to ensure that every clinical social worker, marriage and family therapist, and mental health counselor practicing in this state meet minimum requirements for safe practice. The CSW Board is responsible for

[1] Section 491.004, F.S.

licensing, monitoring, disciplining and educating clinical social workers, marriage and family therapists, and mental health counselors to assure competency and safety to practice in Florida.[2]

The CSW Board offers three licenses for social workers: registered clinical social worker intern[3], licensed clinical social worker by examination[4], and certified master social worker[5]. All three licenses require, among other requirements, a master's degree in social work from a Council on Social Work Education accredited school of social work showing graduate level coursework.

Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE. Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in other instructional capacity must be certified. [6] The purpose of certification is to require school-based personnel to "possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.[7]

The DOE issues three main types of educator certificates:

- Professional Certificate: The professional certificate is Florida's highest type of full-time educator certification.[8] The professional certificate is valid for five years and is renewable.[9]
- Temporary Certificate: The temporary certificate covers employment in full-time positions for which educator certification is required.[10] Generally, a temporary certificate is valid for five years and is nonrenewable.[11]
- Athletic Coaching Certificate: The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.[12] The DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once. The five-year certificate requires satisfaction of certain specialization requirements established in rule. [13]

---

[2] Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, *Home Page,* https://floridasmentalhealthprofessions.gov/, (last visited April 7, 2025).
[3] Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, *Registered Clinical social worker intern,* https://floridasmentalhealthprofessions.gov/licensing/registered-clinical-social-worker-intern/, (last visited April 7, 2025).
[4] Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, *Licensed Clinical Social Worker,* https://floridasmentalhealthprofessions.gov/licensing/licensed-clinical-social-worker/, (last visited April 7, 2025).
[5] Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, *Certified Master Social Worker,* https://floridasmentalhealthprofessions.gov/licensing/certified-master-social-worker/, (last visited April 7, 2025).
[6] Sections 1012.55(1) and 1002.33(12), F.S.
[7] Section 1012.54, F.S.
[8] Rule 6A-4.004(5), F.A.C.
[9] Section 1012.56(7), F.S.
[10] Rule 6A-4.004(1), F.A.C.
[11] Section 1012.56(7), F.S.
[12] Section 1012.55(2), F.S.
[13] *R*ule 6A-4.004(7), F.A.C.

Professional Certificate Requirements

To be eligible for a professional certificate, a person must:

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character;
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher;
- Demonstrate mastery of general knowledge;
- Demonstrate mastery of subject area knowledge; and
- Demonstrate mastery of professional preparation and education competence, if the person serves as a classroom teacher or school administrator. [14]

Demonstrating Mastery of General Knowledge

Mastery of general knowledge may be demonstrated through any of the following methods:

- Achieving a passing score on the General Knowledge Test;
- Achieving passing scores established in SBE rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (*e.g.*, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination);
- Providing documentation of a valid professional standard teaching certificate issued by another U.S. state or territory, by the National Board for Professional Teaching Standards (NBPTS), or by the American Board for Certification of Teacher Excellence (ABCTE);
- Completing two semesters of successful, part-time or full-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution identified by the DOE as having a quality program; and
- Documentation of receipt of a master's or higher degree from an accredited postsecondary institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.[15]

Demonstrating Mastery of Subject Area Knowledge

Mastery of subject area knowledge may be demonstrated through any of the following methods:

- Bachelor's Degree Level (for certification in a subject area for which SBE rule requires a bachelor's or higher degree):
    - If a Florida subject area examination has been developed, achieving a passing score on the Florida-developed subject area examination specified in SBE rule or documentation of receipt of a master's or higher degree from an accredited postsecondary institution that

[14] Section 1012.56(2), F.S.
[15] Section 1012.56(3), F.S.

the DOE has identified as having a quality program resulting in a baccalaureate degree or higher in the certificate subject area as identified in SBE rule.
    - If a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in SBE rule, including passing scores on both the oral proficiency and written proficiency examinations administered by the American Council on the Teaching of Foreign Languages or successful completion of a United States Defense Language Institute Foreign Language Center program or a passing score on the Defense Language Proficiency Test.
    - For certification in any other subject area for which there is no Florida subject area test or standardized examination specified in state board rule (e.g., Dance), completing the required bachelor's or higher degree and content courses specified in SBE rule and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.
- Master's Degree Level (for certification in a subject area for which SBE rule requires a master's or higher degree): Completing the required master's or higher degree and content courses specified in SBE rule and achieving a passing score on the corresponding Florida-developed subject area test or standardized examination specified in SBE rule.
- Out-of-State Certification: Providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory or by NBPTS or ABCTE, if the certificate is comparable to the Florida professional certificate issued for the same subject area.[16]

Demonstrating Mastery of Professional Preparation and Education Competence

Acceptable means of demonstrating mastery of professional preparation and education competence are any one of the following:
- Successful completion of an approved teacher preparation program at a Florida postsecondary educational institution and a passing score on the professional education competency examination required by SBE rule.
- Successful completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by SBE rule.
- Documentation of a valid professional standard teaching certificate issued by another state.
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE.
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or accredited private college or university and achievement of a passing score on the professional education competency examination required by SBE rule.
- Successful completion of professional preparation courses as specified in SBE rule, successful completion of a professional education competence program, and documentation of three years of being rated effective or highly effective while holding a temporary certificate.
- Successful completion of a professional learning certification program.

[16] Section 1012.56(5), F.S

- Successful completion of a competency-based certification program and achievement of a passing score on the professional education competency examination required by SBE rule.[17]

Educator Certification Examination Fees

The DOE sets registration fees for the various exams required for educator certification, including initial registration and retakes. For the general knowledge exam, the initial registration fee is $130.00 for the full battery of four subjects. An individual is able to retake the general knowledge exam by subtest with the retake registration fees being the following:

- One subtest - $32.50;
- Two subtests - $65.00;
- Three subtests - $97.50;
- Full battery retake - $130.00.

For subject area examinations and the professional educational test, the initial and retake registration fee is $150.00. For subject area exams with subparts, the $150.00 fee is divided evenly among the subparts for retakes. [18]

Current law and rule provide for several fee waivers including the Military Testing Fee Waiver, Retired First Responder Fee Waiver,[19] and Exceptional Student Education K–12/Elementary Education K–6 Waivers.[20]

Restricted Professional Certificate

In addition to the professional certification described above, the DOE issues restricted professional certificates, a renewable type of certificate valid for five school years. To receive a restricted professional certificate an applicant must:

- Complete the application adopted in SBE rule;
- Satisfy all of the statutory eligibility criteria for a professional educator certification except for the mastery of general knowledge component; and
- Serve as instructional personnel, who is not a classroom teacher, in one of the following fields:
  - Educational Media Specialist;
  - School Counseling;
  - School Psychologist;
  - School Social Work; or
  - Speech-Language Impaired.

An applicant who meets these requirements must only be assigned to non-classroom instructional positions for which they are certified.[21]

[17] Section 1012.56(6), F.S.
[18] Rule 6A-4.0021(4), F.A.C.
[19] Section 1012.59(3), F.S.
[20] Section 1012.59(4), F.S.
[21] Rule 6A-4.004(9), F.S.

Educator Certification Specializations

An individual holding an educator certification from the DOE may apply for an additional coverage or endorsement indicating advanced education or experience in a particular subject, area, or field.[22] The DOE offers a specialization for certification in school social worker that can be earned in under two plans:

- Plan One. A master's or higher degree with a graduate major in social work that includes 300 hours or more of field placement in a K-12 school setting from a program accredited by the National Council on Social Work Education or accredited by and entity approved by DOE in rule; or
- Plan Two. A master's or higher degree with a graduate major in social work that includes 300 hours or more of field placement with diverse individuals in a community setting other than a prekindergarten, an elementary or a secondary school.[23]

Background Screening Requirements

Individuals who work in or provide services to school districts, charter schools, alternative schools, and private schools participating in state school choice scholarship programs must undergo a fingerprint based background screening before being permitted access to school grounds.[24] The individuals who must undergo background screening fall under three personnel classifications: instructional and noninstructional personnel;[25] noninstructional school district employees and contracted personnel;[26] and noninstructional contractors.[27] Candidates for educator certification must also undergo background screening.[28]

The background screening requirements for each personnel classification vary depending upon the individual's duties, whether or not the individual is a school district employee, and the degree of contact the individual has with students.[29] Because they are more likely to have direct contact with students, candidates for educator certification, instructional and noninstructional personnel, and noninstructional school district employees and contracted personnel must be screened against a distinct list of 52 disqualifying offenses applicable to employment with public schools and school districts.[30]

III. Effect of Proposed Changes:

This bill amends section 1012.55, F.S., to exempt school social workers from the demonstration of mastery of general knowledge and subject area knowledge requirements for educator certification.

The bill is effective on July 1, 2025.

[22] Rule 6A-4.002(1), F.A.C.
[23] Rule 6A-4.035, F.A.C.
[24] Sections 1002.421, 1012.32(2), 1012.465(2), and 1012.467(2), F.S
[25] Section 1012.32(2), F.S.
[26] Section 1012.465(1), F.S.
[27] Section 1012.467(1), F.S.
[28] Sections 1012.315, 1012.32(2), and 1012.56, F.S.
[29] *See* ss. 1012.32(2), 1012.465(2), and 1012.467(2), F.S
[30] Sections 1012.315, 1012.32, and 1012.465, F.S.

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:

The bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1012.55 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 Education Pre-K-12 on March 31, 2025:
The committee substitute exempts school social workers from the demonstration of mastery of general knowledge and subject area knowledge requirements for educator certification, rather than exempting such individuals from nearly all educator certification requirements.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Education Pre-K - 12; and Senator Calatayud

581-03090-25 20251150c1

A bill to be entitled

An act relating to school social workers; amending s. 1012.55, F.S.; providing that persons employed as school social workers are exempt from certain teacher certification requirements; providing an exception; providing an effective date.

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

Section 1. Present subsection (5) of section 1012.55, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

1012.55 Positions for which certificates required.—

(5) A person who is employed as a school social worker shall be exempt from the educator certification requirements in s. 1012.56(2)(g) and (h).

Section 2. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 15th, 2025

I respectfully request that **Senate Bill #1150**, School Social Workers, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

1150
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Mazzola

Phone 407-855-7604

Address FLPTA 1747 Orlando Central Pkwy
Street

Email vp.leadership@flapta.org

Orlando FL 32809
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:
FLPTA

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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 1224
INTRODUCER:	Health Policy Committee and Senator Harrell
SUBJECT:	Administration of Controlled Substances
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Favorable**
3.	Looke	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1224 amends s. 893.05, F.S., to allow a practitioner[1] to delegate to a certified paramedic the administration of a controlled substance if the paramedic is working under the direction and supervision of the practitioner and is in the course of providing emergency services.

The bill has no fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect upon becoming a law.

II. Present Situation:

Paramedics

A paramedic is an allied health professional whose primary focus is to provide advanced emergency medical care for critical and emergent patients who access the emergency medical

[1] Section 893.02(23), F.S., defines "practitioner" to include a physician licensed under chapter 458, F.S., a dentist licensed under chapter 466, F.S., a veterinarian licensed under chapter 474, F.S., an osteopathic physician licensed under chapter 459, F.S., an advanced practice registered nurse licensed under chapter 464, F.S., a naturopath licensed under chapter 462, F.S., a certified optometrist licensed under chapter 463, F.S., a psychiatric nurse as defined in s. 394.455, F.S., a podiatric physician licensed under chapter 461, F.S., or a physician assistant licensed under chapter 458 or chapter 459, F.S., provided such practitioner holds a valid federal controlled substance registry number.

system. A paramedic possesses the complex knowledge and skills necessary to provide patient care and transportation. Paramedics function as part of a comprehensive emergency medical system (EMS) response, under medical oversight. Paramedics perform interventions with the basic and advanced equipment typically found on an ambulance and are a link from the scene of an emergent encounter into the health care system.[2]

A paramedic in Florida is a person who is certified by the Department of Health (DOH) to perform both basic and advanced life support.[3,4,5] DOH Rule 64J-1.009, F.A.C., establishes requirements for qualifications to become a paramedic, including:

- Completing an initial Florida paramedic training course using the 2009 U.S. Department of Transportation (DOT) National EMS Education Standards;[6]
- Submitting an application;
- Attest that he or she is not addicted to alcohol or any controlled substance and that he or she is free from any physical or mental defect that might impair his or her ability to perform his or her duties;[7]
- Passing a paramedic certification exam within two years of completing the initial training program; and
- Specific to certification renewals, either retake the certification exam within the two-year licensure period or have completed 30 hours of continuing education and (for either option) maintain a current Advanced Cardiac Life Support card.

Medication Administration Training for Paramedics

The 2009 U.S. DOT National EMS Education Standards requires training on pharmacology. A paramedic is required to integrate comprehensive knowledge of pharmacology to formulate a treatment plan intended to mitigate emergencies and improve the overall health of the patient.[8] Paramedics are required to be trained in:

- Medication safety;
- Medication legislation;
- Naming;
- Classifications;
- Schedules;

---

[2] 2009 U.S. DOT National EMS Education Standards, p. 10, *available at* https://www.ems.gov/assets/National-EMS-Education-Standards-FINAL-Jan-2009.pdf (last visited Mar. 21, 2025).
[3] Section 401.23(18), F.S.
[4] Section 401.23(9), F.S., defines "basic life support" as the assessment or treatment by a person qualified under this part through the use of techniques described in the EMT (Emergency Medical Technician) -Basic National Standard Curriculum or the National EMS (Emergency Medical Services) Education Standards of the United States Department of Transportation and approved by the DOH. The term includes the administration of oxygen and other techniques that have been approved and are performed under conditions specified by rules of the DOH.
[5] Section 401.23(2), F.S., defines "advanced life support" as assessment or treatment by a person qualified under this part through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, cardiac defibrillation, and other techniques described in the EMT-Paramedic National Standard Curriculum or the National EMS Education Standards, pursuant to rules of the DOH.
[6] *Available at* https://www.ems.gov/assets/National-EMS-Education-Standards-FINAL-Jan-2009.pdf (last visited Mar. 21, 2025).
[7] Section 401.27(4)(b), and (c), F.S.
[8] *Supra* n. 2 at p. 15

- Pharmacokinetics;
- Storage and security;
- Autonomic pharmacology;
- Metabolism and excretion;
- Mechanism of action;
- Phases of medication activity;
- Medication response relationships;
- Medication interactions;[9]
- Toxicity.

Paramedics are required to be trained to a complex depth and comprehensive breadth in medication administration including routes of administration and how to administer medications within the scope of his or her authorization.[10]

Controlled Substances

Chapter 893, F.S., establishes the Florida Comprehensive Drug Abuse Prevention and Control Act (act). The act categorizes certain drugs and substances into schedules I-V which pertain to their potential for abuse.

- Schedule I substances have a high potential for abuse and has no currently accepted medical use in treatment in the United States and in their use under medical supervision does not meet accepted safety standards.
- Schedule II substances have a high potential for abuse and have a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence.
- Schedule III substances have a potential for abuse less than the substances contained in Schedules I and II and have a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence or, in the case of anabolic steroids, may lead to physical damage.
- Schedule IV substances have a low potential for abuse relative to the substances in Schedule III and have a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.
- Schedule V substances have a low potential for abuse relative to the substances in Schedule IV and have a currently accepted medical use in treatment in the United States, and abuse of such compound, mixture, or preparation may lead to limited physical or psychological dependence relative to the substances in Schedule IV.[11]

Unless specifically allowed under ch. 893 or ch. 499, F.S., a person may not sell, manufacture, deliver, or possess with the intent to sell, manufacture, deliver a controlled substance.[12] Health

[9] 2009 U.S. DOT National EMS Education Standards, p. 15, *available at* https://www.ems.gov/assets/National-EMS-Education-Standards-FINAL-Jan-2009.pdf (last visited Mar. 21, 2025).
[10] 2009 U.S. DOT National EMS Education Standards, p. 16, *available at* https://www.ems.gov/assets/National-EMS-Education-Standards-FINAL-Jan-2009.pdf (last visited Mar. 21, 2025).
[11] Section 893.03, F.S.
[12] Section 893.13, F.S.

care practitioners[13] are authorized under s. 893.05, F.S., to prescribe, administer, dispense, mix, or otherwise prepare a controlled substance or may cause the controlled substance to be administered by a licensed nurse or an intern practitioner under the practitioner's direction and supervision. Currently, ch. 893, F.S., does not authorize a practitioner to delegate the administration of a controlled substance to a paramedic.

III. Effect of Proposed Changes:

The bill amends s. 893.05, F.S., to allow a practitioner to delegate the administration of a controlled substance to a certified paramedic who is working under the direction and supervision of the practitioner in the course of providing emergency services.

The bill takes effect upon becoming a law.

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.

[13] As defined in s. 893.02, F.S. *See* n. 1.

C. Government Sector Impact:

The bill has no fiscal impact on state expenditures or revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 893.05 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 Health Policy on March 25, 2025:
The committee substitute specifies that a paramedic may only administer controlled substances when delegated the duty in the course of providing emergency services.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Health Policy; and Senator Harrell

588-02847-25 20251224c1

A bill to be entitled

An act relating to the administration of controlled substances; amending s. 893.05, F.S.; authorizing a practitioner to cause a controlled substance to be administered by a certified paramedic in the course of providing emergency services; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 893.05, Florida Statutes, is amended to read:

893.05 Practitioners and persons administering controlled substances in their absence.—

(1)(a) A practitioner, in good faith and in the course of his or her professional practice only, may prescribe, administer, dispense, mix, or otherwise prepare a controlled substance, or the practitioner may cause the controlled substance to be administered, under his or her direction and supervision only, by a certified paramedic in the course of providing emergency services, ~~by~~ a licensed nurse, or an intern practitioner ~~under his or her direction and supervision only~~.

Section 2. This act shall take effect upon becoming a law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Higher Education, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Committee on Health and Human Services
Children, Families, and Elder Affairs
Education Postsecondary
Environment and Natural Resources
Rules

SENATOR GAYLE HARRELL
31st District

April 15, 2025

Senator Passidomo
400 Senate Office Building
Tallahassee, FL 32399

Dear Chair Passidomo,

I respectfully request that SB 1224 – Administration of Controlled Substances be placed on the next available agenda for the Rules Committee.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,



Senator Gayle Harrell
Senate District 31

Cc: Tom Yeatman, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:
❒ 312 SE Denver Avenue, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
❒ 404 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

April 21, 2025
Meeting Date

Rules
Committee

SB 1224
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chief Mike Choate, President

Phone 863-245-1845

Address P.O. Box 10448
Street

Email Mchoate@imm fire.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:

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

Florida Fire Chiefs 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/CS/SB 1240
INTRODUCER:	Rules Committee; Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee and Senator Calatayud
SUBJECT:	Substance Abuse and Mental Health Care
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kennedy	Tuszynski	CF	**Fav/CS**
2.	Sneed	McKnight	AHS	**Fav/CS**
3.	Kennedy	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1240 integrates the 988 Suicide and Crisis Lifeline Call Center into the state mental health crisis response network and requires the Department of Children and Families (DCF) to authorize, regulate, and oversee Florida's 988 Lifeline program.

The bill removes the "needs assessment" requirement for licensure of medication-assisted treatment (MAT) programs for opioid addiction.

The bill establishes enhanced training standards for mental health professionals conducting forensic evaluations, emphasizing competency restoration, evidence-based practices, and placement alternatives to ensure consistent and effective forensic evaluations. The bill requires court-appointed mental health experts performing forensic evaluations to complete DCF-approved forensic training and ongoing education.

The bill clarifies the duties of designated receiving facilities for patients transferred under involuntary examination. If a physician determines the patient still poses a threat, the facility is not required to release them, even if the transfer was delayed or notification was late. A court also cannot order release for those reasons.

The bill also requires mental health professionals to assess the availability of community-based treatment before recommending involuntary hospitalization.

The bill has an indeterminate fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

The present situation for each issue is described below in Section III, Effect of Proposed Changes.

III. Effect of Proposed Changes:

The bill makes changes to Florida's mental health and substance abuse coordinated system of care by integrating crisis services, expanding treatment accessibility, and strengthening provider oversight. The bill improves response times for mental health emergencies, streamlines treatment, and enhances training for behavioral health professionals.

Background

Mental Health and Mental Illness

Mental health is a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to contribute to his or her community.[1] The primary indicators used to evaluate an individual's mental health are:[2]

- Emotional well-being, perceived life satisfaction, happiness, cheerfulness, peacefulness;
- Psychological well-being, self-acceptance, personal growth including openness to new
- experiences, optimism, hopefulness, purpose in life, control of one's environment, spirituality,
- Self-direction, and positive relationships; and
- Social well-being;
- Social acceptance, beliefs in the potential of people and society as a whole,
- Personal self-worth and usefulness to society, sense of community.

Mental illness is collectively all diagnosable mental disorders or health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof) associated with distress or impaired functioning.[3] Thus, mental health refers to an individual's mental state of well-being whereas mental illness signifies an alteration of that well-being. Mental illness affects millions of people in the United States each year. Nearly one in five adults lives with a mental illness.[4] During childhood and adolescence, almost half of children will

[1] World Health Organization, *Mental Health: Concepts in Mental Health*, available at: https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response (last visited Mar. 7, 2025).
[2] Centers for Disease Control and Prevention, *Mental Health Basics*, available at: http://medbox.iiab.me/modules/en-cdc/www.cdc.gov/mentalhealth/basics.htm (last visited Mar. 7, 2025).
[3] *Id.*
[4] National Institute of Mental Health (NIHM), *Mental Illness*, available at: https://www.nimh.nih.gov/health/statistics/mental-illness (last visited Mar. 7, 2025).

experience a mental disorder, though the proportion experiencing severe impairment during childhood and adolescence is lower, at about 22 percent.[5]

Florida Mental Health and Substance Abuse Services Acts

The Department of Children and Families (DCF) administers a statewide system of safety net services for substance abuse and mental health (SAMH) prevention, treatment and recovery for children and adults who are otherwise unable to obtain these services.[6] The DCF is charged with providing a coordinated system of care, to serve as a "no-wrong-door model" that provides a comprehensive array of behavioral health services from front end crisis intervention through long-term recovery services, including a range of prevention, acute interventions (e.g. crisis stabilization), residential treatment, transitional housing, outpatient treatment, and recovery support services.[7]

988 Suicide and Crisis Lifeline

Present Situation

The 988 Suicide and Crisis Lifeline is the national three-digit telephone number available for mental health crises, providing a 24/7 connection to free and confidential emotional support.[8] Launched on July 16, 2022, 988 was established by federal law as an easy-to-remember alternative to the 10-digit National Suicide Prevention Lifeline.[9] By dialing 988 (or texting 988, or using web chat), callers in distress are routed to one of over 200 local crisis centers nationwide, where trained crisis counselors provide immediate counseling, support, and referrals to resources.[10] By May 2024, nearly two years post-launch, the 988 Lifeline had fielded 10.8 million interactions nationwide, comprising roughly 6.4 million calls, 1.6 million chats, and 1.6 million texts.[11]

The federal government established the 988 Suicide and Crisis Lifeline with the intention of turning over its oversight and funding responsibilities to the states in 2026.

Since July 2022, the in-state 988 Lifeline program known as the Florida 988 Lifeline (988 Lifeline) has connected 95,672 individuals to mental health or related services and offered

---

[5] *Id.*
[6] *See generally*, Part I, Ch. 394, F.S., and Ch. 397, F.S.
[7] *See* s. 394.4573, F.S.
[8] 988 Suicide & Crisis Lifeline, *The Lifeline and 988*, available at: https://988lifeline.org/current-events/the-lifeline-and-988/#:~:text=On%20July%2016%2C%202022%2C%20the,Vibrant (last visited Mar. 7, 2025).
[9] KFF, *One Year After the Launch of 988, the National Suicide and Crisis Hotline Has Received Nearly 5 Million Combined Calls, Texts, and Chats*, Available at: https://www.kff.org/mental-health/press-release/one-year-after-the-launch-of-988-the-national-suicide-and-crisis-hotline-has-received-nearly-5-million-combined-calls-texts-and-chats/#:~:text=Overall%2C%20the%20988%20line%20steers,mental%20health%20crisis%20to%20recall (last visited Mar. 7, 2025).
[10] 988 Suicide & Crisis Lifeline, *The Lifeline and 988*, available at: https://988lifeline.org/current-events/the-lifeline-and-988/#:~:text=On%20July%2016%2C%202022%2C%20the,Vibrant (last visited Mar. 7, 2025).
[11] KFF, *988 Suicide & Crisis Lifeline: Two Years After Launch*, available at: https://www.kff.org/mental-health/issue-brief/988-suicide-crisis-lifeline-two-years-after-launch/#:~:text=Since%20launch%20in%20July%202022%2C,third%20of%20total%20contacts%2C%20accounting (last visited Mar. 7, 2025).

telephone-based support to 398,939 people across the state.[12] The 988 Lifeline network ensures individuals have immediate access to trained professionals through a centralized helpline which ultimately reduces dependence on 911 calls and law enforcement for mental health emergencies.

Effect of Proposed Changes

Section 1 amends s. 394.4573, F.S., to add the 988 Suicide and Crisis Lifeline Call Center as a statutorily required part of the state's crisis response as part of the behavioral health coordinated system of care. This change places the duties of regulation and assessment of the 988 Suicide Crisis Lifeline with the DCF.

Section 7 amends s. 394.67, F.S., to define "988 Suicide and Crisis Lifeline Call Center" to mean a call center that meets national accreditation and is recognized by the DCF to receive 988 calls, texts, or other forms of communication. The bill adds the 988 Suicide and Crisis Lifeline Call Center to the definition of "mental health crisis services." These changes integrate the role of 988 centers into the state's behavioral health system, specifically as a crisis response service.

Section 8 creates s. 394.9088, F.S., to require the DCF to authorize and provide oversight to the 988 network crisis call centers. The bill prohibits 988 services from being provided by non-authorized call centers. The bill allows the DCF to ensure compliance with state and federal crisis response standards, improving service quality, and establishing a framework for coordination between 988 and 911 emergency services.

Receiving Facilities and Involuntary Examination

Present Situation

Individuals in an acute mental or behavioral health crisis may require emergency treatment to stabilize their condition. Emergency mental health examination and stabilization services may be provided on a voluntary or involuntary basis.[13] Individuals receiving services on an involuntary basis must be taken to a facility that has been designated by the DCF as a receiving facility.

Receiving facilities are public or private facilities designated by the DCF to receive and hold or refer, as appropriate, involuntary patients under emergency conditions for mental health or substance abuse evaluation and to provide treatment or transportation to the appropriate service provider.[14] A public receiving facility is a facility that has contracted with an ME to provide mental health services to all persons, regardless of their ability to pay, and is receiving state funds for such purpose.[15] Currently, there are 120 DCF-designated receiving facilities, either public or private.[16]

[12] Department of Children and Families, 2025 Agency Analysis, p. 2 (on file with the Children, Families, and Elder Affairs Committee).
[13] Sections 394.4625 and 394.463, F.S.
[14] Section 394.455(40), F.S. This term does not include a county jail.
[15] Section 394.455(38), F.S.
[16] Department of Children and Families, *SB 1620 Agency Bill Analysis* (2025) (on file with the Senate Children Families, and Elder Affairs Committee).

Involuntary Examination

An involuntary examination is required if there is reason to believe that the person has a mental illness and, because of his or her mental illness, has refused voluntary examination, is likely to refuse to care for him or herself to the extent that such refusal threatens to cause substantial harm to that person's well-being, and such harm is unavoidable through the help of willing family members or friends, or will cause serious bodily harm to him or herself or others in the near future based on recent behavior.[17]

Involuntary patients must be taken to either a public or private facility that has been designated by DCF as a receiving facility. A receiving facility has up to 72 hours to examine an involuntary patient.[18] During those 72 hours, an involuntary patient must be examined by a physician, clinical psychologist, or by a psychiatric nurse performing within the framework of an established protocol with a psychiatrist at a facility to determine if the criteria for involuntary services are met.[19] Current law does not indicate when the examination period begins for an involuntary patient. However, if the patient is a minor, a receiving facility must initiate the examination within 12 hours of arrival.[20]

Within that 72-hour examination period, one of the following must happen:[21]

- The patient must be released, unless he or she is charged with a crime, in which case, law enforcement will assume custody;
- The patient must be released for voluntary outpatient treatment;
- The patient, unless charged with a crime, must give express and informed consent to be placed and admitted as a voluntary patient; or
- A petition for involuntary placement must be filed in circuit court for involuntary outpatient or inpatient treatment.

Specific actions must take place promptly once a patient's medical condition has been stabilized or it has been determined that no emergency medical condition exists.[22] Within 12 hours of this medical assessment being documented by the attending physician, one of two things must happen: either the patient must be examined and released by the facility, or the patient must be transferred to a designated facility equipped to provide the necessary medical treatment.[23]

Effect of Proposed Changes

Section 4 amends s. 394.463, F.S., to require that if a physician at a designated receiving facility determines that a transferred patient continues to pose a threat to themselves or others, the facility is not required to release the patient, nor can a court mandate the patient's release, solely because a transfer occurred outside the 12-hour window or the facility was not notified within 2 hours. The bill does not change the mandate of a 72-hour involuntary examination period.

[17] Section 394.463(1), F.S.
[18] Section 394.463(2)(g), F.S.
[19] Section 394.463(2)(f), F.S.
[20] Section 394.463(2)(g), F.S.
[21] *Id.*
[22] Section 394.463(2)(i), F.S.
[23] *Id.*

Medication-Assisted Treatment (MAT) Needs Assessment

Present Situation

Medication-Assisted Treatment (MAT) for opioid use disorders is a service that uses methadone or other medication as authorized by state and federal law, in combination with medical, rehabilitative, supportive, and counseling services in the treatment of individuals who are dependent on opioid drugs.[24] This integrated approach aims to provide a whole-patient treatment strategy.[25] Medications commonly used in MAT include methadone, buprenorphine, and naltrexone, which work by reducing cravings, alleviating withdrawal symptoms, and blocking the euphoric effects of substances.[26]

Current law requires the DCF to determine the need for new MAT providers in the state.[27] This requirement does not allow opioid treatment programs (OTPs) or methadone clinics to open freely at will; instead, new clinics can only be established if the DCF finds there is an unmet need in a region for additional services.[28] This needs-based licensure process serves as a state-level control on the number and location of MAT clinics.

Florida currently has 72 operational MAT clinics, collectively assisting nearly 22,000 clients statewide.[29] However, under the current federal methodology, three needs assessments have been conducted since Fiscal Year 2018-2019, and none have identified a statewide need for additional facilities. The DCF lacks the flexibility to grant licenses outside of the annual needs-based determination process, even in urgent situations such as the closure of the only clinic in a given area.[30]

The federal algorithm presents additional challenges in addressing the needs of jail-based and rural populations. Current law does not exempt agencies that serve specific limited groups such as jails, prisons, and federally qualified health centers.[31] Providing these facilities with the flexibility to offer services as needed would improve access to care for those specialized populations.

Effect of Proposed Changes

Section 9 deletes s. 397.427(2) and amends s. 397.427(4), F.S., to remove the requirement that the DCF conduct Methadone MAT Needs Assessments annually. The proposed change will

[24] Section 397.311,7
[25] Department of Health – Palm Beach County, *Medication Assisted Treatment (MAT)*, https://palmbeach.floridahealth.gov/programs-and-services/OD2A/_documents/Fact-Sheet-Medication-Assisted-Treatment.pdf (last visited Mar. 17, 2025)
[26] Substance Abuse and Mental Health Services Administration, *Find Substance Use Disorder Treatment*, available at https://www.samhsa.gov/substance-use/treatment/find-treatment (last visited March 17, 2025); Addiction Group, *What is Medication-Assisted Treatment (MAT)*, available at https://www.addictiongroup.org/treatment/therapies/mat/ (last visited Mar. 17, 2025)
[27] Section 397.427, F.S.
[28] *Id.*
[29] Department of Children and Families, 2025 Agency Analysis, p. 2 (on file with the Children, Families, and Elder Affairs Committee).
[30] Department of Children and Families, 2025 Agency Analysis, p. 2 (on file with the Children, Families, and Elder Affairs Committee).
[31] *Id.*

deregulate the process, allowing any interested provider to apply for an MAT maintenance license without the need for a certificate of need. This change will expedite the process to open a facility or operate a mobile MAT unit as they will not have to await an award of a certificate of need. This change will increase access to treatment, particularly in smaller, less populous counties. Additionally, removing the certificate of need requirement will provide greater flexibility for mobile MAT clinics, enabling providers to expand beyond their brick-and-mortar locations to better serve communities. The overall intended effect of repealing this requirement is a significant decrease in overdose deaths due to opioid use.

Forensic Evaluators

Present Situation

Chapter 916, F.S., establishes the Forensic Client Services Act detailing the framework for addressing mental health issues within the state's criminal justice system, specifically requiring the DCF to establish, locate, and maintain facilities and programs for the treatment or training of defendants who have been charged with a felony and who have been found to be incompetent to proceed in the legal system due to mental illness.[32] The law guides how courts appoint mental health experts, assess a defendant's competency to stand trial, and manage individuals found not guilty by reason of insanity.

Mental health evaluations ensure that defendants with mental health conditions receive proper assessment and treatment. Courts appoint licensed psychiatrists, psychologists, or physicians to determine a defendant's competency, sanity, or need for involuntary treatment.[33] These professionals have specific forensic training and a one-time class from the DCF. These evaluations conducted in jails, forensic centers, or medical facilities, help courts decide whether a defendant can stand trial or requires hospitalization. If deemed incompetent, individuals may be committed to a DCF facility for treatment until they can participate in legal proceedings or, if their behavior is non-threatening, may be released under supervision.[34]
Defendants found not guilty by reason of insanity may be involuntarily committed if they pose a danger to themselves or others.[35] Placement in a State Mental Health Treatment Facility (SMHTF) ensures access to necessary treatment while maintaining public safety. Regular evaluations determine whether continued hospitalization is required or if a supervised release plan is appropriate. Mental health professionals conduct these assessments, provide expert testimony, and oversee treatment, helping courts balance the needs of individuals with mental illness against legal and public safety concerns.[36]

Florida faces growing challenges with increasing referrals to the SMHTFs from courts and forensic hospital bed occupancy rates above 97%. These challenges delay care and leave individuals in jail awaiting inpatient services. With 462 people on the waitlist and 333 waiting more than 15 days, the backlog continues to strain the system.[37] However, many of these

[32] Chapter 916, F.S.
[33] Section 916.11, F.S.
[34] Section 916.12, F.S.
[35] Section 916.15, F.S.
[36] *Id*.
[37] Department of Children and Families, 2025 Agency Analysis, p. 3 (on file with the Children, Families, and Elder Affairs Committee).

individuals could be restored to competency through less restrictive alternatives, reducing the need for full hospitalization in a SMHTF. Court decisions on commitment orders are heavily influenced by evaluators' findings and recommendations, which help determine the most appropriate treatment setting.[38]

In 2023, changes to Chapter 916, F.S., introduced a requirement for expert evaluators and courts to assess alternative treatment options before committing a defendant to a SMHTF. Evaluators are expected to provide a comprehensive report on available alternatives, including a thorough justification if those options are deemed inadequate.[39] Evaluators must consider a list of minimum alternative treatment options before ordering a defendant to be placed in a treatment facility. Experts must also report on the appropriateness of the following community-based options for treating and supporting the recovery of a patient:[40]

- Mental health services;
- Treatment services;
- Rehabilitative services;
- Support services; and
- Case management services as those terms are defined in s. 394.67(16), F.S., which may be provided by or within:
  - Multidisciplinary community treatment teams;
  - Community treatment teams, such as Florida Assertive Community Treatment (FACT) teams;
  - Conditional release programs;
  - Outpatient services or intensive outpatient treatment programs; and
  - Supportive employment and supportive housing opportunities.[41]

However, the implementation of this requirement has not been consistent statewide. Without a legal requirement for forensic evaluators to participate in ongoing training, evaluators lack critical updates on new or revised statutes, alternative placements, and least restrictive options.[42]

Effect of Proposed Changes

Section 10 amends s. 916.111, F.S., to update training requirements for mental health professionals conducting forensic evaluations. The bill requires training on statutes and rules related to competency restoration, evidence-based practices, and least restrictive treatment alternatives and placements. This change will require trainings to be more accurate, aligned with current law, and produce more standardized evaluations in legal proceedings.

Section 11 amends s. 916.115, F.S., to require court-appointed mental health experts to complete both an initial and ongoing DCF-approved forensic training. The bill requires those experts performing juvenile evaluations to complete annual juvenile forensic competency evaluation training and requires all current expert evaluators to complete the newly created DCF-provided continuing education for experts by July 1, 2026, to remain an active evaluator.

[38] *Id*.
[39] *Id.*
[40] Section 916.12, F.S.
[41] Section 394.67, F.S.
[42] Section 394.67, F.S.

These increased training requirements for expert forensic evaluators is intended to improve the consistency of evaluations and ultimately, the judicial decision-making in criminal cases involving defendants with mental illness.

Section 12 amends s. 916.12, F.S., to require mental health evaluators to assess whether less restrictive treatment alternatives are available in the community and acceptable. The bill requires this assessment to involve the use of current resources and information, and include the ongoing DCF-approved training. This change is intended to ensure individuals receive care in the least restrictive setting possible to eliminate the need for unnecessary institutionalization.

Conforming Language and Cross-Reference Changes to Align with 2024 Legislation

Present Situation

A number of bills were introduced and passed during the 2024 legislative session. CS/SB 7016 was the flagship of the 2024 "Live Healthy" initiative. The bill revised preexisting health care programs, created new programs, revised licensure and regulatory requirements for health care practitioners and facilities, created new provisions within programs relating to health care practitioner education, amended the state Medicaid program, and appropriated both general revenue and trust fund dollars for the purpose of growing Florida's health care workforce and increasing access to health care services.

CS/CS/HB 7021 made substantive changes to both Florida's Baker and Marchman Acts by combining processes for courts to order individuals to involuntary outpatient services and involuntary inpatient placement in the Baker Act. This bill streamlined the process for obtaining involuntary services and provided more flexibility for courts to meet individuals' treatment needs. The bill also integrated existing provisions for court-ordered involuntary assessments and stabilization in the Marchman Act into a new consolidated involuntary treatment process.

Effect of the Bill

The bill makes multiple conforming language changes to clarify and refine provisions and further align current law with the changes in the 2024 legislation.

Sections 2, 3, 5, and 6 amends multiple sections of ch. 394, F.S., to make conforming language and cross-reference changes to align current law with the substantive changes of HB 7021 (2024) and SB 7016 (2024). Specifically, the bill amends current law to:

- Clarify that a guardian advocate is to be discharged when a patient is discharged from an order for involuntary outpatient services, involuntary inpatient placement, or when the patient is transferred from involuntary to voluntary status.[43]
- Clarify that a clinical psychologist must have three years of clinical training in the practice of clinical psychology.[44]
- Require that petitioners prepare a services plan for patients prior to submitting an order for involuntary outpatient placement services.[45]

[43] Section 394.4598, F.S.
[44] Section 394.4625, F.S.
[45] Section 394.4655, F.S.

- Define the responsibilities of administrative law judges and courts regarding involuntary inpatient placement and involuntary outpatient services.[46]

Sections 13, 14, and 15 make conforming cross-reference changes.

The bill takes effect July 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:

None.

VI. Technical Deficiencies:

None.

[46] Section 394.467, F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 394.4573, 394.4598, 394.4625, 394.463, 394.4655, 394.467, 394.67, 397.427, 916.111, 916.115, 916.12, 394.674, 394.74 and 397.68141.

This bill creates section 394.9088 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/CS/CS by Rules on April 21, 2025:
The committee substitute requires that if a physician at a designated receiving facility determines that a transferred patient continues to pose a threat to themselves or others, the facility is not required to release the patient, nor can a court mandate the patient's release, solely because the transfer or notification deadlines were missed. The committee substitute does not change the mandate of a 72-hour involuntary examination period.

CS/CS by Appropriations Committee on Health and Human Services on April 15, 2025:
The committee substitute:
- Increases the timeframe from 12 to 24 hours within which a receiving facility must take action after the attending physician of a patient undergoing involuntary examination documents that the patient's medical condition has stabilized or that no emergency medical condition exists to clarify that the patient must either be: (1) examined and released; or (2) accepted for transfer by a designated facility rather than actually transferred as required under current law.
- Requires the receiving facility to notify the designated facility of the transfer within 12 hours of the patient's condition being documented as stabilized or a non-emergency medical condition, instead of the 2-hour requirement under current law.

CS by Children, Families, and Elder Affairs on March 19, 2025:
The CS makes the following changes:
- Clarifies that a guardian advocate is to be discharged of responsibility when a patient enters involuntary outpatient services.
- Requires a clinical psychologist to have three years of clinical training in the practice of clinical psychology.
- Allows the court to order involuntary outpatient placement based on expanded criteria.
- Mandates that petitioners prepare service plans for patients prior to submitting an order for involuntary outpatient placement services.

- Defines the responsibilities of administrative law judges and courts regarding involuntary inpatient placement and involuntary outpatient services.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

169294

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 128 - 143
and insert:
Section 4. Paragraph (i) of subsection (2) of section 394.463, Florida Statutes, is amended to read:
394.463 Involuntary examination.—
(2) INVOLUNTARY EXAMINATION.—
(i) One of the following must occur within 12 hours after the patient’s attending physician documents that the patient’s medical condition has stabilized or that an emergency medical

169294

condition does not exist:

1. The patient must be examined by a facility and released; or

2. The patient must be transferred to a designated facility in which appropriate medical treatment is available. However, the facility must be notified of the transfer within 2 hours after the patient's condition has been stabilized or after determination that an emergency medical condition does not exist. If the designated facility accepts transfer of a patient more than 12 hours after the patient's attending physician documents that the patient's medical condition has stabilized or that an emergency medical condition does not exist, or if such facility does not receive the required 2-hour notification of transfer, the receiving facility is not required to release the patient if a doctor at the designated facility examines the patient and documents that he or she still poses a threat to himself or herself or to others. Such patient is barred from seeking release by a court.

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

And the title is amended as follows:

Delete lines 12 - 17

and insert:

experience; amending s. 394.463, F.S.; providing that a receiving facility that accepts transfer of a patient outside a specified timeframe or that does not receive timely notification of transfer is not required to release such patient under specified circumstances; providing that such patient is barred

169294

from seeking release by a court; amending s. 394.4655,

698782

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Calatayud) recommended the following:

Senate Substitute for Amendment (169294) (with title amendment)

Delete lines 128 - 143
and insert:
Section 4. Paragraph (i) of subsection (2) of section 394.463, Florida Statutes, is amended to read:
394.463 Involuntary examination.—
(2) INVOLUNTARY EXAMINATION.—
(i) One of the following must occur within 12 hours after the patient’s attending physician documents that the patient’s

698782

medical condition has stabilized or that an emergency medical condition does not exist:

1. The patient must be examined by a facility and released; or

2. The patient must be transferred to a designated facility in which appropriate medical treatment is available. However, the facility must be notified of the transfer within 2 hours after the patient's condition has been stabilized or after determination that an emergency medical condition does not exist. If a physician at the designated facility to which the patient was transferred examines the patient and documents that the patient still poses a threat to himself or herself or to others, the designated facility shall not release or be ordered by a court to release the patient based solely on a failure to meet either the 12 hour transfer requirement or 2 hour notice requirement of this section, unless the patient's 72-hour examination period has ended.

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

And the title is amended as follows:

Delete lines 12 - 17

and insert:

experience; amending s. 394.463, F.S.; providing that a designated facility that has received transfer of a patient outside a specified timeframe or that does not receive timely notification of transfer must not release such patient or be ordered by a court to release such patient under specified circumstances; amending s. 394.4655,

By the Appropriations Committee on Health and Human Services; the Committee on Children, Families, and Elder Affairs; and Senator Calatayud

603-03590-25 20251240c2

A bill to be entitled

An act relating to substance abuse and mental health care; amending s. 394.4573, F.S.; expanding mental health crisis services to include the 988 suicide and crisis lifeline call center; amending s. 394.4598, F.S.; authorizing the guardian advocate to be discharged when a patient is discharged from involuntary outpatient services; amending s. 394.4625, F.S.; requiring clinical psychologists who make determinations of involuntary placement at certain mental health facilities to have specified clinical experience; amending s. 394.463, F.S.; revising the timeframe within which a receiving facility must take certain actions after the attending physician of a patient being involuntarily examined documents certain information about the patient's medical condition; revising a required action; amending s. 394.4655, F.S.; providing a cross-reference for specified criteria relating to orders to involuntary outpatient placement; amending s. 394.467, F.S.; revising the definition of the term "court"; providing that orders entered by administrative law judges for continued involuntary placement for patients at certain mental health facilities are final and subject to judicial review; requiring that hearings on petitions for certain continued involuntary services be scheduled immediately; requiring the clerk of the Division of Administrative Hearings to provide copies of petitions and individualized plans for continued services to the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

603-03590-25 20251240c2

Department of Children and Families and other specified individuals; requiring the court or the administrative law judge to make certain determinations before waiving a patient's attendance at a hearing for continued involuntary placement; authorizing an administrative law judge to issue an order for involuntary services if the patient meets certain criteria; amending s. 394.67, F.S.; defining the term "988 suicide and crisis lifeline call center"; revising the definition of "crisis services" to include a 988 suicide and crisis lifeline call center; creating s. 394.9088, F.S.; requiring the department to authorize and provide oversight of the 988 suicide and crisis lifeline call centers; authorizing the department to take certain actions for failure to comply with certain provisions; requiring the department to adopt specified rules; amending s. 397.427, F.S.; deleting requirements relating to providers of medication-assisted treatment services for opiate addiction; amending s. 916.111, F.S.; revising training requirements for mental health professionals; amending s. 916.115, F.S.; requiring certain court-appointed experts to have completed specified training and continued education; amending s. 916.12, F.S.; providing requirements for an examining expert to determine acceptable treatments available in a community; amending ss. 394.674, 394.74, and 397.68141 F.S.; conforming cross-references; providing an effective date.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

Section 1. Paragraph (d) of subsection (2) of section 394.4573, Florida Statutes, is amended to read:

394.4573 Coordinated system of care; annual assessment; essential elements; measures of performance; system improvement grants; reports.—On or before December 1 of each year, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an assessment of the behavioral health services in this state. The assessment shall consider, at a minimum, the extent to which designated receiving systems function as no-wrong-door models, the availability of treatment and recovery services that use recovery-oriented and peer-involved approaches, the availability of less-restrictive services, and the use of evidence-informed practices. The assessment shall also consider the availability of and access to coordinated specialty care programs and identify any gaps in the availability of and access to such programs in the state. The department's assessment shall consider, at a minimum, the needs assessments conducted by the managing entities pursuant to s. 394.9082(5). The department shall compile and include in the report all plans submitted by managing entities pursuant to s. 394.9082(8) and the department's evaluation of each plan.

(2) The essential elements of a coordinated system of care include:

(d) Crisis services, including the 988 suicide and crisis lifeline call center, mobile response teams, crisis

stabilization units, addiction receiving facilities, and detoxification facilities.

Section 2. Subsection (8) of section 394.4598, Florida Statutes, are amended to read:

394.4598 Guardian advocate.—

(8) The guardian advocate shall be discharged when the patient is discharged from an order for involuntary outpatient services ~~placement~~ or involuntary inpatient placement or when the patient is transferred from involuntary to voluntary status. The court or a hearing officer shall consider the competence of the patient pursuant to subsection (1) and may consider an involuntarily placed patient's competence to consent to treatment at any hearing. Upon sufficient evidence, the court may restore, or the hearing officer may recommend that the court restore, the patient's competence. A copy of the order restoring competence or the certificate of discharge containing the restoration of competence shall be provided to the patient and the guardian advocate.

Section 3. Subsection (5) of section 394.4625, Florida Statutes, is amended to read:

394.4625 Voluntary admissions.—

(5) TRANSFER TO INVOLUNTARY STATUS.—When a voluntary patient, or an authorized person on the patient's behalf, makes a request for discharge, the request for discharge, unless freely and voluntarily rescinded, must be communicated to a physician, a clinical psychologist with at least 3 years of clinical ~~postdoctoral~~ experience ~~in the practice of clinical psychology~~, or a psychiatrist as quickly as possible, but not later than 12 hours after the request is made. If the patient

meets the criteria for involuntary placement, the administrator of the facility must file with the court a petition for involuntary placement, within 2 court working days after the request for discharge is made. If the petition is not filed within 2 court working days, the patient must be discharged. Pending the filing of the petition, the patient may be held and emergency treatment rendered in the least restrictive manner, upon the order of a physician or a psychiatric nurse practicing within the framework of an established protocol with a psychiatrist, if it is determined that such treatment is necessary for the safety of the patient or others.

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

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(i) One of the following must occur within 24 ~~12~~ hours after the patient's attending physician documents that the patient's medical condition has stabilized or that an emergency medical condition does not exist:

1. The patient must be examined by a facility and released; or

2. The patient must be accepted for transfer ~~transferred~~ to a designated facility in which appropriate medical treatment is available. However, the facility must be notified of the transfer within 12 ~~2~~ hours after the patient's condition has been stabilized or after determination that an emergency medical condition does not exist.

Section 5. Subsection (2) of section 394.4655, Florida Statutes, is amended, and subsection (3) is added to that

section, to read:

394.4655 Orders to involuntary outpatient placement.—

(2) A court or a county court may order an individual to involuntary outpatient placement under s. 394.467. The criteria for ordering a person to involuntary outpatient placement, as well as all of the requirements and processes for placement, including, but not limited to, recommendations for involuntary outpatient placement, petitions, appointment of counsel, and hearings on involuntary outpatient placement, are provided in s. 394.467.

(3) When recommending an order to involuntary outpatient placement, the petitioner, as defined in s. 394.467(4), shall prepare a services plan for the patient in accordance with s. 394.467.

Section 6. Paragraph (a) of subsection (1) and subsection (11) of section 394.467, Florida Statutes, are amended to read:

394.467 Involuntary inpatient placement and involuntary outpatient services.—

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

(a) "Court" means a circuit court or, for commitments only to involuntary outpatient services ~~as defined in s. 394.4655~~, a county court.

(11) PROCEDURE FOR CONTINUED INVOLUNTARY SERVICES.—

(a) A petition for continued involuntary services must be filed if the patient continues to meet ~~meets~~ the criteria for involuntary services.

(b)1. If a patient receiving involuntary outpatient services continues to meet the criteria for involuntary outpatient services, the service provider must file in the court

that issued the initial order for involuntary outpatient services a petition for continued involuntary outpatient services.

2. If a patient in involuntary inpatient placement continues to meet the criteria for involuntary services and is being treated at a receiving facility, the administrator must, before the expiration of the period the receiving facility is authorized to retain the patient, file in the court that issued the initial order for involuntary inpatient placement, a petition requesting authorization for continued involuntary services. The administrator may petition for inpatient or outpatient services.

3. If a patient in involuntary inpatient placement continues to meet the criteria for involuntary services and is being treated at a treatment facility, the administrator must, before expiration of the period the treatment facility is authorized to retain the patient, file a petition requesting authorization for continued involuntary services. The administrator may petition for inpatient or outpatient services. Hearings on petitions for continued involuntary services of an individual placed at any treatment facility are administrative hearings and must be conducted in accordance with s. 120.57(1), except that any order entered by the administrative law judge is final and subject to judicial review in accordance with s. 120.68. Orders concerning patients committed after successfully pleading not guilty by reason of insanity are governed by s. 916.15.

4. ~~The court shall immediately schedule~~ A hearing on the petition shall ~~to~~ be scheduled immediately and held within 15

days after the petition is filed.

5. The existing involuntary services order shall remain in effect until disposition on the petition for continued involuntary services.

(c) The petition must be accompanied by a statement from the patient's physician, psychiatrist, psychiatric nurse, or clinical psychologist justifying the request, a brief description of the patient's treatment during the time he or she was receiving involuntary services, and an individualized plan of continued treatment developed in consultation with the patient or the patient's guardian advocate, if applicable. If the petition is for involuntary outpatient services, it must comply with the requirements of subparagraph (4)(d)3. When the petition has been filed, the clerk of the court or the clerk of the Division of Administrative Hearings, as applicable, shall provide copies of the petition and the individualized plan of continued services to the department, the patient, the patient's guardian advocate, the state attorney, and the patient's private counsel or the public defender.

(d) The court shall appoint counsel to represent the person who is the subject of the petition for continued involuntary services in accordance with the provisions set forth in subsection (5), unless the person is otherwise represented by counsel or ineligible.

(e) Hearings on petitions for continued involuntary outpatient services must be before the court that issued the order for involuntary outpatient services. However, the patient and the patient's attorney may agree to a period of continued outpatient services without a court hearing.

(f) Hearings on petitions for continued involuntary inpatient placement in receiving facilities, or involuntary outpatient services following involuntary inpatient services, must be held in the county or the facility, as appropriate, where the patient is located.

(g) The court may appoint a magistrate to preside at the hearing. The procedures for obtaining an order pursuant to this paragraph must meet the requirements of subsection (7).

(h) Notice of the hearing must be provided as set forth in s. 394.4599.

(i) If a patient's attendance at the hearing is voluntarily waived, the court or the administrative law judge must determine that the patient knowingly, intelligently, and voluntarily waived his or her right to be present, before waiving the presence of the patient from all or a portion of the hearing. Alternatively, if at the hearing the court or the administrative law judge finds that attendance at the hearing is not consistent with the best interests of the patient, the court or the administrative law judge may waive the presence of the patient from all or any portion of the hearing, unless the patient, through counsel, objects to the waiver of presence. The testimony in the hearing must be under oath, and the proceedings must be recorded.

(j) If at a hearing it is shown that the patient continues to meet the criteria for involuntary services, the court or the administrative law judge shall issue an order for continued involuntary outpatient services, involuntary inpatient placement, or a combination of involuntary services for up to 6 months. The same procedure shall be repeated before the

expiration of each additional period the patient is retained.

(k) If the patient has been ordered to undergo involuntary services and has previously been found incompetent to consent to treatment, the court shall consider testimony and evidence regarding the patient's competence. If the patient's competency to consent to treatment is restored, the discharge of the guardian advocate is governed by s. 394.4598. If the patient has been ordered to undergo involuntary inpatient placement only and the patient's competency to consent to treatment is restored, the administrative law judge may issue a recommended order, to the court that found the patient incompetent to consent to treatment, that the patient's competence be restored and that any guardian advocate previously appointed be discharged.

(l) If continued involuntary inpatient placement is necessary for a patient in involuntary inpatient placement who was admitted while serving a criminal sentence, but his or her sentence is about to expire, or for a minor involuntarily placed, but who is about to reach the age of 18, the administrator shall petition the administrative law judge for an order authorizing continued involuntary inpatient placement.

The procedure required in this subsection must be followed before the expiration of each additional period the patient is involuntarily receiving services.

Section 7. Present subsections (1) through (25) of section 394.67, Florida Statutes, are redesignated as subsections (2) through (26), respectively, a new subsection (1) is added to that section, and subsection (4) of that section is amended, to read:

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

(1) "988 suicide and crisis lifeline call center" means a call center meeting national accreditation and recognized by the department to receive 988 calls, texts, or other forms of communication in this state.

(4) "Crisis services" means short-term evaluation, stabilization, and brief intervention services provided to a person who is experiencing an acute mental or emotional crisis, as defined in subsection (19) ~~(18)~~, or an acute substance abuse crisis, as defined in subsection (20) ~~(19)~~, to prevent further deterioration of the person's mental health. Crisis services are provided in settings such as a crisis stabilization unit, an inpatient unit, a short-term residential treatment program, a detoxification facility, or an addictions receiving facility; at the site of the crisis by a mobile crisis response team; or at a hospital on an outpatient basis; or telephonically by a 988 suicide and crisis lifeline call center.

Section 8. Section 394.9088, Florida Statutes, is created to read:

394.9088 988 suicide and crisis lifeline call center.—

(1) The department shall authorize and provide oversight to 988 suicide and crisis lifeline call centers. Unless authorized by the department, call centers are not permitted to conduct 988 suicide and crisis lifeline services. The department may implement a corrective action plan, suspension, or revocation of authorization for failure to comply with this section and rules adopted under this section.

(2) The department shall adopt rules relating to:

(a) The process for authorization of 988 suicide and crisis

lifeline call centers.

(b) Minimum standards for 988 suicide and crisis lifeline call centers to be authorized, including but not limited to, service delivery, quality of care, and performance outcomes.

(c) The adequacy and consistency of 988 suicide and crisis lifeline call centers' personnel certifications, accreditations, quality assurance standards, and minimum training standards.

(d) Implementation of a cohesive statewide plan for 988 suicide and crisis lifeline call centers to achieve statewide interoperability with the 911 system and to provide individuals with rapid and direct access to the appropriate care.

Section 9. Present subsections (3) through (9) of section 397.427, Florida Statutes, are redesignated as subsections (2) through (8), respectively, and present subsections (2) and (5) of that section are amended, to read:

397.427 Medication-assisted treatment service providers; rehabilitation program; needs assessment and provision of services; persons authorized to issue takeout medication; unlawful operation; penalty.—

~~(2) The department shall determine the need for establishing providers of medication-assisted treatment services for opiate addiction.~~

~~(a) Providers of medication-assisted treatment services for opiate addiction may be established only in response to the department's determination and publication of need for additional medication treatment services.~~

~~(b) If needs assessment is required, the department shall annually conduct the assessment and publish a statement of findings which identifies each substate entity's need.~~

~~(c) Notwithstanding paragraphs (a) and (b), the license for medication-assisted treatment programs for opiate addiction licensed before October 1, 1990, may not be revoked solely because of the department's determination concerning the need for medication-assisted treatment services for opiate addiction.~~

(4)~~(5) The department shall also determine the need for establishing medication-assisted treatment for substance use disorders other than opiate dependence.~~ Service providers within the publicly funded system shall be funded for provision of these services based on the availability of funds.

Section 10. Section 916.111, Florida Statutes, is amended to read:

916.111 Training of mental health experts.—The evaluation of defendants for competency to proceed or for sanity at the time of the commission of the offense shall be conducted in such a way as to ensure uniform application of the criteria enumerated in Rules 3.210 and 3.216, Florida Rules of Criminal Procedure. The department shall develop, and may contract with accredited institutions:

(1) To provide:

(a) A plan for training mental health professionals to perform forensic evaluations and to standardize the criteria and procedures to be used in these evaluations;

(b) Clinical protocols and procedures based upon the criteria of Rules 3.210 and 3.216, Florida Rules of Criminal Procedure; and

(c) Training for mental health professionals in the application of these protocols and procedures in performing forensic evaluations and providing reports to the courts.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Training must include, but not be limited to, information on statutes and rules related to competency restoration, evidence-based practices, and least restrictive treatment alternatives and placement options as described in s. 916.12(4)(c); and

(2) To compile and maintain the necessary information for evaluating the success of this program, including the number of persons trained, the cost of operating the program, and the effect on the quality of forensic evaluations as measured by appropriateness of admissions to state forensic facilities and to community-based care programs.

Section 11. Subsection (1) of section 916.115, Florida Statutes, is amended to read:

916.115 Appointment of experts.—

(1) The court shall appoint no more than three experts to determine the mental condition of a defendant in a criminal case, including competency to proceed, insanity, involuntary placement, and treatment. The experts may evaluate the defendant in jail or in another appropriate local facility or in a facility of the Department of Corrections.

(a) The court-appointed ~~To the extent possible, The appointed~~ experts shall:

1. ~~have completed forensic evaluator training approved by the department, and each shall~~ Be a psychiatrist, licensed psychologist, or physician.

2. Have completed initial and ongoing forensic evaluator training, provided by the department.

3. If performing juvenile evaluations, annually complete juvenile forensic competency evaluation training approved by the department.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(b) Existing evaluators shall complete department-provided continuing education training by July 1, 2026, to remain active on the list.

(c)~~(b)~~ The department shall maintain and annually provide the courts with a list of available mental health professionals who have completed the initial and annual approved training as experts.

Section 12. Paragraph (d) of subsection (4) of section 916.12, Florida Statutes, is amended to read:

916.12 Mental competence to proceed.—

(4) If an expert finds that the defendant is incompetent to proceed, the expert shall report on any recommended treatment for the defendant to attain competence to proceed. In considering the issues relating to treatment, the examining expert shall specifically report on:

(d) The availability of acceptable treatment and, if treatment is available in the community, the expert shall so state in the report. In determining what acceptable treatments are available in the community, the expert shall, at a minimum, use current information or resources on less restrictive treatment alternatives, as described in paragraph (c), and those obtained from training and continuing education approved by the department.

The examining expert's report to the court shall include a full and detailed explanation regarding why the alternative treatment options referenced in the evaluation are insufficient to meet the needs of the defendant.

Section 13. Paragraph (a) of subsection (1) of section

394.674, Florida Statutes, is amended to read:

394.674 Eligibility for publicly funded substance abuse and mental health services; fee collection requirements.—

(1) To be eligible to receive substance abuse and mental health services funded by the department, an individual must be a member of at least one of the department's priority populations approved by the Legislature. The priority populations include:

(a) For adult mental health services:

1. Adults who have severe and persistent mental illness, as designated by the department using criteria that include severity of diagnosis, duration of the mental illness, ability to independently perform activities of daily living, and receipt of disability income for a psychiatric condition. Included within this group are:

a. Older adults in crisis.

b. Older adults who are at risk of being placed in a more restrictive environment because of their mental illness.

c. Persons deemed incompetent to proceed or not guilty by reason of insanity under chapter 916.

d. Other persons involved in the criminal justice system.

e. Persons diagnosed as having co-occurring mental illness and substance abuse disorders.

2. Persons who are experiencing an acute mental or emotional crisis as defined in s. 394.67 ~~s. 394.67(18)~~.

Section 14. Subsection (3) of section 394.74, Florida Statutes, is amended to read:

394.74 Contracts for provision of local substance abuse and mental health programs.—

(3) Contracts shall include, but are not limited to:

(a) A provision that, within the limits of available resources, substance abuse and mental health crisis services, as defined in s. 394.67 ~~s. 394.67(4)~~, shall be available to any individual residing or employed within the service area, regardless of ability to pay for such services, current or past health condition, or any other factor;

(b) A provision that such services be available with priority of attention being given to individuals who exhibit symptoms of chronic or acute substance abuse or mental illness and who are unable to pay the cost of receiving such services;

(c) A provision that every reasonable effort to collect appropriate reimbursement for the cost of providing substance abuse and mental health services to persons able to pay for services, including first-party payments and third-party payments, shall be made by facilities providing services pursuant to this act;

(d) A program description and line-item operating budget by program service component for substance abuse and mental health services, provided the entire proposed operating budget for the service provider will be displayed;

(e) A provision that client demographic, service, and outcome information required for the department's Mental Health and Substance Abuse Data System be submitted to the department by a date specified in the contract. The department may not pay the provider unless the required information has been submitted by the specified date; and

(f) A requirement that the contractor must conform to department rules and the priorities established thereunder.

Section 15. Subsection (3) of section 397.68141, Florida Statutes, is amended to read:

397.68141 Contents of petition for involuntary treatment services.—A petition for involuntary services must contain the name of the respondent; the name of the petitioner; the relationship between the respondent and the petitioner; the name of the respondent's attorney, if known; and the factual allegations presented by the petitioner establishing the need for involuntary services for substance abuse impairment.

(3) If there is an emergency, the petition must also describe the respondent's exigent circumstances and include a request for an ex parte assessment and stabilization order that must be executed pursuant to s. 397.6818 ~~s. 397.68151~~.

Section 16. This act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 15th, 2025

I respectfully request that **Senate Bill #1240**, relating to Substance Abuse and Mental Health Care, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

APRIL 21, 2025
Meeting Date

RULES
Committee

1240
Bill Number or Topic

SA 698782
Amendment Barcode (if applicable)

Name CHRIS FINKBEINER Phone 850-570-4747

Address 215 S. MONROE ST, SUITE 410 Email CHRIS@RUBINTURNBULL.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: ACADIA HEALTHCARE

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 1242
INTRODUCER:	Rules Committee and Senator McClain
SUBJECT:	Community Redevelopment Agencies
DATE:	April 22, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Collazo	Cibula	JU	**Favorable**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1242 amends law related to community redevelopment agencies (CRAs), dependent special districts authorized by the Community Redevelopment Act of 1969 to finance the redevelopment of designated slums and blighted areas and to address shortages of affordable housing. Specifically, the bill:

- Amends the governing structure of CRAs such that, going forward, when a governing body of a county or municipality creates a community redevelopment agency the members of the governing body sit as members of the agency.
- Prohibits modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan.
- Prohibits a CRA from expending funds on public areas of hotels, or sponsorship of concerts, festivals, holiday events, parades, or similar activities.
- Provides that a CRA will terminate when it reaches the time certain set forth for completing all redevelopment provided in the agency's charter, or as may have been extended by ordinance or resolution prior to May 1, 2025.

The bill takes effect July 1, 2025.

II. Present Situation:

Community Redevelopment Agencies

Generally

A community redevelopment agency (CRA) is a public entity that finances redevelopment within focused, geographic areas created under Florida Statutes.[1] The Community Redevelopment Act of 1969[2] authorizes a county or municipality to create a CRA as a means of redeveloping "slum" and "blighted areas" and addressing shortages of affordable housing.[3]

The Act defines a "slum area" as an area having "physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime" because there is a predominance of buildings or improvements in poor states of repair, and any one of the following factors is present:

- Inadequate ventilation, light, air, sanitation, or open spaces.
- High density of population, compared to the population density of adjacent areas within the county or municipality, and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code.
- The existence of conditions that endanger life or property from fire or other causes.[4]

The Act defines a "blighted area" as an area in which there are a substantial number of deteriorated or deteriorating structures that are endangering life or property or are leading to economic distress. Two or more of the following factors must also be present:

- A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- Unsanitary or unsafe conditions.
- Deterioration of site or other improvements.
- Inadequate and outdated building density patterns.
- Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.
- Tax or special assessment delinquency exceeding the fair value of the land.
- Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- Incidence of crime in the area higher than in the remainder of the county or municipality.
- Fire and emergency medical service calls to the area that are proportionately higher than in the remainder of the county or municipality.

---

[1] City of Brooksville, Fla., *Community Redevelopment Agency FAQs: What is a CRA?*, https://www.cityofbrooksville.us/Faq.aspx?QID=88 (last visited Mar. 27, 2025).
[2] Chapter 69-305, Laws of Fla.; *see also* s. 163.330, F.S. (providing a short title for Part III, ch. 163, F.S.).
[3] Sections 163.335(1), 163.355, and 163.356(1), F.S.
[4] Section 163.340(7), F.S.

- A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.
- Governmentally-owned property with adverse environmental conditions caused by a public or private entity.
- A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.[5]

However, an area may also be classified as blighted if only one of these factors is present and the taxing authorities having jurisdiction over the area all agree that the area is blighted, by interlocal agreement or by passage of a resolution by the governing bodies.[6]

Creation

Either a county or a municipal government may create a CRA. Before creating a CRA, a county or municipal government must adopt a resolution with a "finding of necessity." This resolution must make legislative findings supported by data and analysis that the area to be included in the CRA's jurisdiction is either a slum, blighted, or experiencing a shortage of affordable housing, and that redevelopment of the area is necessary to promote the public health, safety, morals, or welfare of residents.[7]

A CRA created by a county may only operate within the boundaries of a municipality when the municipality has concurred by resolution with the community redevelopment plan adopted by the county.[8] A CRA created by a municipality may not include more than 80 percent of the municipality if it was created after July 1, 2006.[9]

As of March 31, 2025, there are more than 200 CRAs in Florida.[10]

Project Funding

CRA projects are funded by Tax Increment Financing (TIF) from each redevelopment area.

> When a redevelopment area is established, the current assessed value of the property within the project area is designated as the base year value. TIF is a mechanism which captures a percentage of any new tax revenue generated within a redevelopment area. For example, if a CRA area is established in 2001, the [CRA] receives a percentage of any tax revenue greater than the amount of revenue captured in that base year. This percentage can range

[5] Section 163.340(8), F.S.
[6] *Id.*
[7] Section 163.355, F.S.
[8] Section 163.356(1), F.S.
[9] Section 163.340(10), F.S.
[10] *See* Dept. of Commerce, *Official List of Special Districts*, available at https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts (last visited Mar. 12, 2025) (providing a way to download a PDF list of links to the office websites of all special districts in Florida, including CRAs).

between 50% and 95%. Currently, the CRA areas receive 95% of this increase as TIF funds to be used in the community redevelopment areas. TIF funds collected from a particular CRA area are invested back into that area only.[11]

Community Redevelopment Plans

A community redevelopment plan must be in place before a CRA can engage in operations.[12] Each community redevelopment plan must provide a time certain for completing all redevelopment financed by increment revenues. The time certain must occur within 30 years after the fiscal year in which the plan is approved, adopted, or amended. However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.[13]

In terms of process, the county, municipality, the CRA itself, or any member of the public may propose a community redevelopment plan, and the CRA may choose which submitted plan it desires to use as its community redevelopment plan. The CRA must submit the plan to the local planning agency for review before the plan can be considered. The local planning agency must complete its review and issue written recommendations with respect to the conformity of the proposed community redevelopment plan to the CRA within 60 days after receipt.[14]

The CRA must submit the community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body that created the CRA, as well as to each taxing authority that levies ad valorem taxes on taxable real property contained in the boundaries of the CRA.[15] The local governing body that created the CRA must then hold a public hearing before the plan can be finally approved.[16]

To approve the plan, the local governing body must make certain findings as specified in statute.[17] Ultimately, the community redevelopment plan must:

- Conform to the comprehensive plan for the county or municipality.
- Indicate intended:
  - Land acquisition, demolition, and removal of structures.
  - Redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area.
  - Zoning and planning changes, if any.
  - Land uses.
  - Maximum densities.
  - Building requirements.

[11] City of Brooksville, Fla., *Community Redevelopment Agency FAQs: How is a CRA funded?*, https://www.cityofbrooksville.us/Faq.aspx?QID=88 (last visited Mar. 27, 2025).
[12] Section163.360(9), F.S.
[13] Section 163.362(10), F.S.
[14] Section 163.360(4), F.S.
[15] Section 163.360(5), F.S.
[16] Section 163.360(6), F.S.
[17] Section 163.360(7), F.S.

- Provide for the development of affordable housing in the area or state the reasons for not addressing the development of affordable housing in the plan.[18]

Sunsetting

In 2019, the Legislature amended the Act to increase accountability and transparency for CRAs and introduced a mechanism to have CRAs automatically declared inactive and terminated under certain circumstances.[19] Under the amendments, a CRA is declared inactive if it has no revenue, expenditures, or debt for 6 consecutive fiscal years.[20]

The 2019 legislation also created s. 163.3755, F.S., which provides that existing CRAs are terminated automatically at the earlier of the expiration date stated in the CRA's charter as of October 1, 2019, or on September 30, 2039. The governing board of the local government entity creating the CRA may prevent the termination of the CRA by majority vote.[21]

Since passage of the legislation, several CRAs have been extended by their local government entity. For example, the City of Fort Myers extended its CRA's termination date to September 30, 2050,[22] and Miami-Dade County extended the North Miami CRA to July 13, 2044.[23]

III. Effect of Proposed Changes:

Section 1 amends s. 163.356, F.S., related to the creating and governing structure of a community redevelopment agency. The bill provides that the alternate governing structure provided in current s. 163.357, F.S., replaces the current appointed board structure as the default for creating future agencies.

Under the bill, when the governing body of a county or municipality creates a community redevelopment agency the body will declare itself the agency, and the members of the governing body sit as members of the agency. A governing body that consists of five members may appoint two additional members to four year terms on the agency. The section removes statutory provisions related to the appointment of agency board members, preserving the ability of the agency to employ a director, technical experts, and other agents.

The amendments made to this section do not amend or require the amendment of the structure, membership, or bylaws of any preexisting agency.

Section 2 repeals s. 163.357, F.S., which contained the alternate governing structure subsumed into the previous section of law.

---

[18] Section 163.360(2), F.S.
[19] *See generally* ch. 2019-163, Laws of Fla.
[20] Chapter 2019-163, s. 7, Laws of Fla. (codifying s. 163.3756(2)(a), F.S.).
[21] Chapter 2019-163, s. 6, Laws of Fla. (codifying s. 163.3755(1), F.S.).
[22] City of Fort Myers, Resolution 2023-14, available at https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1831495/CFM_Agenda_2023-14_Extension_of_CRA_from_Sept_2039_to_Sept_2050.pdf (last visited Mar. 27, 2025).
[23] Miami-Dade County, Resolution No. R-902-23, available at https://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2023/232093min.pdf (last visited Mar. 27, 2025).

Section 3 amends s. 163.361, F.S., to provide that a governing body may not adopt a modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan. A redevelopment plan requires a time certain for completing all redevelopment financed by increment revenues, which must be set within either 30 or 40 years, depending on the age of the agency. Current law provides procedures for extending that time certain, and therefore extending the useful life of the agency itself, under certain circumstances; these provisions are stricken by the bill.

Section 4 amends s. 163.370, F.S., to provide that a community redevelopment agency may not expend funds on:

- Public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities; or
- Sponsorship, whether direct or indirect, of concerts, festivals, holiday events, parades, or similar activities.

Section 5 amends s. 163.3755, F.S., to simplify the statute relating to the termination of community redevelopment agencies. Under the bill, a community redevelopment agency will terminate when it reaches the time certain set forth for completing all redevelopment provided in the agency's charter, or as may have been extended by ordinance or resolution prior to May 1, 2025.

A community redevelopment agency with outstanding bonds as of October 1, 2025, that mature later will remain in existence until such bonds mature, and an agency may not extend the maturity date of any bonds beyond the agency's time certain for completing all redevelopment.

Sections 6-12 make conforming amendments to various statutes.

The bill takes effect July 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.

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 sections 163.356, 163.361, 163.370, 163.3755, 112.3143, 163.340, 163.346, 163.360, 163.367, 163.380, and 163.512 of the Florida Statutes.

The bill repeals section 163.357 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 Rules on April 21, 2025:
The committee substitute provides that:

- New community redevelopment agencies will use the governing structure where the local government's board sitting as the agency's board;
- Agencies may not be amended to expand their area of jurisdiction or to extend the time certain for completing projects;
- Agencies may not fund areas of hotels or sponsor, directly or indirectly, concerts, festivals, holiday events, parades; and
- Agencies will terminate on the time certain for completing projects established in their redevelopment plan, and may not extend bond maturity past this date.

The committee substitute also deletes statutory provisions related to the board of commissioners governing structure for community redevelopment agencies that will not be used going forward.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

232314

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(2)(a) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, declare itself to be an agency. All the rights, powers, duties, privileges, and immunities vested by

232314

this part in an agency will be vested in the governing body, subject to all responsibilities and liabilities imposed or incurred. The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality.

(b) A governing body that consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The term of office of these additional members is 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this paragraph are subject to the provisions of this part relating to appointed members of a community redevelopment agency ~~appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners~~. ~~The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.~~

(c) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency



would be considered an additional duty of office as a member of the taxing authority governing body.

(d) This subsection does not amend, or require the amendment of, the structure, membership, or bylaws of any board of commissioners of an agency in existence on October 1, 2025.

Section 2. Section 163.357, Florida Statutes, is repealed.

Section 3. Subsections (1), (3), and (4) of section 163.361, Florida Statutes, are amended to read:

163.361 Modification of community redevelopment plans.—

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. ~~The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.~~

(3)~~(a)~~ The governing body may not adopt ~~In addition to the requirements of s. 163.346, and prior to the adoption of~~ any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10)~~, the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification~~.

~~(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that~~



~~modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:~~

~~1. Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality and the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.~~

~~2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an~~

232314

~~alternative modified community redevelopment plan that meets the requirements of s. 163.360 to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.~~

~~3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.~~

~~4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.~~

~~(4) A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.~~



Section 4. Paragraph (c) of subsection (2) of section 163.370, Florida Statutes, is amended, and paragraph (d) is added to subsection (3) of that section, to read:

163.370 Powers; counties and municipalities; community redevelopment agencies.—

(2) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include:

1. Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public ~~areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities,~~ parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value as provided in s. 163.380 for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other



improvements in accordance with the community redevelopment plan.

6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of



property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.

10. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(3) The following projects may not be paid for or financed by increment revenues:

(d) Sponsorship, whether direct or indirect, of concerts, festivals, holiday events, parades, or similar activities.

Section 5. Section 163.3755, Florida Statutes, is amended to read:

163.3755 Termination of community redevelopment agencies.—

~~(1)~~ A community redevelopment agency ~~in existence on October 1, 2019,~~ shall terminate on the time certain for completing all redevelopment ~~expiration date~~ provided in the agency's charter as required by s. 163.362(10) ~~on October 1, 2019, or on September 30, 2039, whichever is earlier, unless the governing body of the county or municipality that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body~~.

~~(2)(a) If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body members,~~ A community redevelopment agency with outstanding bonds as of October 1, 2025 ~~2019~~, that do not mature until after the time certain for completing all redevelopment provided in the

232314

agency's charter ~~termination date of the agency or September 30, 2039, whichever is earlier,~~ remains in existence until the date the bonds mature.

~~(b)~~ A community redevelopment agency ~~operating under this subsection on or after September 30, 2039,~~ may not extend the maturity date of any outstanding bonds beyond the time certain for completing all redevelopment provided in the agency's charter.

~~(c) The county or municipality that created the community redevelopment agency must issue a new finding of necessity limited to timely meeting the remaining bond obligations of the community redevelopment agency.~~

Section 6. Paragraph (b) of subsection (3) of section 112.3143, Florida Statutes, is amended to read:

112.3143 Voting conflicts.—

(3)

(b) However, a commissioner of a community redevelopment agency created ~~or designated~~ pursuant to s. 163.356 ~~or s. 163.357~~, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

Section 7. Subsection (1) of section 163.340, Florida Statutes, is amended to read:

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by~~, or designated pursuant to,~~ s. 163.356 ~~or s. 163.357~~.

Section 8. Section 163.346, Florida Statutes, is amended to

232314

read:

163.346 Notice to taxing authorities.—Before the governing body adopts any resolution or enacts any ordinance required under s. 163.355, s. 163.356, ~~s. 163.357,~~ or s. 163.387; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

Section 9. Paragraph (b) of subsection (6) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(6)

(b) For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the following additional procedures are required prior to adoption by the governing body of a community redevelopment plan under subsection (7):

1. Within 30 days after receipt of any community redevelopment plan recommended by a community redevelopment



agency under subsection (5), the county may provide written notice by registered mail to the governing body of the municipality and to the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies in existence on October 1, 2025, for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), Florida Statutes 2024, a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan that meets the requirements of this section to address the conditions identified in the resolution making a finding of necessity required by s. 163.355. If such an alternative redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the



community redevelopment agency and to the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under subsection (7) until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

Section 10. Subsection (1) of section 163.367, Florida Statutes, is amended to read:

163.367 Public officials, commissioners, and employees subject to code of ethics.—

(1) The officers, commissioners, and employees of a community redevelopment agency created by~~, or designated pursuant to,~~ s. 163.356 ~~or s. 163.357~~ are subject to part III of chapter 112, and commissioners also must comply with the ethics training requirements as imposed in s. 112.3142.

232314

Section 11. Paragraph (a) of subsection (3) of section 163.380, Florida Statutes, is amended to read:

163.380 Disposal of property in community redevelopment area.—The disposal of property in a community redevelopment area which is acquired by eminent domain is subject to the limitations set forth in s. 73.013.

(3)(a) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in

232314

the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part. ~~Except~~ In the case of a community redevelopment agency in existence on October 1, 2025, for which the board of commissioners of the community redevelopment agency is comprised as specified in s. 163.356(2), Florida Statutes 2024 ~~governing body acting as the agency, as provided in s. 163.357~~, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

Section 12. Paragraph (d) of subsection (1) of section 163.512, Florida Statutes, is amended to read:

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.—

(1) Upon the recommendation of the community redevelopment agency and after a local planning ordinance has been adopted authorizing the creation of community redevelopment neighborhood improvement districts, the local governing body of a municipality or county may create community redevelopment neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(d) Designates the community redevelopment board of commissioners established pursuant to s. 163.356 ~~or s. 163.357~~ as the board of directors for the district.



Section 13. This act shall take effect July 1, 2025.

========== 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 community redevelopment agencies; amending s. 163.356, F.S.; revising the structure of community redevelopment agencies to require a governing body to declare itself to be an agency; authorizing a governing body to appoint additional members of the agency under certain circumstances; providing for terms of such additional members; providing construction; repealing s. 163.357, F.S., relating to the governing body as the community redevelopment agency; amending s. 163.361, F.S.; prohibiting the governing body from adopting any modification to a community redevelopment plan which expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan; amending s. 163.370, F.S.; revising the authorized activities of community redevelopment agencies; prohibiting community redevelopment agencies from paying for or financing by increment revenues certain projects; amending s. 163.3755, F.S.; revising the date on which community redevelopment agencies must terminate; prohibiting a community redevelopment agency from extending the



maturity date of outstanding bonds beyond a time certain; amending ss. 112.3143, 163.340, 163.346, 163.360, 163.367, 163.380, and 163.512, F.S.; conforming provisions to changes made by the act; providing an effective date.

487406

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment to Amendment (232314)

Delete lines 5 - 222
and insert:
Section 1. Subsections (2), (3), and (4) of section 163.356, Florida Statutes, are amended to read
163.356 Creation of community redevelopment agency.—
(2)(a) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, declare itself to be an agency. All the rights, powers, duties, privileges, and immunities vested by



this part in an agency will be vested in the governing body, subject to all responsibilities and liabilities imposed or incurred. The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality. Members of an agency shall receive no compensation for services, but may be entitled to the necessary expenses incurred in the discharge of duties, including travel expenses.

(b) A governing body that consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The term of office of these additional members is 4 years, except that the first person appointed shall initially serve a term of 2 years ~~appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners~~. ~~The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.~~

(c) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the ~~board of commissioners of the~~ agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on ~~the board of commissioners of~~ the agency



487406

would be considered an additional duty of office as a member of the taxing authority governing body.

(d) This subsection does not amend, or require the amendment of, the structure, membership, or bylaws of any board of commissioners of an agency in existence on October 1, 2025.

(3) ~~(a) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.~~

~~(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.~~



~~(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners.~~ An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff.

~~(d) An agency authorized to transact business and exercise powers under this part shall file with the governing body the report required pursuant to s. 163.371(2).~~

~~(e)~~ At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

~~(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.~~

Section 2. Section 163.357, Florida Statutes, is repealed.

Section 3. Subsections (1), (3), and (4) of section 163.361, Florida Statutes, are amended to read:

163.361 Modification of community redevelopment plans.—

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. ~~The~~



~~agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.~~

(3)~~(a)~~ The governing body may not adopt ~~In addition to the requirements of s. 163.346, and prior to the adoption of~~ any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10)~~, the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification~~.

~~(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:~~

~~1. Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality and the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.~~



~~2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan that meets the requirements of s. 163.360 to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.~~

~~3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a~~



~~majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.~~

~~4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.~~

~~(4) A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.~~

Section 4. Paragraph (c) of subsection (2) of section 163.370, Florida Statutes, is amended, and paragraph (d) is added to subsection (3) of that section, to read:

163.370 Powers; counties and municipalities; community redevelopment agencies.—

(2) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include:

1. Acquisition of property within a slum area or a blighted



area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public ~~areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities,~~ parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value as provided in s. 163.380 for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe

487406

conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.

10. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(3) The following projects may not be paid for or financed by increment revenues:

(d) Sponsorship, whether direct or indirect, of concerts, festivals, holiday events, parades, or similar activities.

Section 5. Section 163.3755, Florida Statutes, is amended



487406

to read:

163.3755 Termination of community redevelopment agencies.—

~~(1)~~ A community redevelopment agency ~~in existence on October 1, 2019,~~ shall terminate on the time certain for completing all redevelopment ~~expiration date~~ provided in the agency's charter as required by s. 163.362(10) or as may have been extended by ordinance or resolution prior to May 1, 2025 ~~on October 1, 2019, or on September 30, 2039, whichever is earlier, unless the governing body of the county or municipality that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body~~.

~~(2)(a) If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body members,~~ A community redevelopment agency with outstanding bonds as of October 1, 2025 ~~2019~~, that do not mature until after the time certain for completing all redevelopment ~~termination date of the agency or September 30, 2039, whichever is earlier,~~ remains in existence until the date the bonds mature.

~~(b)~~ A community redevelopment agency ~~operating under this subsection on or after September 30, 2039,~~ may not extend the maturity date of any outstanding bonds beyond the time certain for completing all redevelopment.

By Senator McClain

9-01050-25 20251242__

A bill to be entitled

An act relating to community redevelopment agencies; amending s. 163.3755, F.S.; providing for the termination of community redevelopment agencies on a specified date; removing an exception; prohibiting community redevelopment agencies from performing certain actions on or after a specified date; revising provisions relating to any outstanding bonds of a community redevelopment agency; prohibiting the creation of community redevelopment agencies on or after a specified date; authorizing existing agencies to continue to operate; providing an effective date.

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

Section 1. Section 163.3755, Florida Statutes, is amended to read:

163.3755 Termination of community redevelopment agencies; prohibition on future creation.—

(1) A community redevelopment agency in existence on July 1, 2025 ~~October 1, 2019~~, shall terminate on the expiration date provided in the agency's charter on July 1, 2025 ~~October 1, 2019~~, or on September 30, 2045 ~~September 30, 2039~~, whichever is earlier~~, unless the governing body of the county or municipality that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body~~.

(2) A community redevelopment agency may not initiate any new projects or issue any new debt on or after October 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

9-01050-25 20251242__

(3)~~(2)~~(a) Notwithstanding subsection (1) ~~If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body members~~, a community redevelopment agency with outstanding bonds as of July 1, 2025 ~~October 1, 2019~~, that do not mature until after the termination date of the agency or September 30, 2045 ~~September 30, 2039~~, whichever is earlier, remains in existence until the date the bonds mature.

(b) A community redevelopment agency operating under this subsection on or after September 30, 2045 ~~September 30, 2039~~, may not extend the maturity date of any outstanding bonds.

(c) The county or municipality that created the community redevelopment agency must issue a new finding of necessity limited to timely meeting the remaining bond obligations of the community redevelopment agency.

(4) A community redevelopment agency may not be created on or after July 1, 2025. A community redevelopment agency in existence before July 1, 2025, may continue to operate as provided in this part.

Section 2. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1242**, relating to Community Redevelopment Agencies, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Stan McClain
Florida Senate, District 9

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

1242
Bill Number or Topic

487406
Amendment Barcode (if applicable)

Name Ryan Matthews

Phone 850 222 9684

Address 301 S. Bronough St
Street

Email Ryan.Matthews@gray-robinson.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: FL Redevelopment 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB1242
Bill Number or Topic

232314
Amendment Barcode (if applicable)

Name Chadwick Leonard

Phone 407 954 0605

Address 308 N. Monroe
Street

Email cleonard@1000fof.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:
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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

SB 1242
Bill Number or Topic

232314
Amendment Barcode (if applicable)

Name Mayor JP O'Connor

Phone (561) 601-9769

Address
Street

Email joconnor@westlake.gov

Westlake 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1242
Bill Number or Topic

232314
Amendment Barcode (if applicable)

Name David Cruz

Phone 701-3676

Address P.O. Box 1757
Street

Email DCruz@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:
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. 2020-2022JointRules.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

4/27/25
Meeting Date

Rules
Committee

1242
Bill Number or Topic

Amendment Barcode (if applicable)

Name Stuart Tettemer

Phone 850-238-7862

Address 17007 Panama City Beach Pkwy
Street

Panama City Beach FL 32413
City State Zip

Email Stuart.Tettemer@pcbfl.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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1242
Bill Number or Topic

Amendment Barcode (if applicable)

Name Derick Tabertshofer

Phone 863-220-0138

Address 107 E. College Ave.
Street

Email dtabertshofer@afpha.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:

Americans for 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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

1242
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Phone 850-425-1344

Address 104 S. Monroe Street
Street

Email TcgLobby@aol.com

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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

SB 1242
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mayor JP O'Connor

Phone (561) 601-9769

Address
Street

Email joconnor@westlake.gov

Westlake 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 1264
INTRODUCER:	Appropriations Committee on Transportation, Tourism, and Economic Development; Commerce and Tourism Committee and Senator Collins
SUBJECT:	Rural and Urban Business Enterprises
DATE:	April 18, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	**Fav/CS**
2.	Nortelus	Nortelus	ATD	**Fav/CS**
3.	Renner	Yeatman	RC	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1264 makes several changes relating to business enterprises. Specifically, the bill:

- Repeals and replaces statutory references to minority business enterprises with "certified rural or urban business enterprises," which are defined as businesses located in a defined geographic area where either the per capita income in the area is less than 80 percent of Florida's per capita income or the unemployment rate in the area is greater than the unemployment rate for Florida by more than 1 percent over the previous 24 months.
- Repeals regional planning councils and allows local governments to enter into agreements to form regional planning entities.
- Includes business development in rural or urban areas as one of the programs the Department of Commerce (department) must implement.
- Revises the department's Division of Economic Development's (division) responsibilities to require the division to establish the Office of Secure Florida, which is responsible for administering and enforcing E-Verify, employment authorization compliance, and the prohibition against the purchase and registration of real property in Florida by foreign principals.
- Revises the information required in the department's annual incentives report to include a description of trends relating to business interest in and usage of the various incentives and the number of small businesses and businesses in rural or urban areas receiving incentives.
- Creates the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the department to increase venture capital investment in Florida.

- Revises the eligibility requirements for the Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers by removing the requirement that the officer maintain continuous full-time employment or at least two years from the date on which certification was obtained, extends the break in service from 15 calendar days to 180 days, and specifies that any break in service will not count toward satisfying the 2-year full-time employment requirement. The bill also deletes the expiration date of the program.
- Repeals the expiration of the sales tax exemption for certain data centers on June 30, 2027.
- Provides an exemption from land being reverted to the Board of Trustees if land conveyances are at less than the appraised value for federal government agencies, including the Department of Defense, the Army, the Navy, the Air Force, and the U.S. Coast Guard, if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.
- Renames the Office of Supplier Diversity to the Office of Supplier Development under the Department of Management Services (DMS).
- Renames the Florida Advisory Council on Small and Minority Business Development to the Florida Advisory Council on Small, Rural, and Urban Business Development under the DMS.
- Specifies that Space Florida is not an agency under s. 287.055, F.S., for purposes of its ability to bid and contract in professional or construction services, or both, under an arrangement with a person under certain circumstances.
- Revises the definition of "managerial employees" to include those who have a significant and specific role executing statewide business and economic development projects in support of business recruitment, retention, and expansion, which has the effect of classifying such employees as Selected Exempt Service.

The bill has an indeterminate significant fiscal impact on state revenues and expenditures and local government. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation and Effect of Proposed Changes:

Disadvantaged, Small, and Minority Business Enterprises

Present Situation

Chapters 287 and 288, F.S., sets forth Florida's statutory scheme for small and minority owned business assistance. A "small business" is defined as an independently owned and operated business that employs 200 or fewer permanent full-time employees, has a net worth of not more than $5 million. A "minority business enterprise" (MBE) is defined as a "small business" which is domiciled in Florida and is at least 51% owned by minority persons. A "minority person" means a lawful, permanent resident of Florida who is an African American, a Hispanic American, an Asian American, a Native American, or an American woman.[1] An "ombudsman" is an office or individual whose responsibilities include coordinating with the Office of Supplier

[1] Section 288.703, F.S.

Diversity for the interests of and providing assistance to small and minority business enterprises in dealing with governmental agencies.[2]

Florida Minority Business Loan Mobilization Program

The Florida Minority Business Loan Mobilization Program, created in s. 288.706, F.S., promotes the development of minority business enterprises, increases their ability to compete for state contracts, and sustains their economic growth in this state. The program aims to assist minority business enterprises by facilitating working capital loans to minority business enterprises that are vendors on state agency contracts. The Department of Management Services administers the program.

Black Business Loan Program

The Black Business Loan Program is established by s. 288.7102, F.S., under the department, which must annually certify eligible recipients and subsequently disburse funds appropriated by the Legislature, through such eligible recipients, to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector. The program received $2.25 million in Fiscal Year 2024 from the State Economic Enhancement and Development Trust Fund.[3]

Office of Supplier Diversity

The Office of Supplier Diversity, now renamed as the Office of Supplier Development (Office),[4] operates within the DMS. The Office assists Florida small businesses, including MBEs and women—and veteran-owned businesses, in becoming suppliers of commodities, services, and construction to the state government.[5] In addition to other statutory powers and functions, the Office has the duty to adopt rules to determine what constitutes a "good faith effort" to meet minority business enterprise procurement goals, create a certification program for MBEs, and monitor agencies' compliance with procurement goals.[6]

One of the duties of the Office is to develop procedures that an agency can use to identify commodities, contractual services, architectural and engineering services, and construction contracts that minority business enterprises could provide. Each agency is encouraged to spend 21 percent of the money on construction contracts, 25 percent on architectural and engineering contracts, 24 percent on commodities, and 50.5 percent on contractual services during the previous fiscal year. In the event of budget reductions, base amounts may be adjusted as follows:[7]

---

[2] Section 288.703(5), F.S.
[3] HB 5001 General Appropriations Act (2024), Line 2335, available at https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?FileName=CRA_.pdf&DocumentType=Amendments&BillNumber=5001&Session=2024 (last visited March 28, 2025).
[4] *See* Department of Management Services, *Office of Supplier Development*, available at https://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd (last visited Mar. 28, 2025).
[5] 8 FLA. PRAC., CONSTR. LAW MANUAL s. 5:22 *Minority and disadvantaged business enterprise requirements* (2023-2024 ed.). For powers and duties of the Office, see s. 287.09451, F.S.
[6] Section 287.09451(4), F.S.
[7] Section 287.09451(4)(n), F.S.

- Construction contracts – 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.
- Architectural and engineering contracts – 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.
- Commodities – 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for Native Americans, and 17 percent for American women.
- Contractual services- 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for Native Americans, and 36 percent for American women.

These spending goals were challenged in court as gender and racial classifications that impermissibly violated the Equal Protection Clause of the U.S. Constitution. A U.S. District Court found that s. 287.09451, F.S., et seq., were not narrowly tailored to serve a compelling governmental interest, violated the Equal Protection Clause of the Fourteenth Amendment, and were unconstitutional.[8]

Florida Advisory Council on Small and Minority Business Development

The Florida Advisory Council on Small and Minority Business Development assists the Secretary of Department of Management Services with minority businesses and economic and business development.[9] The council's powers and duties include, but are not limited to, studying the ability of financial markets and institutions to meet small business credit needs, determining the impact of government demands on credit for small businesses, and requiring a state economic development comprehensive plan as it relates to small minority businesses.[10]

Effect of Proposed Changes

The bill repeals or amends the following statutes related to minority business enterprises:

Section 1 repeals s. 24.113, F.S., relating to minority participation in the sale of lottery tickets.

Section 15 repeals s. 287.0931, F.S., relating to participation in bond underwriting for minority business enterprises.

Section 16 repeals s. 288.12266, F.S., relating to the Targeted Marketing Assistance Program.

Section 17 repeals s. 288.124, F.S., relating to VISIT Florida's convention grants program, and

Section 18 repeals s.288.706, F.S., relating to the Florida Minority Business Loan Mobilization Program.

Section 19 repeals s. 288.7094, F.S., relating to Black business investment corporations.

[8] *Florida A.G.C. Council v. Florida,* 303 F. Supp. 2d 1307, 1316 (N.D. Fla. 2004).
[9] Section 287.0947(1), F.S.
[10] Section 287.0947(5), F.S.

Section 20 repeals s. 288.7102, F.S., relating to the Black Business Loan Program.

Section 21 repeals s. 288.71025, F.S., relating to prohibited acts and penalties under the Small and Minority Business Assistance Act.

Section 22 repeals s. 288.7103, F.S., relating to the eligibility requirements for loans, loan guarantees, or investments under the Small and Minority Business Assistance Act.

Section 23 repeals s. 288.714, F.S., which applies to the quarterly and annual reports required under the Black Business Loan Program.

Section 24 repeals s. 331.351, F.S., relating to participation by women, minorities, and socially and economically disadvantaged business enterprises.

Section 28 amends s. 287.012, F.S., relating to procurement of personal property and services definitions, to delete the definition of a minority business enterprise.

Section 30 amends s. 287.09451, F.S., to rename the Office of Supplier Diversity the Office of Supplier Development. The bill specifies that the office's purpose and duties are to assist rural or urban business enterprises rather than minority ones. It also removes the provision encouraging agencies to spend certain percentages of contract money with specific minority business enterprises.

Section 31 amends s. 287.0947, F.S., to rename the Florida Advisory Council on Small and Minority Business Development the Florida Advisory Council on Small, Rural, and Urban Business Development. The bill revises the council's powers and duties to assess the implementation of requiring a state economic development comprehensive plan as it relates to small and certified rural or urban business enterprises.

Section 38 amends s. 288.703, F.S., to delete definitions relating to certified minority business enterprises and minority business enterprises. The bill revises the definition of an ombudsman to change the Office of Supplier Diversity to the Office of Supplier Development and provide that the office coordinate with individuals in assisting rural or urban business enterprises rather than minority business enterprises.

The bill defines a "certified rural or urban business enterprise" as a business located in a defined geographic area within Florida where one of the following conditions has been documented in the most recent census conducted by the Bureau of the Census of the U.S. Department of Commerce:

- Per capita income in the area is less than 80 percent of Florida's per capita income.
- The unemployment rate in the area has been greater than the unemployment rate for Florida by more than 1 percent over the previous 24 months from the time the comparison is made.

Section 76 amends s. 288.0001, F.S., relating to Economic Development Programs Evaluations, to remove the grants program from the evaluation schedule.

Sections 29, 32, 34-37, 39, 40, 42, 48, 66, 68, 69, 72-74, 77, 79, 94, 106, 133, 135-137 amend ss. 17.11, 212.096, 287.042, 287.09431, 288.001, 288.1167, 288.1229, 288.7015, 288.702, 288.705, 288.776, 290.0056, 255.101, 255.102, 287.055, 287.057, 287.0943, 288.7031, 290.004, 376.3072, 381.986, 473.3065, 625.3255, 657.042, and 658.67, F.S, respectively, to make conforming and technical changes relating to the repeal of the terms "minority business enterprises" and "minority persons" and replacing those terms with "rural or urban business enterprises."

Florida Regional Planning Councils

Present Situation:

The Florida Legislature passed the Florida Regional Planning Council Act in 1980.[11] The Legislature found that "the problems of growth and development often transcend the boundaries of individual units of local general-purpose government"[12] and that "there is a need for regional planning agencies to assist local governments to resolve their common problems, engage in areawide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an areawide basis.[13]

The state has 10 regional planning councils (RPCs), each functioning as an association of that district's constituent local governments: West Florida, Apalachee, North Central, Northeast, East Central, Central, Tampa Bay, Southwest, Treasure Coast, and South.[14]

Current responsibilities of RPCs include, but are not limited to, the following:

- Comprehensive Regional Planning
  - Strategic Regional Policy Plans: develop long-term plans addressing transportation, housing, emergency response, economic development, and environmental protection.[15]
  - Growth Management: Review and coordinate local government comprehensive plans to ensure consistency with regional and state objectives.[16]
- Economic Development
  - Assist local governments with activities designed to promote and facilitate economic development.[17]
- Transportation Planning
  - Coordinate regional transportation systems and land development policies.[18]
  - Serve as partners with Metropolitan Planning Organizations to improve regional mobility.[19]
- Emergency Preparedness and Disaster Resilience

[11] Sections 186.501-186.513, F.S.
[12] Section 186.502(a), F.S.
[13] Section 186.502(b), F.S.
[14] Section 186.512, F.S.
[15] Section 186.507, F.S.
[16] *See* chapter 163, F.S.
[17] Section 186.502(5), F.S.
[18] Section 339.155(4), F.S.
[19] Section 339.175(6), F.S.

- Develop and implement emergency response plans with the Florida Division of Emergency Management.[20]

Effect of Proposed Changes

Sections 2-14 repeal ss. 186.501 through 186.515, F.S., respectively, relating to the Regional Planning Councils.

Section 47 allows local governments to enter into agreements to create regional planning entities pursuant to ch. 163, F.S.

Sections 49-65, 67, 70, 71, 78, 80-93, 95-105, 107-132, 134, 138, and 145 amend ss. 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 218.32, 258.501, 260.0142, 288.975, 320.08058, 335.188, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 366.93, 369.303, 369.307, 373.309, 373.415, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.23, 380.507, 403.031, 403.0752, 403.503, 403.50663, 403.507, 403.509, 403.5115, 403.5175, 403.518, 403.522, 403.5251, 403.526, 403.5271, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 501.171, and 1013.30, F.S., respectively, to make conforming and technical changes necessary to implement the bill relating to the repeal of regional planning councils.

Present Situation

Department of Commerce

The department is Florida's lead agency for working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians.[21] The department is also the state's chief agency for business recruitment and expansion.[22] The department must also promote viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.[23]

The head of the department is the Secretary of Commerce, who is appointed by the Governor and confirmed by the Senate.[24] The secretary may create offices within the Office of the Secretary and within the divisions to promote efficient and effective operation of the department.[25] The department must also ensure that the state's goals and policies relating to economic development, workforce development and community planning and development are fully integrated with appropriate implementation strategies.[26]

[20] Section 252.385(2), F.S.
[21] Section 20.60(4), F.S.
[22] *Id.*
[23] Section 20.60(4)(c), F.S.
[24] Section 20.60(2), F.S.
[25] Section 20.60(3)(b), F.S.
[26] Section 20.60(3), F.S.

To achieve these goals, the Legislature established seven divisions and offices within the department:

- Economic Development
- Community Development
- Workforce Services
- Finance and Administration
- Information Technology
- Office of the Secretary
- Office of Economic Accountability and Transparency[27]

The agency is charged with managing the activities of public-private partnerships and state agencies to avoid duplication and promote coordinated and consistent implementation of programs, including defense, space, and aerospace development and rural community development.[28]

E-Verify & Prohibition against Purchases of Real Property

It is unlawful for any person to knowingly employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment, an alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security.[29] If the department finds or is notified by a specified entity that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility, the department must enter an order making such determination and require repayment of any economic incentive.[30]

The department must place the employer on probation for a 1-year period and require that the employer report quarterly to the department to demonstrate compliance if there was a violation. Any violation that takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing agency subject to ch. 120, F.S.[31]

Section 448.095, F.S., requires an employer to verify each new employee's employment eligibility within 3 business days after the first day that the employee begins working for pay. A public agency, or private agency with 25 or more employees, must use the E-Verify system to verify employment eligibility. Each employer required to use the E-Verify system must certify compliance to the Department of Revenue each year when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system.[32]

---

[27] *Id.*
[28] Section 20.60(4)(e), F.S.
[29] Section 448.09(1), F.S.
[30] Section 448.09(2), F.S.; Section 288.061(6), F.S., prohibits the Secretary of Commerce from approving an economic development incentive application unless the application includes proof to the department that the applicant business is registered with and uses the E-Verify system to verify the work authorization status of all newly hired employees. Upon a final determination of noncompliance, the awardee must repay all moneys received as an economic development incentive to the department within 30 days after the final determination.
[31] Section 488.09(4), F.S.
[32] Section 448.095(2), F.S.

Foreign principals are prohibited from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property within 20 miles of any military installation or critical infrastructure facility in the state.[33] A foreign principal that directly or indirectly owns or acquires any interest in real property within 20 miles of a military installation or critical infrastructure facility in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property within 20 miles of any military installation or critical infrastructure facility in the state. Additionally, foreign principals must register with the department.[34]

Similarly, the following persons or entities are prohibited from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property in the state:[35]

- The People's Republic of China, the Chinese Communist Party, or any official or member of the People's Republic of China or the Chinese Communist Party.
- Any other political party or member of a political party or a subdivision of a political party in the People's Republic of China.
- A partnership, an association, a corporation, an organization, or any other combination of persons organized under the laws of or having its principal place of business in the People's Republic of China, or a subsidiary of such entity.
- Any person who is domiciled in the People's Republic of China and who is not a citizen or lawful permanent resident of the U.S.

Any person or entity described above that owns or acquires real property in the state before July 1, 2023, must register with the department.[36]

Annual Incentives Report

The department must provide the Governor and Legislature with a detailed incentives report by December 30 of each year quantifying the economic benefits for all of the economic development incentive programs administered by the department and its public-private partnerships.[37]

Effect of Proposed Changes

Section 25 amends s. 20.60, F.S., to include business development in rural or urban areas as one of the programs the department implements.

The bill also requires the Division of Economic Development's (division) to establish the Office of Secure Florida, which is responsible for administering and enforcing E-Verify and employment authorization compliance under ss. 448.09 and 448.095, F.S., and the prohibition against the purchase and registration of real property in Florida by foreign principals under ss. 692.203 and 692.204, F.S.

[33] Section 692.203, F.S.
[34] Section 692.203(3)(a), F.S.
[35] Section 692.204(1), F.S.
[36] Section 692.204(4), F.S.
[37] Section 288.0065, F.S.

Section 33 amends s. 288.0065, F.S., to revise the information required in the department's annual incentives report to include a description of trends relating to business interest in and usage of the various incentives and the number of small businesses and businesses in rural or urban areas receiving incentives.

Present Situation

Law Enforcement Recruitment Bonus Payment

The Law Enforcement Recruitment Bonus Payment Program (Bonus Program), within the department, administers one-time bonus payments of up to $5,000 to newly employed officers[38] in Florida.[39] Bonus payments must be prorated based on the funds the Legislature appropriates for the Bonus Program. The department must develop an annual plan for administering the Bonus Program and distributing bonus payments to eligible officers. At a minimum, the annual plan must include:[40]

- The method for determining the estimated number of newly employed officers to gain or be appointed to full-time employment during the applicable fiscal year.
- The minimum eligibility requirements a newly employed officer must meet to receive and retain a bonus payment, which must include:
  - Obtaining certification as a law enforcement officer.
  - Gaining full-time employment with a Florida criminal justice agency.
  - Maintaining continuous full-time employment with one or more Florida criminal justice agencies for at least two years from the date on which the officer obtained a certification, provided that an officer employed by more than one criminal justice agency may not have a break in service longer than 15 days when transitioning between employers.
- The method that will be used to determine the bonus payment amount to be distributed to each newly employed officer.
- The method that will be used to distribute bonus payments to employing law enforcement agencies for distribution to eligible officers.
- The estimated cost to the department associated with developing and administering the program and distributing bonus payment funds.
- The method by which an officer must reimburse the state if he or she received a bonus payment but failed to maintain continuous employment for the required two-year period. An officer is not required to reimburse the state if he or she is discharged from employment with a law enforcement agency for any reason other than this misconduct.

The Bonus Program expires July 1, 2025.[41]

Effect of Proposed Changes

Section 45 amends s. 445.08, F.S., to revise the eligibility requirements for the Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers by

[38] A newly employed officer is a person who gains or is appointed to full-time employment as a certified law enforcement officer with a Florida criminal justice employing agency on or after July 1, 2022, and who has never before been employed as a law enforcement officer in Florida. Section 445.08(1)(d), F.S.
[39] Section 445.08(2), F.S.
[40] Section 445.08(4), F.S.
[41] Section 445.08(9), F.S.

removing the requirement that the officer maintain continuous full-time employment with a Florida criminal justice agency for at least two years from the date on which certification was obtained. Furthermore, the bill extends the break in service from 15 calendar days to 180 days. However, the law enforcement officer must provide documentation to the department justifying the break in service. The department must establish acceptable circumstances for any such break in service. Any break in service will not count toward satisfying the 2-year full-time employment requirement.

The bill also deletes the July 1, 2025, expiration date of the program.

Sales and Use Tax Exemptions for Data Centers

Present Situation

Florida levies a 6 percent sales and use tax on the sale or rental of most tangible personal property,[42] admissions,[43] transient rentals,[44] and a limited number of services, and a 4.5 percent sales and use tax on the rental of commercial real estate.[45] Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sale and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.[46]

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.[47] A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202."[48] The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered.

Certain data center property[49] is exempt from the sales and use tax.[50] To be eligible for the exemption, the data center's owners and tenants must make a cumulative capital investment of $150 million or more. The data center must also have a critical IT load of 15 megawatts or higher and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center. To receive the exemption, the person seeking the exemption must apply to the Department of Revenue for a temporary tax exemption certificate.[51] However, the

[42] Section 212.05(1)(a)1.a., F.S.
[43] Section 212.04(1)(b), F.S.
[44] Section 212.03(1)(a), F.S.
[45] Section 212.031, F.S.
[46] Section 212.07(2), F.S.
[47] Section 212.055, F.S.
[48] Section 212.054(2)(a), F.S.
[49] Data center property is property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and operating or enabling software. Section 212.08(5)(r)1.c.(IV), F.S.
[50] Section 212.08(5)(r), F.S.
[51] Section 212.08(5)(r)1.c.(IV)(d)3., F.S.

Department of Revenue is prohibited from issuing a temporary sales and use tax exemption for those properties after June 30, 2027.[52]

Effect of Proposed Changes

Section 26 amends s. 212.08, F.S., to repeal the expiration of the data center sales tax exemption on June 30, 2027.

Military Base Protection

Present Situation

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.[53] The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. This body may acquire, sell, transfer, and administer state lands in the manner consistent with chs. 253 and 259, F.S.[54] The Department of Environmental Protection (DEP), through its Division of State Lands (DSL), performs all staff duties and functions related to the acquisition, administration, and disposition of state lands.[55]

"Conservation lands" are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands.[56]

The Board of Trustees may acquire nonconservation lands from the department's annual list through the Military Base Protection Program to buffer a military installation against encroachment.[57] A conveyance at less than appraised value must state that the land will revert to the Board of Trustees if the land is not used for its intended purposes as a military installation buffer or if the military installation closes.[58]

Effect of Proposed Changes

Section 27 amends s. 253.025, F.S., to provide an exemption from land being reverted to the Board of Trustees if land conveyances are at less than the appraised value. The exemption applies to federal government agencies, including the Department of Defense, the Army, the Navy, the Air Force, and the U.S. Coast Guard, if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.

[52] Section 212.08(5)(r)1.c.(IV)(e)., F.S.
[53] Section 253.001, F.S.
[54] Section 253.02(1), F.S.
[55] Section 253.002(1), F.S.
[56] Section 253.034(2)(c), F.S.
[57] Section 253.025(21)(a), F.S.
[58] Section 253.025(21)(d), F.S.

Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program

Effect of Proposed Changes

Section 41 creates s. 288.9628, F.S., relating to the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the department to increase venture capital investment in Florida. The department must coordinate with the Florida Opportunity Fund and the State Board of Administration in reviewing and approving applications for tax credits under this section.

Application: An applicant must apply to the department for authorization to claim RISE tax credits. The department must review and approve or deny a complete application within 60 calendar days after the complete application has been submitted. An applicant must demonstrate to the department's satisfaction within 12 months after the complete application has been submitted that the qualifying private fund[59] has received at least the total capital commitment contained in its application. The application must include specified names of investors, number of qualifying instruments, and total capital commitment.

Tax credits and revocation: To receive tax credits, a qualifying private fund must provide documentation that demonstrates to the department's reasonable satisfaction that the qualifying investment meets requirements. A qualifying private fund must make at least one qualified investment in at least one qualifying portfolio project to be eligible to receive tax credits under this section. Each submission by a qualifying private fund to receive tax credits for a qualifying investment in a qualifying portfolio company must include, at a minimum: the amount of cash deployed in a qualifying portfolio company, the total number of employees employed by the qualifying portfolio company, and the total number of Florida-based, full-time equivalent employees employed by the qualifying portfolio company.

A qualifying private fund may receive tax credits equivalent to 25 percent of a qualifying investment in a qualifying portfolio company. Upon a determination by the department that the qualifying investment meets the requirements, the department must authorize the Department of Revenue to issue tax credits to the qualifying private fund. The Department of Revenue may not issue more than one-fifth of the tax credits authorized for a qualifying investment in a qualifying portfolio company in a fiscal year. Credits received pursuant to this section may be applied against the qualifying private fund's corporate income tax liability. A qualifying private fund may elect to sell or transfer, in whole or in part, any tax credit issued under this section. An election to sell or transfer any tax credit received pursuant to this section must be made no later than 5 years after the date the credit is received by the qualifying private fund, after which the credit expires and may not be used. A qualifying private fund may not sell or transfer credits that have been authorized by the department but not yet issued by the Department of Revenue.

[59] By reference to s. 517.12(22), F.S., a "qualifying private fund" means: a private fund that meets the definition of the term "qualifying private fund" in Securities and Exchange Commission Rule 203(m)-1, 17 C.F.R. s. 275.203(m)-1; a private fund that meets the definition of the term "venture capital fund" in Securities and Exchange Commission Rule 203(l)-1, 17 C.F.R. s. 275.203(l)-1; or a "venture capital operating company" as defined in 29 C.F.R. s. 2510.3-101(d) adopted by the United States Department of Labor under the Employee Retirement Income Security Act of 1974. The definition also includes an "angel investor group," defined by s. 517.021, F.S., as a group of accredited investors who hold regular meetings and have defined processes and procedures for making investment decisions, individually or among the membership of the group, and who are not associated persons, affiliates, or agents of a dealer or investment adviser.

The department may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the qualifying private fund submitted any false statement, representation, or certification in any application filed in an attempt to receive tax credits under this section, or if the information in a previously completed application materially changes. The department must immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the qualifying private fund must notify the Department of Revenue of any change in its tax credit claimed.

Compliance: A qualifying private fund must annually report to the department for each qualifying investment for 5 years after authorization to receive credits. Failure to do so will result in the qualifying private fund's tax credit being revoked. To receive a tax credit, a qualifying fund must submit the following to the department: certification that there have been no material changes to the information contained in the application or, a disclosure containing all material changes, if any; documentation supporting the total number of full-time equivalent employees employed by the qualifying portfolio company; documentation supporting the total number of full-time equivalent employees employed in this state by the qualifying portfolio company; and documentation supporting that the qualifying private fund has not exited its position from the qualifying portfolio company through acquisition by a company not based in this state. For purposes of this section and part III of chapter 692, committed capital invested in a qualifying portfolio company by a venture capital fund may not be construed as having ownership of the qualifying portfolio company.

Sanctions: The department must revoke and recapture the tax credits from the qualifying private fund and the Department of Revenue if a qualifying investment does not report to the department annually for five years after authorization to receive the tax credits. In such instances, the qualifying private fund must repay to the department an amount equal to 50% of the tax credits claimed by a qualifying portfolio company for the qualifying investment. Recaptured funds must be deposited into the General Revenue Fund. The department must also revoke and recapture the approval of tax credits for submitting a false statement, representation, or certification in an application by a qualifying private fund. In such instances, the qualifying private fund must repay the department an amount equal to 100% of the tax credits authorized by the department. Recaptured funds must be deposited into the General Revenue Fund.

Priority of tax credits: Fifty percent of the tax credits must be made available from July 1 to December 31 each year to provide tax credits for qualifying investments in qualifying portfolio companies located in rural communities defined in s. 288.065(2), F.S. All remaining tax credits must be made available from January 1 to June 30 of each year on a first-come, first-served basis, subject to the eligibility of the qualifying investment.

Reporting and rulemaking: Beginning December 30, 2026, the department must include the amounts of tax credits authorized and received, the total number of jobs created, and the total number of jobs created in this state in its annual incentives report required in s. 288.0065, F.S. The department is authorized to adopt rules to implement this section.

Space Florida

Present Situation

Space Florida is an independent special district[60] created to promote aerospace business development by facilitating business and infrastructure financing, spaceport operations, research and development, workforce development, and innovative education programs.[61] Space Florida acts as the single point of contact for state aerospace-related activities with federal agencies, the military, state agencies, businesses, and the private sector.[62] Space Florida may purchase or construct facilities; set rates, fees, and charges for the use of facilities, and undertake joint financing with municipalities or private sector entities for any project.[63]

Space Florida is not an agency for the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets[64] or for the procurement of personal property and services.[65]

Agency Procurement Requirements

Section 287.055, F.S., the Consultants Competitive Negotiation Act, specifies the competitive selection process to be followed by an agency when procuring professional services, which include architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.[66] Section 255.20, F.S., specifies the procurement process to be followed for local bids and contracts for public construction projects.

Effect of Proposed Changes

Section 44 amends s. 331.302, F.S., to provide that Space Florida is not an agency under s. 287.055, F.S., for purposes of its ability to bid and contract in professional or construction services, or both, under an arrangement with a person when:

- The person offering personal or construction goods or services is not subject to the requirements of s. 287.055, F.S.;
- Space Florida and the person execute a contract with terms acceptable to Space Florida; and

[60] A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate with a limited geographic boundary. *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019). Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. *See* ss. 189.02(1), 189.031(3), and. 190.005(1), F.S. *See generally* s. 189.012(6), F.S. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county. A "dependent special district" is a special district subject to significant control by the governing body of a single county or municipality. Section 189.012(2), F.S. An "independent special district" is any district that is not a dependent special district. Section 189.012(3), F.S.

[61] Section 331.302, F.S.

[62] Section 331.3011, F.S.

[63] Section 331.305, F.S.

[64] *See* s. 216.011(1)(ww), F.S.

[65] *See* s. 287.012(1), F.S.

[66] Section 287.055(2)(a), F.S.

- The person provides to Space Florida via contract an unqualified representation and warranty that the payments by the person to Space Florida in return for the possession and use of the project by the person will not be derived, directly or indirectly, from state or local government funds.

The bill specifies monies received by the person contracted to provide goods produced and services provided from government entities in the ordinary course of its operation of the project are not state or local government funds.

Managerial Employees

Present Situation

Section 110.205, F.S., specifies the state employees who are classified as career service, and designates the positions that are exempt from career service. Pursuant to s. 110.205(2)(w), F.S., managerial employees, as defined in s. 447.203(4), F.S., are exempt from career service. Pursuant to s. 110.603, F.S., the DMS must adopt a classification plan and a pay plan consisting of pay bands appropriate to the positions included in the Selected Exempt Service and which provides for salary increases based on performance. Such pay bands must be designed to attract and retain qualified personnel for the Selected Exempt Service. The pay plan and benefit package for the Selected Exempt Service must provide for greater pay and benefits overall than are provided for the Career Service and less pay and benefits overall than are provided for the Senior Management Service.

Effect of Proposed Changes

Section 46 amends s. 447.203, F.S., to revise the definition of "managerial employees" to include those who have a significant and specific role executing statewide business and economic development projects in support of business recruitment, retention, and expansion.

This has the effect of classifying such employees as Selected Exempt Service, pursuant to use of that definition in s. 110.205(2)(w), F.S.

Miscellaneous Provisions

Sections 139 - 147 reenact ss. 110.205, 163.3162, 373.129, 339.2819, 380.0552, 403.5064, 403.5251, 403.5271, 403.9421, F.S., for the purpose of incorporating the amendments made under this bill.

Section 148 provides an effective date of July 1, 2025.

III. 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:

Single Subject

Article III, Section 6 of the State Constitution requires every law to "embrace but one subject and matter properly connected therewith." The purpose of this single subject prohibition is to prohibit logrolling, in which multiple unrelated measures are combined in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.[67] An act may be as broad as the Legislature chooses, provided the matters included in the act have a natural or logical connection.[68] The requirement is violated if a law is written to accomplish separate and disassociated objects of legislative intent.[69] The Florida Supreme Court has opined that the single subject clause contains three requirements. First, each law shall embrace only one subject. Second, the law may include any matter that is properly connected with the subject. The third requirement, related to the first, is that the subject shall be briefly expressed in the title.[70]

The bill is entitled "An act relating to rural and urban business enterprises." Section 29 of the bill relates to the acquisition of state lands for purposes of buffering military installations, and section 51 relates to the Law Enforcement Recruitment Bonus Payment Program.

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill may have a positive fiscal impact on local governments that have data centers due to the extension of the existing sales and use tax exemption certain data centers receive because the exemption could lead to additional economic growth.[71] However, the bill is likely to have a negative fiscal impact on general revenue.

[67] Santos v. State, 380 So.2d 1284 (Fla. 1980).
[68] Chenoweth v. Kemp, 396 So.2d 1122 (Fla. 1981).
[69] State *ex rel.* Landis v. Thompson, 163 So. 270 (Fla. 1935).
[70] Franklin v. State, 887 So.2d 1063, 1072 (Fla. 2004).
[71] Department of Commerce analysis for SB 1264 (2025). On file with the Senate Commerce and Tourism Committee.

The bill allocates $100 million in tax credits under the RISE tax credit program. However, the credits are issued in one-fifth increments over five years and must be matched with new capital and revenue production.

The Revenue Estimating Conference adopted the following proposed estimate on April 4, 2025.

B. Private Sector Impact:

Employers may benefit from utilizing the Office of Secure Florida's resources to verify employment eligibility through E-Verify.

Businesses participating in the RISE investment tax credit program may see an increase in high-paying jobs in high-tech, manufacturing, and research and development sectors.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2025-26	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2026-27	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2027-28	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2028-29	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2029-30	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)

C. Government Sector Impact:

The bill may have a negative fiscal impact on the department due to the creation of the Office of Secure Florida. However, the department's legislative budget request includes additional staff for the Office.[72]

The bill could impact state expenditures by deleting the expiration date of the Law Enforcement Recruitment Bonus Payment Program, if the program is funded.

V. Technical Deficiencies:

None.

VI. Related Issues:

Section 26 of the bill repeals the data center sales tax exemption's expiration date of June 30, 2027. It does not provide a future expiration date, thus allowing certain data centers to enjoy an indefinite exemption.

Section 45 of the bill extends the break in service from 15 calendar days to 180 days for newly employed officers participating in the Law Enforcement Recruitment Bonus Payment Program. The bill also provides that any break in service will not count toward satisfying the 2-year full-

[72] *Id.*

time employment requirement under the program. It is unclear if an officer must start the 2-year commitment over after the break in service.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.60, 212.08, 253.025, 287.012, 287.042, 287.09451, 287.0947, 288.001, 288.0065, 288.1167, 288.1229, 288.7015, 288.702, 288.703, 288.705, 288.776, 290.0056, 290.0057, 331.302, 331.351, 445.08, 447.203, 17.11, 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142, 287.057, 287.0943, 287.09431, 288.001, 287.055, 288.7031, 288.975, 290.004, 320.08058, 335.188, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 366.93, 369.303, 369.307, 373.309, 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.23, 380.507, 381.986, 403.031, 403.0752, 403.503, 403.50663, 403.507, 403.509, 403.5115, 403.5175, 403.518, 403.522, 403.526, 403.5271, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 473.3065, 501.171, 625.3255, 657.042, 658.67, 1013.30, 215.971, 257.193, 288.0655, 627.6699, 288.0001, 110.205, 163.3162, 373.129, 339.2819, 380.0552, 403.5064, and 403.9421.

This bill creates section 288.9628 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 24.113, 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931, 288.12266, 288.124, 288.706, 288.7094, 288.7102, 288.71025, 288.7103, and 288.714.

VIII. 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 Appropriations Committee on Transportation, Tourism, and Economic Development on April 15, 2025:
The committee substitute:

- Removes a provision requiring the Division of Emergency Management to give funding priority to projects for the Hurricane Loss Mitigation Program in regional planning council regions as such regions existed on January 1, 2025.
- Removes a provision requiring the Department of Emergency Management's statewide emergency shelter plan to identify the general location and square footage of special needs shelters annually through 2030 and requiring that state funds be maximized and targeted to regional planning councils as such regions existed on January 1, 2025.

CS by Commerce and Tourism on March 31, 2025:
The CS:

- Removes provisions relating to the Rural Economic Development Initiative and the Rural Accelerator Program.

- Removes sections making conforming changes related to the Rural Economic Development Initiative.
- Retains the current statutory definition for a "minority person" in s. 288.703, F.S.

Relating to the RISE Investment Tax Credit Program, the CS:

- Requires the Department of Commerce (department) to revoke and recapture to the qualifying private fund and the Department of Revenue if a qualifying investment does not annually report to the department for five years after authorization to receive the credits. In such instances, the qualifying private fund must repay to the department an amount equal to 50 percent of the tax credits authorized.
- Requires the department to revoke and recapture the approval of tax credits for submitting a false statement, representation, or certification in any application by a qualifying private fund. In such instances, the qualifying private fund must repay the department an amount equal to 100 percent of the tax credits authorized by the department.
- Requires 50 percent of tax credits be made available from July 1 to December 31 of each year. All remaining tax credits must be made available from January 1 to June 30 of each year on a first-come, first-served basis.
- Authorizes the department to adopt rules to implement the program.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

283376

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Rules (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 288.12266, Florida Statutes, is repealed.

Section 2. Section 288.124, Florida Statutes, is repealed.

Section 3. Paragraphs (e) and (k) of subsection (4) and paragraph (a) of subsection (5) of section 20.60, Florida Statutes, are amended to read:

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

283376

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

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

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

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

(a) The Division of Economic Development shall:

1. Analyze and evaluate business prospects identified by the Governor and the secretary.

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, the department may expend interest earned from the


283376

investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to the department by law, by the appropriations process, or by the Governor. Such expenditures are ~~shall be~~ subject to review under chapter 216.

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

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

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

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



their associated industrial clusters.

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

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

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

f. The identification of business sectors that are of current or future importance to the state’s economy and to the state’s global business image, and development of specific strategies to promote the development of such sectors.

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

h. Strategies and plans to support this state’s defense, space, and aerospace industries and the emerging complementary



business activities and industries that support the development and growth of defense, space, and aerospace in this state.

5. Update the strategic plan every 5 years.

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

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

8. Administer and manage relationships, as appropriate, with the entities and programs created pursuant to the Florida Capital Formation Act, ss. 288.9621-288.96255.

9. Establish the Office of Secure Florida. The office is responsible for administering and enforcing:

a. Employment verification compliance, as set forth in ss. 448.09 and 448.095.

b. The real property purchase and registration requirements set forth in ss. 692.203 and 692.204.

Section 4. Paragraph (r) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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



(5) EXEMPTIONS; ACCOUNT OF USE.—

(r) *Data center property.*—

1. As used in this paragraph, the term:

a. "Critical IT load" means that portion of electric power capacity, expressed in terms of megawatts, which is reserved solely for owners or tenants of a data center to operate their computer server equipment. The term does not include any ancillary load for cooling, lighting, common areas, or other equipment.

b. "Cumulative capital investment" means the combined total of all expenses incurred by the owners or tenants of a data center after July 1, 2017, in connection with acquiring, constructing, installing, equipping, or expanding the data center. However, the term does not include any expenses incurred in the acquisition of improved real property operating as a data center at the time of acquisition or within 6 months before the acquisition.

c. "Data center" means a facility that:

(I) Consists of one or more contiguous parcels in this state, along with the buildings, substations and other infrastructure, fixtures, and personal property located on the parcels;

(II) Is used exclusively to house and operate equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data; or that is necessary for the proper operation of equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data;

(III) Has a critical IT load of 15 megawatts or higher, and

283376

a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center; and

(IV) Is constructed on or after July 1, 2017.

d. "Data center property" means property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and operating or enabling software, including any replacements, updates and new versions, and upgrades to or for such property, regardless of whether the property is a fixture or is otherwise affixed to or incorporated into real property. The term also includes electricity used exclusively at a data center.

2. Data center property is exempt from the tax imposed by this chapter, except for the tax imposed by s. 212.031. To be eligible for the exemption provided by this paragraph, the data center's owners and tenants must make a cumulative capital investment of $150 million or more for the data center and the data center must have a critical IT load of 15 megawatts or higher and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center. Each of these requirements must be satisfied no later than 5 years after the commencement of construction of the data center.

3.a. To receive the exemption provided by this paragraph, the person seeking the exemption must apply to the department for a temporary tax exemption certificate. The application must state that a qualifying data center designation is being sought and provide information that the requirements of subparagraph 2.



283376

will be met. Upon a tentative determination by the department that the data center will meet the requirements of subparagraph 2., the department must issue the certificate.

b.(I) The certificateholder shall maintain all necessary books and records to support the exemption provided by this paragraph. Upon satisfaction of all requirements of subparagraph 2., the certificateholder must deliver the temporary tax certificate to the department together with documentation sufficient to show the satisfaction of the requirements. Such documentation must include written declarations, pursuant to s. 92.525, from:

(A) A professional engineer, licensed pursuant to chapter 471, certifying that the critical IT load requirement set forth in subparagraph 2. has been satisfied at the data center; and

(B) A Florida certified public accountant, as defined in s. 473.302, certifying that the cumulative capital investment requirement set forth in subparagraph 2. has been satisfied for the data center.

The professional engineer and the Florida certified public accountant may not be professionally related with the data center’s owners, tenants, or contractors, except that they may be retained by a data center owner to certify that the requirements of subparagraph 2. have been met.

(II) If the department determines that the subparagraph 2. requirements have been satisfied, the department must issue a permanent tax exemption certificate.

(III) Notwithstanding s. 212.084(4), the permanent tax exemption certificate remains valid and effective for as long as



the data center described in the exemption application continues to operate as a data center as defined in subparagraph 1., with review by the department every 5 years to ensure compliance. As part of the review, the certificateholder shall, within 3 months before the end of any 5-year period, submit a written declaration, pursuant to s. 92.525, certifying that the critical IT load of 15 megawatts or higher and the critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center required by subparagraph 2. continues to be met. All owners, tenants, contractors, and others purchasing exempt data center property shall maintain all necessary books and records to support the exemption as to those purchases.

(IV) Notwithstanding s. 213.053, the department may share information concerning a temporary or permanent data center exemption certificate among all owners, tenants, contractors, and others purchasing exempt data center property pursuant to such certificate.

c. If, in an audit conducted by the department, it is determined that the certificateholder or any owners, tenants, contractors, or others purchasing, renting, or leasing data center property do not meet the criteria of this paragraph, the amount of taxes exempted at the time of purchase, rental, or lease is immediately due and payable to the department from the purchaser, renter, or lessee of those particular items, together with the appropriate interest and penalty computed from the date of purchase in the manner prescribed by this chapter. Notwithstanding s. 95.091(3)(a), any tax due as provided in this sub-subparagraph may be assessed by the department within 6 years after the date the data center property was purchased.



d. Purchasers, lessees, and renters of data center property who qualify for the exemption provided by this paragraph shall obtain from the data center a copy of the tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. Before or at the time of purchase of the item or items eligible for exemption, the purchaser, lessee, or renter shall provide to the seller a copy of the tax exemption certificate and a signed certificate of entitlement. Purchasers, lessees, and renters with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

e. For any purchase, lease, or rental of property that is exempt pursuant to this paragraph, the possession of a copy of a tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. and a signed certificate of entitlement relieves the seller of the responsibility of collecting the tax on the sale, lease, or rental of such property, and the department must look solely to the purchaser, renter, or lessee for recovery of the tax if it determines that the purchase, rental, or lease was not entitled to the exemption.

4. After June 30, 2037 ~~2027~~, the department may not issue a temporary tax exemption certificate pursuant to this paragraph.

Section 5. Paragraph (d) of subsection (21) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands.—

(21)

(d) A conveyance at less than appraised value must state that the land will revert to the board of trustees if the land is not used for its intended purposes as a military installation



283376

buffer or if the military installation closes. Federal agencies, including the Department of Defense and its subordinate Departments of the Army, Navy, and Air Force, and the Department of Homeland Security's United States Coast Guard, are exempt from this paragraph if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.

Section 6. Subsection (4) of section 331.302, Florida Statutes, is amended to read:

331.302 Space Florida; creation; purpose.—

(4) Space Florida is not an agency as defined in ss. 216.011, ~~and~~ 287.012, and 287.055. Space Florida is exempt from the bidding requirements in s. 255.20 if Space Florida engages in professional or construction services, or both, under an arrangement with a person in which:

(a) The person offering personal or construction goods or services is not subject to the requirements of s. 287.055;

(b) Space Florida and the person enter into a contract; and

(c) The person provides to Space Florida, by contract, an unqualified representation and warranty that the payments by the person to Space Florida in return for the possession and use of the project by the person will not be derived, directly or indirectly, from state or local government funds.

Section 7. Subsections (2), (4), and (9) of section 445.08, Florida Statutes, are amended to read:

445.08 Florida Law Enforcement Recruitment Bonus Payment Program.—

283376

(2)(a) There is created within the department the Florida Law Enforcement Recruitment Bonus Payment Program to aid in the recruitment of law enforcement officers within this ~~the~~ state. The purpose of the program is to administer one-time bonus payments of up to $5,000 to each newly employed officer within this ~~the~~ state.

(b) Bonus payments provided to eligible newly employed officers are contingent upon legislative appropriations. Bonus payments provided to eligible newly employed officers in a fiscal year ~~and~~ shall be prorated subject to the amount appropriated for the program.

(4)(a) The department shall develop an annual plan for the administration of the program and distribution of bonus payments. Applicable employing agencies shall assist the department with the collection of any data necessary to determine bonus payment amounts and to distribute the bonus payments, and shall otherwise provide the department with any information or assistance needed to fulfill the requirements of this section. At a minimum, the plan must include:

1.~~(a)~~ The method for determining the estimated number of newly employed officers to gain or be appointed to full-time employment during the applicable fiscal year.

2.~~(b)~~ The minimum eligibility requirements a newly employed officer must meet to receive and retain a bonus payment, which must include:

a.~~1.~~ Obtaining certification for employment or appointment as a law enforcement officer pursuant to s. 943.1395.

b.~~2.~~ Gaining full-time employment with a Florida criminal justice agency.



c.~~3.~~ Maintaining ~~continuous~~ full-time employment as a law enforcement officer with a Florida criminal justice agency for at least 2 years from the date on which the officer obtained certification. The required 2-year employment period may be satisfied by maintaining full-time employment at one or more employing agencies, but such period must not contain any break in service longer than 180 ~~15~~ calendar days. A law enforcement officer must provide documentation to the department justifying a break in service. Any break in service will not count toward satisfying the 2-year full-time employment requirement of this section.

3.~~(c)~~ The method that will be used to determine the bonus payment amount to be distributed to each newly employed officer.

4.~~(d)~~ The method that will be used to distribute bonus payments to applicable employing agencies for distribution to eligible officers. Such method should prioritize distributing bonus payments to eligible officers in the most efficient and quickest manner possible.

5.~~(e)~~ The estimated cost to the department associated with developing and administering the program and distributing bonus payment funds.

6.~~(f)~~ The method by which an officer must reimburse the state if he or she received a bonus payment under the program, but failed to maintain ~~continuous~~ employment for the required 2-year period. Reimbursement is ~~shall~~ not ~~be~~ required if an officer is discharged by his or her employing agency for a reason other than misconduct as designated on the affidavit of separation completed by the employing agency and maintained by the commission, provided that any break in service is no longer



than 180 calendar days.

(b) The department shall establish the acceptable circumstances for a break in service. For purposes of this paragraph, the term "break in service" means a period of time during which the person is employed with a Florida criminal justice agency but is not employed as a full-time law enforcement officer. The term does not include a period of time during which the person is not employed.

The department may establish other criteria deemed necessary to determine bonus payment eligibility and distribution.

(9) This section expires July 1, 2030 ~~2025~~.

Section 8. Paragraph (b) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

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

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

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

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

2. VISIT Florida and its programs established or funded

283376

under ss. 288.122-288.12265 ~~and 288.124~~.

3. The Florida Sports Foundation and related programs, including those established under ss. 288.1162, 288.11621, 288.1166, and 288.1167.

Section 9. This act shall take effect July 1, 2025.

========== 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 rural and urban business enterprises; repealing ss. 288.12266 and 288.124, F.S., relating to the Targeted Marketing Assistance Program and the convention grants program, respectively; amending s. 20.60, F.S.; revising the purpose of the Department of Commerce; revising the responsibilities of the Division of Economic Development within the department; assigning responsibility to the division for the Office of Secure Florida within the department; specifying the responsibilities of the office; amending s. 212.08, F.S.; revising the date in which the Department of Revenue may not issue temporary tax exemption certificates; amending s. 253.025, F.S.; providing an exemption for federal agencies regarding land being reverted to the Board of Trustees of the Internal Improvement Trust Fund if land conveyances are at less than the appraised value; amending s. 331.302, F.S.;

283376

providing that Space Florida is not an agency for purposes of its ability to bid and contract for certain professional and construction services under certain circumstances, and is therefore exempt from certain requirements; amending s. 445.08, F.S.; revising the minimum eligibility requirements for the Florida Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers; requiring the Department of Commerce to establish the acceptable circumstances for a break in service; defining the term "break in service"; revising an expiration date; amending s. 288.0001, F.S.; conforming a provision to changes made by the act; providing an effective date.

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Commerce and Tourism; and Senator Collins

606-03584-25 20251264c2

A bill to be entitled

An act relating to rural and urban business enterprises; repealing ss. 24.113, 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931, 288.12266, 288.124, 288.706, 288.7094, 288.7102, 288.71025, 288.7103, 288.714, and 331.351, F.S., relating to minority participation; a short title; legislative findings and public purpose; definitions relating to the Florida Regional Planning Council Act; regional planning councils, creation, and membership; regional planning councils, powers and duties; the Executive Office of the Governor, powers and duties; strategic regional policy plans; strategic regional policy plan adoption, consistency with state comprehensive plan; dispute resolution process; evaluation of strategic regional policy plan, changes in plan; designation of regional planning councils; reports; creation of regional planning councils under ch. 163, F.S.; minority business enterprises; the Targeted Marketing Assistance Program; convention grants program; the Florida Minority Business Loan Mobilization Program; black business investment corporations; the Black Business Loan Program; prohibited acts and penalties; eligibility for a loan, loan guarantee, or investment; quarterly and annual reports; and encouragement for the participation by women, minorities, and socially disadvantaged business enterprises, respectively; amending s. 20.60, F.S.;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

606-03584-25 20251264c2

revising the purpose of the Department of Commerce; revising the responsibilities of the Division of Economic Development within the department; assigning responsibility to the division for the Office of Secure Florida within the department; specifying the responsibilities of the office; amending s. 212.08, F.S.; deleting a prohibition that the Department of Revenue may not issue temporary tax exemption certificates after a specified date; amending s. 253.025, F.S.; providing an exemption for Federal Government agencies regarding land being reverted to the Board of Trustees of the Internal Improvement Trust Fund if land conveyances are at less than the appraised value; amending s. 287.012, F.S.; deleting the definition of the term "minority business enterprise"; amending s. 287.042, F.S.; conforming provisions to changes made by the act; amending s. 287.09451, F.S.; revising legislative findings; renaming the Office of Supplier Diversity as the Office of Supplier Development; specifying that the purpose and duties of the office are to assist rural or urban business enterprises, rather than minority business enterprises; conforming a provision to changes made by the act; making technical changes; amending s. 287.0947, F.S.; renaming the Florida Advisory Council on Small and Minority Business Development as the Florida Advisory Council on Small, Rural, and Urban Business Development; revising the composition of the council's membership; revising the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

council's powers and duties; conforming a cross-reference; amending s. 288.001, F.S.; revising the criteria for membership of the statewide advisory board of the Florida Small Business Development Center Network; amending s. 288.0065, F.S.; revising the list of information that must be included in the Department of Commerce's annual incentives report; amending s. 288.1167, F.S.; revising the sports franchise contract provisions for food and beverage concession and contract awards; amending s. 288.1229, F.S.; revising the representational criteria for the board of directors of the Florida Sports Foundation; amending s. 288.7015, F.S.; revising the duties of the state's rules ombudsman; amending s. 288.702, F.S.; renaming the Florida Small and Minority Business Assistance Act as the Florida Small Business Act; conforming a cross-reference; amending s. 288.703, F.S.; defining, deleting, and revising terms; amending s. 288.705, F.S.; requiring the Small Business Development Center, in coordination with Minority Business Development Centers, to compile and distribute certain information to small businesses and businesses located in rural or urban areas, rather than to minority businesses; revising the list of information that must be included by the Small Business Development Center in its annual report to the Department of Commerce; amending s. 288.776, F.S.; deleting a membership requirement of the board of directors of the Florida Export Finance Corporation; creating s. 288.9628, F.S.; providing

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

legislative findings; establishing the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the Department of Commerce; providing the purpose for the program; requiring the department to coordinate with the Florida Opportunity Fund and the State Board of Administration for a specified purpose; defining terms; requiring an applicant to apply to the department for authorization to claim tax credits; requiring the department to review and act upon such application within a specified timeframe; requiring the applicant to provide certain information required by the department; specifying the information that must be included in the application; requiring an applicant to update its application if there has been a material change; prohibiting tax credits from exceeding a specified amount in a fiscal year; prohibiting the department from issuing a tax credit to a qualifying private fund until the private fund demonstrates it has received its total capital commitment; prohibiting the department from authorizing more than a specified amount of tax credits to a qualifying private fund in a fiscal year; requiring a qualifying private fund to provide documentation to show that the qualifying investment meets the department's requirements to issue a tax credit; providing that follow-on or add-on capital commitments may only be considered after the follow-on or add-on investment has been deployed; requiring a qualifying private fund to make a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

specified number of qualified investments in a specified number of qualifying portfolio projects to be eligible for a tax credit; specifying the information that must be included in the submission by a qualifying private fund; authorizing a qualifying private fund to receive tax credits equivalent to a certain percentage of a qualifying investment in a qualifying portfolio company; requiring the department to authorize the Department of Revenue to issue tax credits to a qualifying private fund if certain requirements are met; prohibiting the Department of Revenue from issuing more than a specified fraction of the tax credits authorized for a qualifying investment in a qualifying portfolio company in a fiscal year; authorizing credits received to be applied against the qualifying private fund's corporate income tax liability; authorizing a qualifying private fund to transfer or sell any portion of its tax credit; requiring such transfer or sale to take place within a specified timeframe, after which the credit expires; prohibiting such transfer or sale if the department authorizes the credit but the Department of Revenue has not yet issued such credit; authorizing the department to revoke or modify its previous decisions if it is discovered that the qualifying private fund submitted any false statement, representation, or certification in its application or if information in a previous application materially changes; requiring the department to notify the Department of Revenue of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

any such revocation or modification affecting previously granted tax credits; requiring the qualifying private fund to notify the Department of Revenue of any change in its tax credit claimed; requiring that a qualifying private fund annually report to the department for each investment within a specified timeframe in order to remain eligible to receive tax credits; providing that failure to do so will result in the qualifying private fund's tax credit being revoked; requiring a qualifying private fund to submit specified information to the department in order to receive a tax credit; requiring the department to revoke its approval of tax credits for the qualifying investment if it fails to meet certain requirements; requiring the department to issue a notice of revocation and recapture to the qualifying private fund and the Department of Revenue; requiring such qualifying private fund to repay to the department an amount equal to a certain percentage of the tax credits authorized by the department and claimed by a qualifying portfolio company for the qualifying investment; requiring that such funds be deposited into the General Revenue Fund; providing construction; requiring the department to include specified information in its annual incentives report beginning on a specified date and annually thereafter; requiring that a certain percentage of tax credits be made available during a specified period of time for a specified purpose; requiring that all remaining tax

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

credits be made available during a specified period of time on a first-come, first-served basis, subject to eligibility of the qualifying investment; authorizing the department to adopt rules; amending s. 290.0056, F.S.; conforming provisions to changes made by the act; amending s. 290.0057, F.S.; revising enterprise zone development plan requirements to include business investment corporations in rural or urban areas; amending s. 331.302, F.S.; providing that Space Florida is not an agency for purposes of its ability to bid and contract for certain professional and construction services under certain circumstances, and is therefore exempt from certain requirements; providing that moneys received by the person under contract with Space Florida to provide certain goods and services are not state or local government funds; amending s. 445.08, F.S.; revising the minimum eligibility requirements for the Florida Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers; deleting an expiration date; amending s. 447.203, F.S.; revising the definition of the term "managerial employees"; authorizing local governments to enter into agreements to create regional planning entities; amending ss. 17.11, 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142, 287.055, 287.057, 287.0943, 287.09431,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

288.0001, 288.7031, 288.975, 290.004, 320.08058, 335.188, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 366.93, 369.303, 369.307, 373.309, 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.23, 380.507, 381.986, 403.031, 403.0752, 403.503, 403.50663, 403.507, 403.509, 403.5115, 403.5175, 403.518, 403.522, 403.526, 403.5271, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 473.3065, 501.171, 625.3255, 657.042, 658.67, and 1013.30, F.S.; conforming provisions to changes made by the act; revising and conforming cross-references; making technical changes; reenacting s. 110.205(2)(w), F.S., relating to career service exemptions, to incorporate the amendment made to s. 447.203, F.S., in references thereto; reenacting ss. 163.3162(2)(d) and 373.129(8), F.S., relating to agricultural lands and practices and maintenance of actions, respectively, to incorporate the amendment made to s. 164.1031, F.S., in references thereto; reenacting s. 339.2819(1) and (3), F.S., relating to the Transportation Regional Incentive Program, to incorporate the amendment made to s. 339.155, F.S., in references thereto; reenacting s. 380.0552(5) and (6), F.S., relating to the Florida Keys Area, to incorporate the amendments made to ss. 380.045 and 380.05, F.S., in references thereto; reenacting s. 403.5064(1)(a), F.S., relating to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

application schedules, to incorporate the amendment made to s. 403.507, F.S., in a reference thereto; reenacting ss. 403.5251(1)(a) and 403.5271(1)(d) and (f), F.S., relating to application and schedules and alternate corridors, respectively, to incorporate the amendment made to s. 403.526, F.S., in references thereto; reenacting s. 403.9421(5)(c), F.S., relating to fees and disposition, to incorporate the amendment made to s. 403.941, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 24.113, Florida Statutes, is repealed.

Section 2. Section 186.501, Florida Statutes, is repealed.

Section 3. Section 186.502, Florida Statutes, is repealed.

Section 4. Section 186.503, Florida Statutes, is repealed.

Section 5. Section 186.504, Florida Statutes, is repealed.

Section 6. Section 186.505, Florida Statutes, is repealed.

Section 7. Section 186.506, Florida Statutes, is repealed.

Section 8. Section 186.507, Florida Statutes, is repealed.

Section 9. Section 186.508, Florida Statutes, is repealed.

Section 10. Section 186.509, Florida Statutes, is repealed.

Section 11. Section 186.511, Florida Statutes, is repealed.

Section 12. Section 186.512, Florida Statutes, is repealed.

Section 13. Section 186.513, Florida Statutes, is repealed.

Section 14. Section 186.515, Florida Statutes, is repealed.

Section 15. Section 287.0931, Florida Statutes, is repealed.

Section 16. Section 288.12266, Florida Statutes, is repealed.

Section 17. Section 288.124, Florida Statutes, is repealed.

Section 18. Section 288.706, Florida Statutes, is repealed.

Section 19. Section 288.7094, Florida Statutes, is repealed.

Section 20. Section 288.7102, Florida Statutes, is repealed.

Section 21. Section 288.71025, Florida Statutes, is repealed.

Section 22. Section 288.7103, Florida Statutes, is repealed.

Section 23. Section 288.714, Florida Statutes, is repealed.

Section 24. Section 331.351, Florida Statutes, is repealed.

Section 25. Paragraphs (e) and (k) of subsection (4) and paragraph (a) of subsection (5) of section 20.60, Florida Statutes, are amended to read:

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

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

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas

including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; ~~minority and~~ small business development; business development in rural or urban areas; defense, space, and aerospace development; rural community development; and the development and promotion of professional and amateur sporting events.

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

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

(a) The Division of Economic Development shall:

1. Analyze and evaluate business prospects identified by the Governor and the secretary.

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

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be

developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions must ~~shall~~ be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

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

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

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

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

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

e. Plans for the generation of foreign investment in the state which create jobs paying above-average wages and which

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

f. The identification of business sectors that are of current or future importance to the state's economy and to the state's global business image, and development of specific strategies to promote the development of such sectors.

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

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

5. Update the strategic plan every 5 years.

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

7. Coordinate with the Florida Tourism Industry Marketing

Corporation in the development of the 4-year marketing plan pursuant to s. 288.1226(13).

8. Administer and manage relationships, as appropriate, with the entities and programs created pursuant to the Florida Capital Formation Act, ss. 288.9621-288.96255.

9. Establish the Office of Secure Florida. The office is responsible for administering and enforcing:

a. E-Verify and employment authorization compliance, as set forth in ss. 448.09 and 448.095.

b. The prohibition against the purchase and registration of real property in this state by foreign principals, as set forth in ss. 692.203 and 692.204.

Section 26. Paragraph (r) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(r) *Data center property.*—

1. As used in this paragraph, the term:

a. "Critical IT load" means that portion of electric power capacity, expressed in terms of megawatts, which is reserved solely for owners or tenants of a data center to operate their computer server equipment. The term does not include any ancillary load for cooling, lighting, common areas, or other equipment.

b. "Cumulative capital investment" means the combined total of all expenses incurred by the owners or tenants of a data center after July 1, 2017, in connection with acquiring, constructing, installing, equipping, or expanding the data center. However, the term does not include any expenses incurred in the acquisition of improved real property operating as a data center at the time of acquisition or within 6 months before the acquisition.

c. "Data center" means a facility that:

(I) Consists of one or more contiguous parcels in this state, along with the buildings, substations and other infrastructure, fixtures, and personal property located on the parcels;

(II) Is used exclusively to house and operate equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data; or that is necessary for the proper operation of equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data;

(III) Has a critical IT load of 15 megawatts or higher, and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center; and

(IV) Is constructed on or after July 1, 2017.

d. "Data center property" means property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and

operating or enabling software, including any replacements, updates and new versions, and upgrades to or for such property, regardless of whether the property is a fixture or is otherwise affixed to or incorporated into real property. The term also includes electricity used exclusively at a data center.

2. Data center property is exempt from the tax imposed by this chapter, except for the tax imposed by s. 212.031. To be eligible for the exemption provided by this paragraph, the data center's owners and tenants must make a cumulative capital investment of $150 million or more for the data center and the data center must have a critical IT load of 15 megawatts or higher and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center. Each of these requirements must be satisfied no later than 5 years after the commencement of construction of the data center.

3.a. To receive the exemption provided by this paragraph, the person seeking the exemption must apply to the department for a temporary tax exemption certificate. The application must state that a qualifying data center designation is being sought and provide information that the requirements of subparagraph 2. will be met. Upon a tentative determination by the department that the data center will meet the requirements of subparagraph 2., the department must issue the certificate.

b.(I) The certificateholder shall maintain all necessary books and records to support the exemption provided by this paragraph. Upon satisfaction of all requirements of subparagraph 2., the certificateholder must deliver the temporary tax certificate to the department together with documentation sufficient to show the satisfaction of the requirements. Such

documentation must include written declarations, pursuant to s. 92.525, from:

(A) A professional engineer, licensed pursuant to chapter 471, certifying that the critical IT load requirement set forth in subparagraph 2. has been satisfied at the data center; and

(B) A Florida certified public accountant, as defined in s. 473.302, certifying that the cumulative capital investment requirement set forth in subparagraph 2. has been satisfied for the data center.

The professional engineer and the Florida certified public accountant may not be professionally related with the data center's owners, tenants, or contractors, except that they may be retained by a data center owner to certify that the requirements of subparagraph 2. have been met.

(II) If the department determines that the subparagraph 2. requirements have been satisfied, the department must issue a permanent tax exemption certificate.

(III) Notwithstanding s. 212.084(4), the permanent tax exemption certificate remains valid and effective for as long as the data center described in the exemption application continues to operate as a data center as defined in subparagraph 1., with review by the department every 5 years to ensure compliance. As part of the review, the certificateholder shall, within 3 months before the end of any 5-year period, submit a written declaration, pursuant to s. 92.525, certifying that the critical IT load of 15 megawatts or higher and the critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center required by subparagraph 2. continues to

be met. All owners, tenants, contractors, and others purchasing exempt data center property shall maintain all necessary books and records to support the exemption as to those purchases.

(IV) Notwithstanding s. 213.053, the department may share information concerning a temporary or permanent data center exemption certificate among all owners, tenants, contractors, and others purchasing exempt data center property pursuant to such certificate.

c. If, in an audit conducted by the department, it is determined that the certificateholder or any owners, tenants, contractors, or others purchasing, renting, or leasing data center property do not meet the criteria of this paragraph, the amount of taxes exempted at the time of purchase, rental, or lease is immediately due and payable to the department from the purchaser, renter, or lessee of those particular items, together with the appropriate interest and penalty computed from the date of purchase in the manner prescribed by this chapter. Notwithstanding s. 95.091(3)(a), any tax due as provided in this sub-subparagraph may be assessed by the department within 6 years after the date the data center property was purchased.

d. Purchasers, lessees, and renters of data center property who qualify for the exemption provided by this paragraph shall obtain from the data center a copy of the tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. Before or at the time of purchase of the item or items eligible for exemption, the purchaser, lessee, or renter shall provide to the seller a copy of the tax exemption certificate and a signed certificate of entitlement. Purchasers, lessees, and renters with self-accrual authority shall maintain

all documentation necessary to prove the exempt status of purchases.

e. For any purchase, lease, or rental of property that is exempt pursuant to this paragraph, the possession of a copy of a tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. and a signed certificate of entitlement relieves the seller of the responsibility of collecting the tax on the sale, lease, or rental of such property, and the department must look solely to the purchaser, renter, or lessee for recovery of the tax if it determines that the purchase, rental, or lease was not entitled to the exemption.

~~4. After June 30, 2027, the department may not issue a temporary tax exemption certificate pursuant to this paragraph.~~

Section 27. Paragraph (d) of subsection (21) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands.—

(21)

(d) A conveyance at less than appraised value must state that the land will revert to the board of trustees if the land is not used for its intended purposes as a military installation buffer or if the military installation closes. Federal Government agencies, including the Department of Defense and its subordinate Departments of the Army, Navy, and Air Force, and the Department of Homeland Security's United States Coast Guard, are exempt from this paragraph if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.

Section 28. Subsection (18) of section 287.012, Florida Statutes, is amended to read:

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

~~(18) "Minority business enterprise" has the same meaning as provided in s. 288.703~~.

Section 29. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 287.042, Florida Statutes, are amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(2)(a) To establish purchasing agreements and procure state term contracts for commodities and contractual services, pursuant to s. 287.057, under which state agencies shall, and eligible users may, make purchases pursuant to s. 287.056. The department may restrict purchases from some term contracts to state agencies only for those term contracts where the inclusion of other governmental entities will have an adverse effect on competition or to those federal facilities located in this state. In such planning or purchasing the Office of Supplier Development ~~Diversity~~ may monitor to ensure that opportunities are afforded for contracting with rural or urban ~~minority~~ business enterprises. The department, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified rural or urban ~~minority~~ business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Commission for the Transportation Disadvantaged, or other local

public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive solicitation requirements otherwise applying to their purchases.

(3) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(b)1. Development of procedures for advertising solicitations. These procedures must provide for electronic posting of solicitations for at least 10 days before the date set for receipt of bids, proposals, or replies, unless the department or other agency determines in writing that a shorter period of time is necessary to avoid harming the interests of the state. The Office of Supplier Development ~~Diversity~~ may consult with the department regarding the development of solicitation distribution procedures to ensure that maximum distribution is afforded to certified rural or urban ~~minority~~ business enterprises as defined in s. 288.703.

2. Development of procedures for electronic posting. The department shall designate a centralized website on the Internet for the department and other agencies to electronically post solicitations, decisions or intended decisions, and other matters relating to procurement.

Section 30. Section 287.09451, Florida Statutes, is amended to read:

287.09451 Office of Supplier Development ~~Diversity~~; powers, duties, and functions.—

(1) The Legislature finds that there is evidence of a systematic pattern of past and continuing ~~racial~~ discrimination against rural or urban ~~minority~~ business enterprises and a disparity in the availability and use of such rural or urban ~~minority~~ business enterprises in the state procurement system. It is determined to be a compelling state interest to rectify such discrimination and disparity. Based upon statistical data profiling this discrimination, the Legislature has enacted ~~race-conscious and gender-conscious~~ remedial programs to ensure rural or urban ~~minority~~ participation in the economic life of the state, in state contracts for the purchase of commodities and services, and in construction contracts. The purpose and intent of this section is to increase participation by ~~minority~~ business enterprises in rural or urban areas, accomplished by encouraging the use of such rural or urban ~~minority~~ business enterprises and the entry of new and diversified rural or urban ~~minority~~ business enterprises into the marketplace.

(2) The Office of Supplier Development ~~Diversity~~ is established within the Department of Management Services to assist ~~minority~~ business enterprises located in rural or urban areas in becoming suppliers of commodities, services, and construction to state government.

(3) The secretary shall appoint an executive director for the Office of Supplier Development ~~Diversity~~, who shall serve at the pleasure of the secretary.

(4) The Office of Supplier Development has ~~Diversity shall have~~ the following powers, duties, and functions:

(a) To adopt rules to determine what constitutes a "good faith effort" for purposes of state agency compliance with the

rural or urban ~~minority~~ business enterprise procurement goals set forth in s. 287.042. Factors which must ~~shall~~ be considered ~~by the Minority Business Enterprise Assistance Office~~ in determining good faith effort must ~~shall~~ include, but are not ~~be~~ limited to:

1. Whether the agency scheduled presolicitation or prebid meetings for the purpose of informing rural or urban ~~minority~~ business enterprises of contracting and subcontracting opportunities.

2. Whether the contractor advertised in general circulation, trade association, or rural-focused or urban-focused ~~minority-focus~~ media concerning the subcontracting opportunities.

3. Whether the agency effectively used services and resources of available rural or urban ~~minority~~ community organizations; ~~minority~~ contractors' groups located in rural or urban areas; local, state, and federal ~~minority business~~ assistance offices urban businesses located in rural or urban areas; and other organizations that provide assistance in the recruitment and placement of rural or urban ~~minority~~ business enterprises ~~or minority persons~~.

4. Whether the agency provided written notice to a reasonable number of rural or urban ~~minority~~ business enterprises that their interest in contracting with the agency was being solicited in sufficient time to allow the rural or urban ~~minority~~ business enterprises to participate effectively.

(b) To adopt rules to determine what constitutes a "good faith effort" for purposes of contractor compliance with contractual requirements relating to the use of services or

commodities of a rural or urban ~~minority~~ business enterprise under s. 287.094(2). Factors which must ~~shall~~ be considered by the Office of Supplier Development ~~Diversity~~ in determining whether a contractor has made good faith efforts must ~~shall~~ include, but are not ~~be~~ limited to:

1. Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform rural or urban ~~minority~~ business enterprises of contracting and subcontracting opportunities.

2. Whether the contractor advertised in general circulation, trade association, or rural-focused or urban-focused ~~minority-focus~~ media concerning the subcontracting opportunities.

3. Whether the contractor provided written notice to a reasonable number of specific rural or urban ~~minority~~ business enterprises that their interest in the contract was being solicited in sufficient time to allow the rural or urban ~~minority~~ business enterprises to participate effectively.

4. Whether the contractor followed up initial solicitations of interest by contacting rural or urban ~~minority~~ business enterprises ~~or minority persons~~ to determine with certainty whether the rural or urban ~~minority~~ business enterprises ~~or minority persons~~ were interested.

5. Whether the contractor selected portions of the work to be performed by rural or urban ~~minority~~ business enterprises in order to increase the likelihood of meeting the rural or urban ~~minority~~ business enterprise procurement goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate rural or urban ~~minority~~ business enterprise

participation.

6. Whether the contractor provided interested rural or urban ~~minority~~ business enterprises ~~or minority persons~~ with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs.

7. Whether the contractor negotiated in good faith with interested rural or urban ~~minority~~ business enterprises ~~or minority persons~~, not rejecting rural or urban ~~minority~~ business enterprises ~~or minority persons~~ as unqualified without sound reasons based on a thorough investigation of their capabilities.

8. Whether the contractor effectively used the services of available rural or urban ~~minority~~ community organizations; rural or urban ~~minority~~ contractors' groups; local, state, and federal rural or urban ~~minority~~ business assistance offices; and other organizations that provide assistance in the recruitment and placement of rural or urban ~~minority~~ business enterprises ~~or minority persons~~.

(c) To adopt rules and do all things necessary or convenient to guide all state agencies toward making expenditures for commodities, contractual services, construction, and architectural and engineering services with certified rural or urban ~~minority~~ business enterprises in accordance with the rural or urban ~~minority~~ business enterprise procurement goals set forth in s. 287.042.

(d) To monitor the degree to which agencies procure services, commodities, and construction from rural or urban ~~minority~~ business enterprises in conjunction with the Department of Financial Services as specified in s. 17.11.

(e) To receive and disseminate information relative to

procurement opportunities, availability of rural or urban ~~minority~~ business enterprises, and technical assistance.

(f) To advise agencies on methods and techniques for achieving procurement objectives.

(g) To provide a central rural or urban ~~minority~~ business enterprise certification process which includes independent verification of status as a rural or urban ~~minority~~ business enterprise.

(h) To develop procedures to investigate complaints against rural or urban ~~minority~~ business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting its rural or urban ~~minority~~ status to the Department of Management Services for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the matter shall be referred to the office of the Attorney General, Department of Legal Affairs, for prosecution.

(i) To maintain a directory of all rural or urban ~~minority~~ business enterprises which have been certified and provide this information to any agency or business requesting it.

(j) To encourage all firms which do more than $1 million in business with the state within a 12-month period to develop, implement, and submit to this office a rural or urban ~~minority~~ business development plan.

(k) To communicate on a monthly basis with the Small and Minority Business Advisory Council to keep the council informed on issues relating to rural or urban ~~minority~~ enterprise

procurement.

(l) To serve as an advocate for rural or urban ~~minority~~ business enterprises, and coordinate with the small, rural, and minority business ombudsman, as defined in s. 288.703, which duties shall include:

1. Ensuring that agencies supported by state funding effectively target the delivery of services and resources, as related to rural or urban ~~minority~~ business enterprises.

2. Establishing standards within each industry with which the state government contracts on how agencies and contractors may provide the maximum practicable opportunity for rural or urban ~~minority~~ business enterprises.

3. Assisting agencies and contractors by providing outreach to rural or urban ~~minority~~ businesses, by specifying and monitoring technical and managerial competence for rural or urban ~~minority~~ business enterprises, and by consulting in planning of agency procurement to determine how best to provide opportunities for rural or urban ~~minority~~ business enterprises.

4. Integrating technical and managerial assistance for rural or urban ~~minority~~ business enterprises with government contracting opportunities.

(m) To certify rural or urban ~~minority~~ business enterprises, as defined in s. 288.703, and as specified in ss. 287.0943 and 287.09431, and shall recertify such rural or urban ~~minority~~ businesses at least once every 2 years. Rural or urban ~~Minority~~ business enterprises must be recertified at least once every 2 years. Such certifications may include an electronic signature.

(n)1. To develop procedures to be used by an agency in

identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by rural or urban ~~minority~~ business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the state university construction program which are ~~shall be~~ based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified rural or urban ~~minority~~ business enterprises as defined in s. 288.703, or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. ~~The overall spending goal for each industry category shall be subdivided as follows:~~

~~a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic-Americans, and 11 percent for American women.~~

~~b. For architectural and engineering contracts: 9 percent for Hispanic-Americans, 1 percent for Asian-Americans, and 15 percent for American women.~~

~~c. For commodities: 2 percent for black Americans, 4 percent for Hispanic-Americans, 0.5 percent for Asian-Americans,~~

~~0.5 percent for Native Americans, and 17 percent for American women.~~

~~d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic-Americans, 1 percent for Asian-Americans, 0.5 percent for Native Americans, and 36 percent for American women.~~

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, the term ~~terms~~ "certified rural or urban ~~minority~~ business enterprise" has the same meaning as ~~and "minority person" have the same meanings as~~ provided in s. 288.703. In order to ensure that the goals established under this paragraph for contracting with certified rural or urban ~~minority~~ business enterprises are met, the department, with the assistance of the Office of Supplier Development ~~Diversity~~, shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations must ~~shall~~ be based on statistical data indicating the availability of and disparity in the use of rural or urban ~~minority~~ businesses contracting with the state.

3. In determining the base amounts for assessing compliance with this paragraph, the Office of Supplier Development ~~Diversity~~ may develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Office of

Supplier Development ~~Diversity~~, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

4. To determine guidelines for the use of price preferences, weighted preference formulas, or other preferences, as appropriate to the particular industry or trade, to increase the participation of rural or urban ~~minority~~ businesses in state contracting. These guidelines must ~~shall~~ include consideration of:

a. Size and complexity of the project.

b. The concentration of transactions with rural or urban ~~minority~~ business enterprises for the commodity or contractual services in question in prior agency contracting.

c. The specificity and definition of work allocated to participating rural or urban ~~minority~~ business enterprises.

d. The capacity of participating rural or urban ~~minority~~ business enterprises to complete the tasks identified in the project.

e. The available pool of rural or urban ~~minority~~ business enterprises as prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

5. To determine guidelines for use of joint ventures to meet rural or urban ~~minority~~ business enterprises spending goals. For purposes of this section, the term "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines must ~~shall~~ allow transactions with joint ventures to be eligible for credit against the rural or

urban ~~minority~~ business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified rural or urban ~~minority~~ business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management, responsibilities, risks, and profits of the joint venture. Such demonstration must ~~shall~~ be by verifiable documents and sworn statements and may be reviewed by the Office of Supplier Development ~~Diversity~~ at or before the time a contract bid, proposal, or reply is submitted. An agency may count toward its rural or urban ~~minority~~ business enterprise goals a portion of the total dollar amount of a contract equal to the percentage of the ownership and control held by the qualifying certified rural or urban ~~minority~~ business partners in the contracting joint venture, so long as the joint venture meets the guidelines adopted by the office.

(o)1. To establish a system to record and measure the use of certified rural or urban ~~minority~~ business enterprises in state contracting. This system must ~~shall~~ maintain information and statistics on certified rural or urban ~~minority~~ business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified rural or urban ~~minority~~ business enterprises to state contracts and to monitor agency compliance with this section. Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of

certified rural or urban ~~minority~~ business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, ~~minority status,~~ industry, and any conditions or circumstances that significantly affected the performance of subcontractors. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the office. All agencies shall cooperate with the office in establishing this reporting system. Except in construction contracting, all agencies shall review contracts costing in excess of CATEGORY FOUR as defined in s. 287.017 to determine whether ~~if~~ such contracts could be divided into smaller contracts to be separately solicited and awarded, and shall, when economical, offer such smaller contracts to encourage rural or urban ~~minority~~ participation.

2. To report agency compliance with ~~the provisions of~~ subparagraph 1. for the preceding fiscal year to the Governor ~~and Cabinet~~, the President of the Senate, and the Speaker of the House of Representatives on or before February 1 of each year. The report must contain, at a minimum, the following:

a. Total expenditures of each agency by industry.

b. The dollar amount and percentage of contracts awarded to certified rural or urban ~~minority~~ business enterprises by each state agency.

c. The dollar amount and percentage of contracts awarded indirectly to certified rural or urban ~~minority~~ business enterprises as subcontractors by each state agency.

d. The total dollar amount and percentage of contracts awarded to certified rural or urban ~~minority~~ business

enterprises, whether directly or indirectly, as subcontractors.

e. A statement and assessment of good faith efforts taken by each state agency.

f. A status report of agency compliance with subsection (6), as determined by the Rural or Urban ~~Minority~~ Business Enterprise Office.

(5)(a) Each agency shall, at the time the specifications or designs are developed or contract sizing is determined for any proposed procurement costing in excess of CATEGORY FOUR, as defined in s. 287.017, forward a notice to the Office of Supplier Development ~~Diversity~~ of the proposed procurement and any determination on the designs of specifications of the proposed procurement that impose requirements on prospective vendors, no later than 30 days before ~~prior to~~ the issuance of a solicitation, except that this provision does ~~shall~~ not apply to emergency acquisitions. The 30-day notice period does ~~shall~~ not toll the time for any other procedural requirements.

(b) If the Office of Supplier Development ~~Diversity~~ determines that the proposed procurement will not likely allow opportunities for rural or urban ~~minority~~ business enterprises, the office may, within 20 days after it receives the information specified in paragraph (a), propose the implementation of rural or urban ~~minority~~ business enterprise utilization provisions or submit alternative procurement methods that would significantly increase rural or urban ~~minority~~ business enterprise contracting opportunities.

(c) Whenever the agency and the Office of Supplier Development ~~Diversity~~ disagree, the matter must ~~shall~~ be submitted for determination to the head of the agency or the

senior-level official designated pursuant to this section as liaison for rural or urban ~~minority~~ business enterprise issues.

(d) If the proposed procurement proceeds to competitive solicitation, the office is hereby granted standing to protest, pursuant to this section, in a timely manner, any contract award during competitive solicitation for contractual services and construction contracts that fail to include rural or urban ~~minority~~ business enterprise participation, if any responsible and responsive vendor has demonstrated the ability to achieve any level of participation, or, any contract award for commodities where, a reasonable and economical opportunity to reserve a contract, statewide or district level, for rural or urban ~~minority~~ participation was not executed or, an agency failed to adopt an applicable preference for rural or urban ~~minority~~ participation. The bond requirement is ~~shall be~~ waived for the office purposes of this subsection.

(e) An agency may presume that a vendor offering no rural or urban ~~minority~~ participation has not made a good faith effort when other vendors offer rural or urban ~~minority~~ participation of firms listed as relevant to the agency's purchasing needs in the pertinent locality or statewide to complete the project.

(f) Paragraph (a) will not apply when the Office of Supplier Development ~~Diversity~~ determines that an agency has established a work plan to allow advance consultation and planning with rural or urban ~~minority~~ business enterprises and where such plan clearly demonstrates:

1. A high level of advance planning by the agency with rural or urban ~~minority~~ business enterprises.

2. A high level of accessibility, knowledge, and experience

by rural or urban ~~minority~~ business enterprises in the agency's contract decisionmaking process.

3. A high quality of agency monitoring and enforcement of internal implementation of rural or urban ~~minority~~ business utilization provisions.

4. A high quality of agency monitoring and enforcement of contractor utilization of rural or urban ~~minority~~ business enterprises, especially tracking subcontractor data, and ensuring the integrity of subcontractor reporting.

5. A high quality of agency outreach, agency networking of major vendors with rural or urban ~~minority~~ vendors, and innovation in techniques to improve utilization of rural or urban ~~minority~~ business enterprises.

6. Substantial commitment, sensitivity, and proactive attitude by the agency head and among the agency rural or urban ~~minority~~ business staff.

(6) Each state agency shall coordinate its rural or urban ~~minority~~ business enterprise procurement activities with the Office of Supplier Development ~~Diversity~~. At a minimum, each agency shall:

(a) Adopt a rural or urban ~~minority~~ business enterprise utilization plan for review and approval by the Office of Supplier Development ~~Diversity~~ which should require meaningful and useful methods to attain the legislative intent in assisting rural or urban ~~minority~~ business enterprises.

(b) Designate a senior-level employee in the agency as a rural or urban ~~minority~~ enterprise assistance officer, responsible for overseeing the agency's rural or urban ~~minority~~ business utilization activities, and who is not also charged

with purchasing responsibility. A senior-level agency employee and agency purchasing officials is ~~shall be~~ accountable to the agency head for the agency's rural or urban ~~minority~~ business utilization performance. The Office of Supplier Development ~~Diversity~~ shall advise each agency on compliance performance.

(c) If an agency deviates significantly from its utilization plan in 2 consecutive or 3 out of 5 total fiscal years, the Office of Supplier Development ~~Diversity~~ may review any and all solicitations and contract awards of the agency as deemed necessary until such time as the agency meets its utilization plan.

Section 31. Section 287.0947, Florida Statutes, is amended to read:

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

(1) The Secretary of Management Services may create the Florida Advisory Council on Small, Rural, and Urban ~~and Minority~~ Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's duties with respect to rural or urban ~~minority~~ businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially be composed ~~consist~~ of 19 persons, each of whom is or has been actively engaged in small, rural, or urban ~~and minority~~ business

development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall be composed ~~consist~~ of members representing all regions of this ~~the~~ state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703 ~~s. 288.703(4)~~, considering also gender and nationality subgroups, and shall be composed ~~consist~~ of the following:

(a) Four members ~~consisting of~~ representatives of local and federal small, rural, or urban ~~and minority~~ business assistance programs or community development programs.

(b) Eight members representing ~~composed of representatives of~~ the rural or urban ~~minority~~ private business sectors ~~sector~~, including certified rural or urban ~~minority~~ business enterprises and rural or urban ~~minority~~ supplier development councils, among whom at least two are ~~shall be~~ women and at least four are ~~shall be~~ minority persons.

(c) Two representatives of local government, one of whom is ~~shall be~~ a representative of a large local government, and one of whom is ~~shall be~~ a representative of a small local government.

(d) Two representatives from the banking and insurance industry.

(e) Two members from the private business sector, representing the construction and commodities industries.

(f) The Secretary of Commerce or his or her designee.

A candidate for appointment may be considered if eligible to be certified as an owner of a rural or urban ~~minority~~ business

enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the secretary, in the manner of the original appointment.

(2) Each appointed member shall serve for a term of 2 years from the date of appointment, except that a vacancy must ~~shall~~ be filled by appointment for the remainder of the unexpired term. The council shall annually elect a chair and a vice chair. The council shall adopt internal procedures or bylaws necessary for efficient operations. Members of the council shall serve without compensation or honorarium but shall be entitled to per diem and travel expenses pursuant to s. 112.061 for the performance of duties for the council. The executive administrator of the commission may remove a council member for cause.

(3) Within 30 days after its initial meeting, the council shall elect from among its members a chair and a vice chair.

(4) The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the commission or its executive administrator, or at such times as may be prescribed by rule, but not less than once a year, to offer its views on issues related to small, rural, or urban ~~and minority~~ business development of concern to this state. A majority of the members of the council shall constitute a quorum.

(5) The powers and duties of the council include, but are not limited to the following: researching and reviewing the role of small, rural, or urban ~~and minority~~ businesses in the state's economy; reviewing issues and emerging topics relating to small, rural, or urban ~~and minority~~ business economic development;

studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small, rural, or urban businesses; assessing the implementation of s. 187.201(21), requiring a state economic development comprehensive plan, as it relates to small and certified rural or urban business enterprises as defined in s. 288.703 ~~minority businesses~~; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist rural or urban ~~minority~~ business enterprises; and advising the Governor, the secretary, and the Legislature on matters relating to small, rural, or urban ~~and minority~~ business development which are of importance to the international strategic planning and activities of this state.

(6) On or before January 1 of each year, the council shall present an annual report to the secretary that sets forth in appropriate detail the business transacted by the council during the year and any recommendations to the secretary, including those to improve business opportunities for small, rural, or urban ~~and minority~~ business enterprises.

Section 32. Paragraph (b) of subsection (4) of section 288.001, Florida Statutes, is amended, and paragraph (b) of subsection (3) is reenacted, to read:

288.001 The Florida Small Business Development Center Network.—

(3) OPERATION; POLICIES AND PROGRAMS.—

(b) The network's statewide director shall consult with the Board of Governors, the department, and the network's statewide advisory board to ensure that the network's policies and

programs align with the statewide goals of the State University System and the statewide strategic economic development plan as provided under s. 20.60.

(4) STATEWIDE ADVISORY BOARD.—

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

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

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

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

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

5. One member appointed by the host institution.

6. The Secretary of Commerce, or his or her designee.

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

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

9. The Small Business Development Center Project Officer

from the U.S. Small Business Administration at the South Florida District Office, or his or her designee.

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

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

Section 33. Subsection (8) of section 288.0065, Florida Statutes, is amended to read:

288.0065 Annual incentives report.—By December 30 of each year, the department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for all of the economic development incentive programs administered by the department and its public-private partnerships. The annual incentives report must include:

(8) A description of the trends relating to business interest in, and usage of, the various incentives, and the number of small ~~minority-owned or woman-owned~~ businesses and businesses in rural or urban areas receiving incentives.

Section 34. Section 288.1167, Florida Statutes, is amended to read:

288.1167 Sports franchise contract provisions for food and beverage concession and contract awards to ~~minority~~ business enterprises in rural or urban areas.—Any applicant who receives funding pursuant to the provisions of s. 212.20 must demonstrate that:

(1) Funds and facilities with respect to food and beverage and related concessions shall be awarded to certified rural or urban small ~~minority~~ business enterprises ~~as defined in s. 288.703~~ on the same terms and conditions as the general food and beverage concessionaire and in accordance with the rural or urban ~~minority~~ business enterprise procurement goals set forth in s. 287.09451;

(2) At least 15 percent of a company contracted to manage a professional sports franchise facility or a spring training franchise facility is owned by certified rural or urban ~~minority~~ business enterprises ~~or by a minority person~~ as that term is ~~those terms are~~ defined in s. 288.703; or

(3) At least 15 percent of all operational service contracts with a professional sports franchise facility or a spring training franchise facility are awarded to certified rural or urban ~~minority~~ business enterprises as that term is defined in s. 288.703 or to a ~~minority~~ person located in a rural or urban area ~~as those terms are defined in s. 288.703~~.

Section 35. Paragraph (b) of subsection (2) of section 288.1229, Florida Statutes, is amended to read:

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

(2) The Florida Sports Foundation must:

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

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

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

Section 36. Subsection (2) of section 288.7015, Florida Statutes, is amended to read:

288.7015 Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in s. 288.703, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. The duties of the rules ombudsman are to:

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and certified rural or urban business enterprise as that term is defined in s. 288.703 ~~minority businesses~~.

Section 37. Section 288.702, Florida Statutes, is amended to read:

288.702 Short title.—This section and ss. 288.703-288.705 ~~ss. 288.703-288.706~~ may be cited as the "Florida Small ~~and Minority~~ Business ~~Assistance~~ Act."

Section 38. Section 288.703, Florida Statutes, is amended to read:

288.703 Definitions.—As used in ss. 288.702-288.705 ~~ss. 288.702-288.706~~, the term:

(1) "Certified rural or urban business enterprise" means a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

business located in a defined geographic area within this state where one of the following conditions has been documented in the most recent census conducted by the Bureau of the Census of the United States Department of Commerce:

a. Per capita income in the area is less than 80 percent of this state's per capita income.

b. The unemployment rate in the area has been greater than the unemployment rate for this state by more than 1 percent over the previous 24 months from the time the comparison is made.

~~"Certified minority business enterprise" means a business which has been certified by the certifying organization or jurisdiction in accordance with s. 287.0943(1) and (2).~~

(2) "Financial institution" means any bank, trust company, insurance company, savings and loan association, credit union, federal lending agency, or foundation.

~~(3) "Minority business enterprise" means any small business concern as defined in subsection (6) which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least 51-percent-owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group's control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership which is the result of a transfer from a nonminority person to a minority person~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~within a related immediate family group if the combined total net asset value of all members of such family group exceeds $1 million. For purposes of this subsection, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.~~

(3)~~(4)~~ "Minority person" means a lawful, permanent resident of Florida who is:

(a) An African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin.

(b) A Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778.

(d) A Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services.

(e) An American woman.

(4)~~(5)~~ "Ombudsman" means an office or individual whose responsibilities include coordinating with the Office of Supplier Development ~~Diversity~~ for the interests of and providing assistance to rural or urban ~~small and minority~~ business enterprises in dealing with governmental agencies and in developing proposals for changes in state agency rules.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(5)~~(6)~~ "Small business" means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than $5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the $5 million net worth requirement includes ~~shall include~~ both personal and business investments.

Section 39. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute this information to small and rural or urban ~~minority~~ businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the department on the use of the statewide contracts register. The report must ~~shall~~ include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

businesses requesting such service.

(4) The total number of businesses using the service.

~~(5) The percentage of businesses using the service which are owned and controlled by minorities.~~

(5)~~(6)~~ The percentage of service-disabled veteran business enterprises using the service.

Section 40. Subsection (1) of section 288.776, Florida Statutes, is amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of this ~~the~~ state. ~~Minority and gender representation must be considered when making appointments to the board.~~ The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: the Secretary of Commerce, the Chief Financial Officer, the Secretary of State, and a senior official of the United States Department of Commerce.

(b) Appointees who are not state or Federal Government officials shall serve for a term of 3 years and shall be eligible for reappointment. Nonstate and nonfederal official vacancies on the board shall be filled by the board within 30 days after the effective date of the vacancy.

Section 41. Section 288.9628, Florida Statutes, is created

to read:

288.9628 Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that strengthening the state's early-stage business ecosystem and supporting cutting-edge innovation are essential for fostering innovation and economic growth. The early-stage business ecosystem, fueled by the state's colleges, universities, and private industry growth, represents significant opportunity for the state to retain entrepreneurial talent and provides an overall benefit for jobseekers, job creators, families, communities, and the state's economy.

(2) RISE PROGRAM CREATED.—There is established within the department the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program. The purpose of the program is to increase venture capital investment in this state. The department shall coordinate with the Florida Opportunity Fund and the State Board of Administration in reviewing and approving applications for tax credits under this section.

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

(a) "Accredited investor" has the same meaning as in s. 517.021.

(b) "Advisory affiliate" has the same meaning as in s. 517.12(22).

(c) "Affiliate" has the same meaning as in s. 517.021.

(d) "Applicant" means an advisory affiliate, an exempt reporting adviser, or an investment adviser who submits or updates an application on behalf of a qualifying private fund.

(e) "Associated person" has the same meaning as in s.

517.021.

(f) "Company" means any business in this state, or a business with more than 50 percent of its workforce in this state, with 500 or fewer employees, and which is engaged in a project.

(g) "Department" means the Department of Commerce.

(h) "Exempt reporting adviser" has the same meaning as in s. 517.12(22).

(i) "Investment adviser" has the same meaning as in s. 517.021.

(j) "Investor" means any person or entity that has made a capital contribution to a qualifying private fund.

(k) "Private fund adviser" has the same meaning as in s. 517.12(22).

(l) "Project" means research and development that leads to or is anticipated to lead to the creation of new or useful improvement of technologies, agricultural technologies, devices, processes, machines, manufacturing, or composition of matter. A project may result from the innovative activities of a company or research at a university or college in this state.

(m) "Qualifying investment" has the same meaning as in 17 C.F.R. s. 275.203(l)-1(c)(3) and, for purposes of this section, includes investment in one or more companies or projects.

(n) "Qualifying portfolio company" has the same meaning as in 17 C.F.R. s. 275.203(l)-1(c)(4) and, for purposes of this section, includes a company as defined in this subsection.

(o) "Qualifying private fund" has the same meaning as in s. 517.12(22) and includes an angel investor group as defined in s. 517.021.

(p) "Total capital commitment" means the total amount of cash funding the qualifying private fund intends to raise to make one or more qualifying investments in one or more qualifying portfolio companies.

(4) APPLICATION.—

(a) An applicant must apply to the department for authorization to claim RISE tax credits under this section. The department must review and approve or deny a complete application within 60 calendar days after the complete application has been submitted.

(b) An applicant must demonstrate to the department's satisfaction within 12 months after the complete application has been submitted that the qualifying private fund has received at least the total capital commitment contained in its application.

(c) The application must include, at a minimum:

1. The names of any accredited investors, advisory affiliates, affiliates, associated persons, exempt reporting advisers, investment advisers, or private fund advisers associated with the qualifying private fund, if there are any at the time of application.

2. The names of any investors in the qualifying private fund, if there are any at the time of application.

3. The estimated total number of qualifying investments in qualifying portfolio companies.

4. The total capital commitment of the qualifying private fund.

(d) If, at any time after an applicant has submitted a complete application, there has been a material change that affects the accuracy or completeness of the information

contained in the application, the applicant must update its application.

(5) TAX CREDITS; GENERALLY.—

(a) The amount of tax credits available pursuant to this section in a fiscal year may not exceed $100 million.

(b) The department may not issue a tax credit to a qualifying private fund until the qualifying private fund demonstrates that it has received its total capital commitment.

(c) The department may not authorize more than $10 million in tax credits to a qualifying private fund in a fiscal year.

(6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.—

(a) To receive tax credits, a qualifying private fund must provide documentation that demonstrates to the department's reasonable satisfaction that the qualifying investment meets the requirements of this section. For purposes of this section, follow-on or add-on commitments may only be considered by the department after the follow-on or add-on investment has been deployed.

(b) A qualifying private fund must make at least one qualified investment in at least one qualifying portfolio project to be eligible to receive tax credits under this section.

(c) Each submission by a qualifying private fund to receive tax credits for a qualifying investment in a qualifying portfolio company must include, at a minimum, all of the following:

1. The amount of cash deployed by the qualifying private fund to a qualifying investment in a qualifying portfolio company.

2. The total number of employees employed by the qualifying portfolio company.

3. The total number of Florida-based, full-time equivalent employees employed by the qualifying portfolio company.

(7) TAX CREDITS; RECEIPT; REVOCATION.—

(a) A qualifying private fund may receive tax credits equivalent to 25 percent of a qualifying investment in a qualifying portfolio company.

(b) Upon a determination by the department that the qualifying investment meets the requirements of this section, the department shall authorize the Department of Revenue to issue tax credits to the qualifying private fund.

(c) The Department of Revenue may not issue more than one-fifth of the tax credits authorized for a qualifying investment in a qualifying portfolio company in a fiscal year.

(d) Credits received pursuant to this section may be applied against the qualifying private fund's corporate income tax liability. A qualifying private fund may elect to sell or transfer, in whole or in part, any tax credit issued under this section. An election to sell or transfer any tax credit received pursuant to this section must be made no later than 5 years after the date the credit is received by the qualifying private fund, after which the credit expires and may not be used. A qualifying private fund may not sell or transfer credits that have been authorized by the department but not yet issued by the Department of Revenue.

(e) The department may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is

discovered that the qualifying private fund submitted any false statement, representation, or certification in any application filed in an attempt to receive tax credits under this section, or if the information in a previously completed application materially changes. The department must immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the qualifying private fund must notify the Department of Revenue of any change in its tax credit claimed.

(8) COMPLIANCE.—

(a) A qualifying private fund must annually report to the department for each qualifying investment for 5 years after authorization to receive credits. Failure to do so will result in the qualifying private fund's tax credit being revoked.

(b) In order to receive a tax credit, a qualifying fund must submit to the department all of the following:

1. A certification that there have been no material changes to the information contained in the application or, if material changes have occurred since the submission of the application, a disclosure containing all material changes.

2. Documentation supporting the total number of full-time equivalent employees employed by the qualifying portfolio company.

3. Documentation supporting the total number of full-time equivalent employees employed in this state by the qualifying portfolio company.

4. Documentation supporting that the qualifying private fund has not exited its position from the qualifying portfolio company through acquisition by a company not based in this

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

state.

(9) SANCTIONS.—

(a) If a qualifying investment fails to meet the requirements of paragraph (8)(a) or paragraph (8)(b), the department must revoke its approval of tax credits for the qualifying investment. The department shall issue a notice of revocation and recapture to the qualifying private fund and the Department of Revenue. The qualifying private fund must repay to the department an amount equal to 50 percent of the tax credits authorized by the department and claimed by a qualifying portfolio company for the qualifying investment. Recaptured funds must be deposited into the General Revenue Fund.

(b) If the department determines that the qualifying private fund submitted any false statement, representation, or certification in any application as provided in paragraph (7)(e), the department must revoke its approval of tax credits for the qualifying investment. The department shall issue a notice of revocation and recapture to the qualifying private fund and the Department of Revenue. The qualifying private fund must repay to the department an amount equal to 100 percent of the tax credits authorized by the department and claimed by a qualifying portfolio company for the qualifying investment. Recaptured funds must be deposited into the General Revenue Fund.

(10) CONSTRUCTION.—For purposes of this section and part III of chapter 692, committed capital invested in a qualifying portfolio company by a venture capital fund may not be construed as having ownership of the qualifying portfolio company.

(11) REPORTING.—Beginning December 30, 2026, the department

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

shall include the amounts of tax credits authorized and received, the total number of jobs created, and the total number of jobs created in this state in its annual incentives report required under s. 288.0065.

(12) PRIORITY OF TAX CREDITS.—Fifty percent of the tax credits provided in this section must be made available from July 1 to December 31 of each year to provide tax credits for qualifying investments in qualifying portfolio companies located in a rural community as defined in s. 288.0656. All remaining tax credits must be made available from January 1 to June 30 of each year on a first-come, first-served basis, subject to the eligibility of the qualifying investment.

(13) RULEMAKING.—The department is authorized to adopt rules to implement this section.

Section 42. Subsection (10) of section 290.0056, Florida Statutes, is amended to read:

290.0056 Enterprise zone development agency.—

(10) Contingent upon approval by the governing body, the agency may invest in community investment corporations which conduct, or agree to conduct, loan guarantee programs assisting rural or urban ~~minority~~ business enterprises located in the enterprise zone. In making such investments, the agency shall first attempt to invest in existing community investment corporations providing services in the enterprise zone. Such investments shall be made under conditions required by law and as the agency may require, including, but not limited to:

(a) The funds invested by the agency shall be used to provide loan guarantees to individuals for rural or urban ~~minority~~ business enterprises located in the enterprise zone.

(b) The community investment corporation may not approve any application for a loan guarantee unless the person applying for the loan guarantee shows that he or she has applied for the loan or loan guarantee through normal banking channels and that the loan or loan guarantee has been refused by at least one bank or other financial institution.

Section 43. Paragraph (f) of subsection (1) of section 290.0057, Florida Statutes, is amended to read:

290.0057 Enterprise zone development plan.—

(1) Any application for designation as a new enterprise zone must be accompanied by a strategic plan adopted by the governing body of the municipality or county, or the governing bodies of the county and one or more municipalities together. At a minimum, the plan must:

(f) Identify the amount of local and private resources that will be available in the nominated area and the private/public partnerships to be used, which may include participation by, and cooperation with, universities, community colleges, small business development centers, ~~black~~ business investment corporations in rural or urban areas as defined in s. 288.703, certified development corporations, and other private and public entities.

Section 44. Subsection (4) of section 331.302, Florida Statutes, is amended to read:

331.302 Space Florida; creation; purpose.—

(4) Space Florida is not an agency as defined in ss. 216.011, ~~and~~ 287.012, and 287.055. Space Florida is exempt from the bidding requirements in s. 255.20 when Space Florida engages in professional or construction services, or both, under an

arrangement with a person in which:

(a) The person offering personal or construction goods or services is not subject to the requirements of s. 287.055;

(b) Space Florida and the person execute a contract with terms acceptable to Space Florida; and

(c) The person provides to Space Florida by contract an unqualified representation and warranty that the payments by the person to Space Florida in return for the possession and use of the project by the person will not be derived, directly or indirectly, from state or local government funds.

For purposes of this subsection, moneys received by the person contracted to provide goods produced and services provided from government entities in the ordinary course of its operation of the project are not state or local government funds.

Section 45. Paragraph (b) of subsection (4) and subsection (9) of section 445.08, Florida Statutes, are amended to read:

445.08 Florida Law Enforcement Recruitment Bonus Payment Program.—

(4) The department shall develop an annual plan for the administration of the program and distribution of bonus payments. Applicable employing agencies shall assist the department with the collection of any data necessary to determine bonus payment amounts and to distribute the bonus payments, and shall otherwise provide the department with any information or assistance needed to fulfill the requirements of this section. At a minimum, the plan must include:

(b) The minimum eligibility requirements a newly employed officer must meet to receive and retain a bonus payment, which

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

must include:

1. Obtaining certification for employment or appointment as a law enforcement officer pursuant to s. 943.1395.

2. Gaining full-time employment with a Florida criminal justice agency.

3. Maintaining ~~continuous~~ full-time employment with a Florida criminal justice agency for at least 2 years from the date on which the officer obtained certification. The required 2-year employment period may be satisfied by maintaining employment at one or more employing agencies, but such period must not contain any break in service longer than 180 ~~15 calendar~~ days. A law enforcement officer must provide documentation to the department justifying the break in service. The department shall establish the acceptable circumstances for any such break in service. Any break in service will not count toward satisfying the 2-year full-time employment requirement of this section.

The department may establish other criteria deemed necessary to determine bonus payment eligibility and distribution.

~~(9) This section expires July 1, 2025.~~

Section 46. Paragraph (a) of subsection (4) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(4) "Managerial employees" are those employees who:

(a) Perform jobs that are not of a routine, clerical, or ministerial nature and require the exercise of independent judgment in the performance of such jobs and to whom one or more of the following applies:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1. They formulate or assist in formulating policies which are applicable to bargaining unit employees.

2. They may reasonably be required on behalf of the employer to assist in the preparation for the conduct of collective bargaining negotiations.

3. They have a role in the administration of agreements resulting from collective bargaining negotiations.

4. They have a significant role in personnel administration.

5. They have a significant role in employee relations.

6. They are included in the definition of administrative personnel contained in s. 1012.01(3).

7. They have a significant role in the preparation or administration of budgets for any public agency or institution or subdivision thereof.

8. They have a significant and specific role executing statewide business and economic development projects in support of business recruitment, retention, and expansion.

However, in determining whether an individual is a managerial employee pursuant to paragraph (a) or paragraph (b), above, the commission may consider historic relationships of the employee to the public employer and to co-employees ~~coemployees~~.

Section 47. Local governments may enter into agreements to create regional planning entities pursuant to chapter 163, Florida Statutes.

Section 48. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

(2) The Chief Financial Officer shall also cause to have reported from the Florida Accounting Information Resource Subsystem no less than quarterly the disbursements which agencies made to small businesses, as defined in the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act,~~,~~ and to certified rural or urban ~~minority~~ business enterprises in the aggregate~~, and to certified minority business enterprises broken down into categories of minority persons, as well as gender and nationality subgroups~~. This information must ~~shall~~ be made available to the agencies, the Office of Supplier Development ~~Diversity~~, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Each agency shall be responsible for the accuracy of information entered into the Florida Accounting Information Resource Subsystem for use in this reporting.

Section 49. Paragraph (f) of subsection (1) of section 68.082, Florida Statutes, is amended to read:

68.082 False claims against the state; definitions; liability.—

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

(f) "State" means the government of the state or any department, division, bureau, commission, regional ~~planning~~ agency, board, district, authority, agency, or other instrumentality of the state.

Section 50. Paragraph (a) of subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(1) "Agency" means the following officers or governmental entities if acting pursuant to powers other than those derived

from the constitution:

(a) The Governor; each state officer and state department, and each departmental unit described in s. 20.04; the Board of Governors of the State University System; the Commission on Ethics; the Fish and Wildlife Conservation Commission; a regional water supply authority; ~~a regional planning agency;~~ a multicounty special district, but only if a majority of its governing board is comprised of nonelected persons; educational units; and each entity described in chapters 163, 373, 380, and 582 ~~and s. 186.504~~.

This definition does not include a municipality or legal entity created solely by a municipality; a legal entity or agency created in whole or in part pursuant to part II of chapter 361; a metropolitan planning organization created pursuant to s. 339.175; a separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member; an expressway authority pursuant to chapter 348 or any transportation authority or commission under chapter 343 or chapter 349; or a legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection.

Section 51. Subsection (4) of section 120.525, Florida Statutes, is amended to read:

120.525 Meetings, hearings, and workshops.—

~~(4) For purposes of establishing a quorum at meetings of regional planning councils that cover three or more counties, a voting member who appears via telephone, real-time~~

~~videoconferencing, or similar real-time electronic or video communication that is broadcast publicly at the meeting location may be counted toward the quorum requirement if at least one-third of the voting members of the regional planning council are physically present at the meeting location. A member must provide oral, written, or electronic notice of his or her intent to appear via telephone, real-time videoconferencing, or similar real-time electronic or video communication to the regional planning council at least 24 hours before the scheduled meeting.~~

Section 52. Subsection (9) of section 120.65, Florida Statutes, is amended to read:

120.65 Administrative law judges.—

(9) The division shall be reimbursed for administrative law judge services and travel expenses by the following entities: water management districts, ~~regional planning councils,~~ school districts, community colleges, the Division of Florida Colleges, state universities, the Board of Governors of the State University System, the State Board of Education, the Florida School for the Deaf and the Blind, and the Commission for Independent Education. These entities shall contract with the division to establish a contract rate for services and provisions for reimbursement of administrative law judge travel expenses and video teleconferencing expenses attributable to hearings conducted on behalf of these entities. The contract rate must be based on a total-cost-recovery methodology.

Section 53. Subsections (43) and (47) of section 163.3164, Florida Statutes, are amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

~~(43) "Regional planning agency" means the council created pursuant to chapter 186.~~

(46)~~(47)~~ "Structure" has the same meaning as in s. 380.031 ~~s. 380.031(19)~~.

Section 54. Paragraph (h) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan must ~~shall~~ include the following elements:

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning

areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element must ~~shall~~ provide for a dispute resolution process~~, as established pursuant to s. 186.509,~~ for bringing intergovernmental disputes to closure in a timely manner.

c. The intergovernmental coordination element must ~~shall~~ provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element must ~~shall~~ also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. The agreement must:

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities must ~~shall~~ include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties must ~~shall~~ include all municipalities within the county, adjacent counties, and adjacent municipalities.

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

Section 55. Subsection (5) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(5) A ~~The appropriate~~ dispute resolution process ~~provided under s. 186.509~~ must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state's commitment to deepwater ports, the state comprehensive plan must include goals, objectives, and policies that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, port facilities as defined in s. 315.02(6) on lands owned or controlled by a deepwater port as defined in s. 311.09(1), as of the effective date of this act are ~~shall~~ not ~~be~~ subject to development-of-regional-impact review provided the port either successfully completes an alternative comprehensive

development agreement with a local government pursuant to ss. 163.3220-163.3243 or successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032. Port facilities as defined in s. 315.02(6) on lands not owned or controlled by a deepwater port as defined in s. 311.09(1) as of the effective date of this act are ~~shall~~ not ~~be~~ subject to development-of-regional-impact review provided the port successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032.

Section 56. Paragraph (c) of subsection (1) and paragraph (b) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

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

(c) "Reviewing agencies" means:

1. The state land planning agency;

~~2. The appropriate regional planning council;~~

2.~~3.~~ The appropriate water management district;

3.~~4.~~ The Department of Environmental Protection;

4.~~5.~~ The Department of State;

5.~~6.~~ The Department of Transportation;

6.~~7.~~ In the case of plan amendments relating to public schools, the Department of Education;

7.~~8.~~ In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;

8.~~9.~~ In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and

9.~~10.~~ In the case of municipal plans and plan amendments, the county in which the municipality is located.

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 working days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate,

reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a ~~regional planning council,~~ county~~,~~ or municipality are ~~shall be~~ limited as follows:

a. ~~The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.~~

~~b.~~ County comments must ~~shall~~ be in the context of the relationship and effect of the proposed plan amendments on the county plan.

b.~~c.~~ Municipal comments must ~~shall~~ be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

c.~~d.~~ Military installation comments must ~~shall~~ be provided

in accordance with s. 163.3175.

4. Comments to the local government from state agencies must ~~shall~~ be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

Section 57. Subsection (2) of section 163.3245, Florida Statutes, is amended to read:

163.3245 Sector plans.—

(2) The ~~Upon the request of a~~ local government having jurisdiction~~, the applicable regional planning council~~ shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184(1)(c) before preparation of the sector plan. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of the sector plan. ~~If a scoping meeting is conducted, the regional planning council shall make written recommendations to the state land planning agency and affected local governments on the issues requested by the local government.~~ The scoping meeting must ~~shall~~ be noticed and open to the public. If the entire planning area proposed for the sector plan is within the jurisdiction of two or more local governments, some or all of them may enter into a joint planning agreement pursuant to s. 163.3171 with respect to the geographic area to be subject to the sector plan, the planning issues that will be emphasized, procedures for intergovernmental

coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, procedures for public participation, or other issues.

Section 58. Paragraph (i) of subsection (2) of section 163.568, Florida Statutes, is amended to read:

163.568 Purposes and powers.—

(2) The authority is granted the authority to exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(i) To develop transportation plans, and to coordinate its planning and programs with those of appropriate municipal, county, and state agencies and other political subdivisions of the state. All transportation plans are subject to review and approval by the Department of Transportation ~~and by the regional planning agency~~, if any, for consistency with programs or planning for the area and region.

Section 59. Subsection (2) of section 164.1031, Florida Statutes, is amended to read:

164.1031 Definitions.—For purposes of this act:

(2) "Regional governmental entities" includes ~~regional planning councils,~~ metropolitan planning organizations, water supply authorities that include more than one county, local health councils, water management districts, and other regional entities that are authorized and created by general or special law that have duties or responsibilities extending beyond the jurisdiction of a single county.

Section 60. Subsection (5) of section 186.003, Florida Statutes, is amended to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the term:

~~(5) "Regional planning agency" means the regional planning council created pursuant to ss. 186.501-186.515 to exercise responsibilities under ss. 186.001-186.031 and 186.801-186.901 in a particular region of the state.~~

Section 61. Subsection (7) of section 186.006, Florida Statutes, is amended to read:

186.006 Powers and responsibilities of Executive Office of the Governor.—For the purpose of establishing consistency and uniformity in the state and regional planning process and in order to ensure that the intent of ss. 186.001-186.031 and 186.801-186.901 is accomplished, the Executive Office of the Governor shall:

(7) Act as the state clearinghouse ~~and designate the regional planning councils as the regional data clearinghouses~~.

Section 62. Subsections (7) and (8) of section 186.007, Florida Statutes, are amended to read:

186.007 State comprehensive plan; preparation; revision.—

(7) In preparing and revising the state comprehensive plan, the Executive Office of the Governor shall, to the extent feasible, consider studies, reports, and plans of each department, agency, and institution of state and local government~~, each regional planning agency,~~ and the Federal Government and shall take into account the existing and prospective resources, capabilities, and needs of state and local levels of government.

(8) The revision of the state comprehensive plan is a continuing process. Each section of the plan must ~~shall~~ be

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

reviewed and analyzed biennially by the Executive Office of the Governor in conjunction with the planning officers of other state agencies significantly affected by the ~~provisions of the~~ particular section under review. In conducting this review and analysis, the Executive Office of the Governor shall review and consider, with the assistance of the state land planning agency, any relevant reports, data, or analyses ~~and regional planning councils, the evaluation and appraisal reports prepared pursuant to s. 186.511~~. Any necessary revisions of the state comprehensive plan shall be proposed by the Governor in a written report and be accompanied by an explanation of the need for such changes. If the Governor determines that changes are unnecessary, the written report must explain why changes are unnecessary. The proposed revisions and accompanying explanations may be submitted in the report required by s. 186.031. Any proposed revisions to the plan must ~~shall~~ be submitted to the Legislature as provided in s. 186.008(2) at least 30 days before ~~prior to~~ the regular legislative session occurring in each even-numbered year.

Section 63. Subsection (1) of section 186.008, Florida Statutes, is amended to read:

186.008 State comprehensive plan; revision; implementation.—

(1) On or before October 1 of every odd-numbered year, the Executive Office of the Governor shall prepare, and the Governor shall recommend to the Administration Commission, any proposed revisions to the state comprehensive plan deemed necessary. The Governor shall transmit his or her recommendations and explanation as required by s. 186.007(8). Copies must ~~shall~~ also

be provided to each state agency, ~~to each regional planning agency,~~ to any other unit of government that requests a copy, and to any member of the public who requests a copy.

Section 64. Section 186.803, Florida Statutes, is amended to read:

186.803 Use of geographic information by governmental entities.—When state agencies, water management districts, ~~regional planning councils,~~ local governments, and other governmental entities use maps, including geographic information maps and other graphic information materials, as the source of data for planning or any other purposes, they must take into account that the accuracy and reliability of such maps and data may be limited by various factors, including the scale of the maps, the timeliness and accuracy of the underlying information, the availability of more accurate site-specific information, and the presence or absence of ground truthing or peer review of the underlying information contained in such maps and other graphic information. This section does not apply to maps adopted pursuant to part II of chapter 163.

Section 65. Paragraph (b) of subsection (20) and paragraph (b) of subsection (21) of section 187.201, Florida Statutes, are amended to read:

187.201 State Comprehensive Plan adopted.—The Legislature hereby adopts as the State Comprehensive Plan the following specific goals and policies:

(20) GOVERNMENTAL EFFICIENCY.—

(b) *Policies.*—

1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate

interlocal agreements and mutual participation for mutual benefit.

2. Allow the creation of independent special taxing districts which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards.

3. Encourage the use of municipal services taxing units and other dependent special districts to provide needed infrastructure where the fiscal capacity exists to support such an approach.

4. Eliminate regulatory activities that are not tied to specific public and natural resource protection needs.

5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.

6. Ensure, wherever possible, that the geographic boundaries of water management districts~~, regional planning councils,~~ and substate districts of the executive departments are ~~shall be~~ coterminous for related state or agency programs and functions and promote interagency agreements in order to reduce the number of districts and councils with jurisdiction in any one county.

7. Encourage and provide for the restructuring of city and county political jurisdictions with the goals of greater efficiency and high-quality and more equitable and responsive public service programs.

8. Replace multiple, small scale, economically inefficient

local public facilities with regional facilities where they are proven to be more economical, particularly in terms of energy efficiency, and yet can retain the quality of service expected by the public.

9. Encourage greater efficiency and economy at all levels of government through adoption and implementation of effective records management, information management, and evaluation procedures.

10. Throughout government, establish citizen management efficiency groups and internal management groups to make recommendations for greater operating efficiencies and improved management practices.

11. Encourage governments to seek outside contracting on a competitive-bid basis when cost-effective and appropriate.

12. Discourage undue expansion of state government and make every effort to streamline state government in a cost-effective manner.

13. Encourage joint venture solutions to mutual problems between levels of government and private enterprise.

(21) THE ECONOMY.—

(b) *Policies.*—

1. Attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, and research and development facilities to provide quality employment for the residents of Florida.

2. Promote entrepreneurship, small ~~and small and minority-owned~~ business startups, and business startups in rural or urban areas as described in s. 288.703 by providing technical and information resources, facilitating capital formation, and

removing regulatory restraints which are unnecessary for the protection of consumers and society.

3. Maintain, as one of the state's primary economic assets, the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources.

4. Strengthen Florida's position in the world economy through attracting foreign investment and promoting international banking and trade.

5. Build on the state's attractiveness to make it a leader in the visual and performing arts and in all phases of film, television, and recording production.

6. Promote economic development for Florida residents through partnerships among education, business, industry, agriculture, and the arts.

7. Provide increased opportunities for training Florida's workforce to provide skilled employees for new and expanding business.

8. Promote economic self-sufficiency through training and educational programs which result in productive employment.

9. Promote cooperative employment arrangements between private employers and public sector employment efforts to provide productive, permanent employment opportunities for public assistance recipients through provisions of education opportunities, tax incentives, and employment training.

10. Provide for nondiscriminatory employment opportunities.

11. Provide quality child day care for public assistance families and others who need it in order to work.

12. Encourage the development of a business climate that

provides opportunities for the growth and expansion of existing state industries, particularly those industries which are compatible with Florida's environment.

13. Promote coordination among Florida's ports to increase their utilization.

14. Encourage the full utilization by businesses of the economic development enhancement programs implemented by the Legislature for the purpose of extensively involving private businesses in the development and expansion of permanent job opportunities, especially for the economically disadvantaged, through the utilization of enterprise zones, community development corporations, and other programs designed to enhance economic and employment opportunities.

Section 66. Paragraph (g) of subsection (3) of section 212.096, Florida Statutes, is amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(g) Whether the business is a small business as defined by s. 288.703 ~~s. 288.703(6)~~.

Section 67. Paragraph (c) of subsection (1) and subsection (2) of section 218.32, Florida Statutes, are amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)

(c) Each ~~regional planning council created under s. 186.504, each~~ local government finance commission, board, or council~~,~~ and each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7) shall submit to the department a copy of its audit report and an annual financial report for the previous fiscal year in a format prescribed by the department.

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of the Department of Commerce showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, ~~regional planning council,~~ local government finance commission, and municipal power corporation that is required to submit an annual financial report. In preparing the verified report, the department may request additional information from the local governmental entity. The information requested must be provided to the department within 45 days after the request. If the local governmental entity does not comply with the request, the department shall notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2). The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local governmental entity. For purposes of this paragraph, the term "long-term debt" means any agreement or series of agreements to

pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

Section 68. Section 255.101, Florida Statutes, is amended to read:

255.101 Contracts for public construction works; utilization of rural or urban ~~minority~~ business enterprises.—

(1) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions which are charged with the letting of contracts for public works and for the construction of public bridges, buildings, and other structures shall operate in accordance with s. 287.093, except that all contracts for the construction of state facilities should comply with ~~provisions in~~ s. 287.09451, and rules adopted pursuant thereto, for the utilization of rural or urban ~~minority~~ business enterprises. When construction is financed in whole or in part from federal funds and where federal provisions for utilization of rural or urban ~~minority~~ business enterprises apply, this section may ~~shall~~ not apply.

(2) Counties, municipalities, and special districts as defined in chapter 189, or other political subdivisions of the state are encouraged to be sensitive to the effect of job-size barriers on rural or urban ~~minority~~ businesses. To this end, these governmental entities are encouraged to competitively award public construction projects exceeding $100,000.

Section 69. Section 255.102, Florida Statutes, is amended to read:

255.102 Contractor utilization of rural or urban ~~minority~~ business enterprises.—

(1) Agencies shall consider the use of price preferences, weighted preference formulas, or other preferences for construction contracts, as determined appropriate by the Office of Supplier Development ~~Diversity~~ to increase ~~minority~~ participation in rural or urban areas.

(2) The Office of Supplier Development ~~Diversity~~, in collaboration with the Board of Governors of the State University System, shall adopt rules to determine what is a "good faith effort" for purposes of contractor compliance with rural or urban areas ~~minority~~ participation goals established for competitively awarded building and construction projects. Pro forma efforts may ~~shall~~ not be considered good faith. Factors which must ~~shall~~ be considered by the state agency in determining whether a contractor has made good faith efforts ~~shall~~ include, but not be limited to:

(a) Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform rural or urban ~~minority~~ business enterprises of contracting and subcontracting opportunities.

(b) Whether the contractor advertised in general circulation, trade association, or rural-focused or urban-focused ~~minority-focus~~ media concerning the subcontracting opportunities.

(c) Whether the contractor provided written notice to all relevant subcontractors listed on the ~~minority~~ vendor list for that locality and statewide as provided by the agency as of the date of issuance of the invitation to bid, that their interest in the contract was being solicited in sufficient time to allow the rural or urban ~~minority~~ business enterprises to participate

effectively.

(d) Whether the contractor followed up initial solicitations of interest by contacting rural or urban ~~minority~~ business enterprises, the Office of Supplier Development ~~Diversity~~, or ~~minority~~ persons who responded and provided detailed information about prebid meetings, access to plans, specifications, contractor's project manager, subcontractor bonding, if any, payment schedule, bid addenda, and other assistance provided by the contractor to enhance rural or urban ~~minority~~ business enterprise participation.

(e) Whether the contractor selected portions of the work to be performed by rural or urban ~~minority~~ business enterprises in order to increase the likelihood of meeting the rural or urban ~~minority~~ business enterprise procurement goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate rural or urban ~~minority~~ business enterprise participation under reasonable and economical conditions of performance.

(f) Whether the contractor provided the Office of Supplier Development ~~Diversity~~ as well as interested rural or urban ~~minority~~ business enterprises or ~~minority~~ persons with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs at a time no later than when such information was provided to other subcontractors.

(g) Whether the contractor negotiated in good faith with interested rural or urban ~~minority~~ business enterprises or ~~minority~~ persons, not rejecting rural or urban ~~minority~~ business enterprises or ~~minority~~ persons as unqualified without sound reasons based on a thorough investigation of their capabilities

or imposing implausible conditions of performance on the contract.

(h) Whether the contractor diligently seeks to replace a rural or urban ~~minority~~ business enterprise subcontractor that is unable to perform successfully with another rural or urban ~~minority~~ business enterprise.

(i) Whether the contractor effectively used the services of available rural or urban ~~minority~~ community organizations; rural or urban ~~minority~~ contractors' groups; local, state, and federal rural or urban ~~minority~~ business assistance offices; and other organizations that provide assistance in the recruitment and placement of rural or urban ~~minority~~ business enterprises or ~~minority~~ persons.

(3) If an agency considers any other criteria in determining whether a contractor has made a good faith effort, the agency must ~~shall~~ adopt such criteria in accordance with s. 120.54, and, where required by that section, by rule, after May 31, 1994. In adopting such criteria, the agency shall identify the specific factors in as objective a manner as possible to be used to assess a contractor's performance against said criteria.

(4) Notwithstanding ~~the provisions of~~ s. 287.09451 ~~to the contrary~~, agencies shall monitor good faith efforts of contractors in competitively awarded building and construction projects, in accordance with rules established pursuant to this section. It is the responsibility of the contractor to exercise good faith efforts in accordance with rules established pursuant to this section, and to provide documentation necessary to assess efforts to include rural or urban ~~minority~~ business participation.

Section 70. Paragraph (a) of subsection (7) of section 258.501, Florida Statutes, is amended to read:

258.501 Myakka River; wild and scenic segment.—

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Department of Commerce, the Florida Forest Service of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, ~~the Tampa Bay Regional Planning Council,~~ the Southwest Florida Water Management District, ~~the Southwest Florida Regional Planning Council,~~ Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

Section 71. Subsections (1) and (3) of section 260.0142, Florida Statutes, are amended to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(1) There is created within the department the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of 19 ~~21~~ members, consisting of:

(a)1. Five ~~Six~~ members appointed by the Governor, with two

members representing the trail user community, two members representing the greenway user community, ~~one member from the board of the Florida Wildlife Corridor Foundation,~~ and one member representing private landowners.

2. Three members appointed by the President of the Senate, with one member representing the trail user community and two members representing the greenway user community.

3. Three members appointed by the Speaker of the House of Representatives, with two members representing the trail user community and one member representing the greenway user community.

Those eligible to represent the trail user community shall be chosen from, but not be limited to, paved trail users, hikers, off-road bicyclists, users of off-highway vehicles, paddlers, equestrians, disabled outdoor recreational users, and commercial recreational interests. Those eligible to represent the greenway user community must be chosen from, but not be limited to, conservation organizations, nature study organizations, and scientists and university experts.

(b) The 8 ~~9~~ remaining members include:

1. The Secretary of Environmental Protection or a designee.

2. The executive director of the Fish and Wildlife Conservation Commission or a designee.

3. The Secretary of Transportation or a designee.

4. The Director of the Florida Forest Service of the Department of Agriculture and Consumer Services or a designee.

5. The director of the Division of Historical Resources of the Department of State or a designee.

6. A representative of the water management districts. Membership on the council must rotate among the five districts. The districts shall determine the order of rotation.

7. A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate federal agency and request designation of a representative from the agency to serve on the council.

~~8. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection. Membership on the council must rotate among the seven regional planning councils. The regional planning councils shall determine the order of rotation.~~

8.~~9.~~ A representative of local governments to be appointed by the Secretary of Environmental Protection. Membership must alternate between a county representative and a municipal representative.

(3) The term of all appointees shall be for 2 years unless otherwise specified. The appointees of the Governor, the President of the Senate, and the Speaker of the House of Representatives may be reappointed for no more than four consecutive terms. The representatives of the water management districts~~, regional planning councils,~~ and local governments may be reappointed for no more than two consecutive terms. All other appointees shall serve until replaced.

Section 72. Paragraph (d) of subsection (3) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited;

penalties.—

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

(d) Each agency shall evaluate professional services, including capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act, and other factors determined by the agency to be applicable to its particular requirements. When securing professional services, an agency must endeavor to meet the rural or urban ~~minority~~ business enterprise procurement goals under s. 287.09451.

Section 73. Subsections (8), (9), and (12) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.—

(8)(a) In order to strive to meet the rural or urban ~~minority~~ business enterprise procurement goals set forth in s. 287.09451, an agency may reserve any contract for competitive solicitation only among certified rural or urban ~~minority~~ business enterprises. Agencies shall review all their contracts each fiscal year and shall determine which contracts may be reserved for solicitation only among certified rural or urban ~~minority~~ business enterprises. This reservation may only be used when it is determined, by reasonable and objective means, before the solicitation that there are capable, qualified certified rural or urban ~~minority~~ business enterprises available to submit a bid, proposal, or reply on a contract to provide for effective competition. The Office of Supplier Development ~~Diversity~~ shall consult with any agency in reaching such determination when

deemed appropriate.

(b) Before a contract may be reserved for solicitation only among certified rural or urban ~~minority~~ business enterprises, the agency head must find that such a reservation is in the best interests of the state. All determinations are ~~shall be~~ subject to s. 287.09451(5). Once a decision has been made to reserve a contract, but before sealed bids, proposals, or replies are requested, the agency shall estimate what it expects the amount of the contract to be, based on the nature of the services or commodities involved and their value under prevailing market conditions. If all the sealed bids, proposals, or replies received are over this estimate, the agency may reject the bids, proposals, or replies and request new ones from certified rural or urban ~~minority~~ business enterprises, or the agency may reject the bids, proposals, or replies and reopen the bidding to all eligible vendors.

(c) All agencies shall consider the use of price preferences of up to 10 percent, weighted preference formulas, or other preferences for vendors as determined appropriate pursuant to guidelines established in accordance with s. 287.09451(4) to increase the participation of certified rural or urban ~~minority~~ business enterprises.

(d) All agencies shall avoid any undue concentration of contracts or purchases in categories of commodities or contractual services in order to meet the certified rural or urban ~~minority~~ business enterprise purchasing goals in s. 287.09451.

(9) An agency may reserve any contract for competitive solicitation only among vendors who agree to use certified rural

or urban ~~minority~~ business enterprises as subcontractors or subvendors. The percentage of funds, in terms of gross contract amount and revenues, which must be expended with the certified rural or urban ~~minority~~ business enterprise subcontractors and subvendors shall be determined by the agency before such contracts may be reserved. In order to bid on a contract so reserved, the vendor shall identify those certified rural or urban ~~minority~~ business enterprises which will be utilized as subcontractors or subvendors by sworn statement. At the time of performance or project completion, the contractor shall report by sworn statement the payments and completion of work for all certified rural or urban ~~minority~~ business enterprises used in the contract.

(12) If two equal responses to a solicitation or a request for quote are received and one response is from a certified rural or urban ~~minority~~ business enterprise, the agency must ~~shall~~ enter into a contract with the certified rural or urban ~~minority~~ business enterprise.

Section 74. Section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of rural or urban ~~minority~~ business enterprises.—

(1) A business certified by any local governmental jurisdiction or organization shall be accepted by the Department of Management Services, Office of Supplier Development ~~Diversity~~, as a certified rural or urban ~~minority~~ business enterprise for purposes of doing business with state government when the Office of Supplier Development ~~Diversity~~ determines that the state's rural or urban ~~minority~~ business enterprise

certification criteria are applied in the local certification process.

(2)(a) The office is hereby directed to convene a "Rural or Urban ~~Minority~~ Business Certification Task Force." The task force shall meet as often as necessary, but no less frequently than annually.

(b) The task force shall be regionally balanced and comprised of officials representing the department, counties, municipalities, school boards, special districts, and other political subdivisions of the state who administer programs to assist rural or urban ~~minority~~ businesses in procurement or development in government-sponsored programs. The following organizations may appoint two members each of the task force who fit the description above:

1. The Florida League of Cities, Inc.
2. The Florida Association of Counties.
3. The Florida School Boards Association, Inc.
4. The Association of Special Districts.
5. The Florida Association of Rural or Urban ~~Minority~~ Business Enterprise Officials.
6. The Florida Association of Government Purchasing Officials.

In addition, the Office of Supplier Development ~~Diversity~~ shall appoint seven members consisting of three representatives of rural or urban ~~minority~~ business enterprises, one of whom should be a woman business owner, two officials of the office, and two at-large members to ensure balance. A quorum shall consist of one-third of the current members, and the task force may take

action by majority vote. Any vacancy may only be filled by the organization or agency originally authorized to appoint the position.

(c) The purpose of the task force will be to propose uniform criteria and procedures by which participating entities and organizations can qualify businesses to participate in procurement or contracting programs as certified rural or urban ~~minority~~ business enterprises in accordance with the certification criteria established by law.

(d) A final list of the criteria and procedures proposed by the task force shall be considered by the secretary. The task force may seek technical assistance from qualified providers of technical, business, and managerial expertise to ensure the reliability of the certification criteria developed.

(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:

1. Link ownership by a ~~minority~~ person owning a business enterprise in a rural or urban area as defined in s. 288.703, or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying ~~minority~~ owner, and to demonstrated expertise or licensure of an ~~a minority~~ owner in any trade or profession that the rural or urban ~~minority~~ business enterprise will offer to the state when certified. Businesses must comply with all state licensing requirements before becoming certified as a rural or urban ~~minority~~ business enterprise.

2. ~~If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2~~

~~years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement does not apply to minority persons who are otherwise eligible who take a 51 percent or greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified. A transfer made within a related immediate family group from a nonminority person to a minority person in order to establish ownership by a minority person shall be deemed to have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds $1 million. For purposes of this subparagraph, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.~~

~~3.~~ Require that prospective certified rural or urban ~~minority~~ business enterprises be currently performing or seeking to perform a useful business function. A "useful business function" is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers. Acting as a conduit to transfer funds to a non-rural or a non-urban ~~nonminority~~ business does not constitute a useful business function unless it is done so in a normal industry practice. As used in this section, the term "acting as a conduit" means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought,

kept in stock, and regularly sold to the public in the usual course of business. Brokers, manufacturer's representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.

(f) When a business receives payments or awards exceeding $100,000 in one fiscal year, a review of its certification status or an audit will be conducted within 2 years. In addition, random reviews or audits will be conducted as deemed appropriate by the Office of Supplier Development ~~Diversity~~.

(g) The certification criteria approved by the task force and adopted by the Department of Management Services must ~~shall~~ be included in a statewide and interlocal agreement as defined in s. 287.09431 and, in accordance with s. 163.01, shall be executed according to the terms included therein.

(h) The certification procedures should allow an applicant seeking certification to designate on the application form the information the applicant considers to be proprietary, confidential business information. As used in this paragraph, the term "proprietary, confidential business information" includes, but is not limited to, any information that would be exempt from public inspection pursuant to the provisions of chapter 119; trade secrets; internal auditing controls and reports; contract costs; or other information the disclosure of which would injure the affected party in the marketplace or otherwise violate s. 286.041. The executor in receipt of the application shall issue written and final notice of any information for which noninspection is requested but not provided for by law.

(i) A business that is certified under the provisions of the statewide and interlocal agreement is ~~shall be~~ deemed a certified rural or urban ~~minority~~ enterprise in all jurisdictions or organizations where the agreement is in effect, and that business is deemed available to do business as such within any such jurisdiction or with any such organization statewide. All state agencies must accept rural or urban ~~minority~~ business enterprises certified in accordance with the statewide and interlocal agreement of s. 287.09431, and that business shall also be deemed a "certified rural or urban ~~minority~~ business enterprise" as defined in s. 288.703. However, any governmental jurisdiction or organization that administers a rural or urban ~~minority~~ business purchasing program may reserve the right to establish further certification procedures necessary to comply with federal law.

(j) The statewide and interlocal agreement must ~~shall~~ be guided by the terms and conditions found therein and may be amended at any meeting of the task force and subsequently adopted by the secretary of the Department of Management Services. The amended agreement must be enacted, initialed, and legally executed by at least two-thirds of the certifying entities party to the existing agreement and adopted by the state as originally executed in order to bind the certifying entity.

(k) The task force shall meet for the first time no later than 45 days after the effective date of this act.

(3)(a) The office shall review and evaluate the certification programs and procedures of all prospective executors of the statewide and interlocal agreement to determine

whether ~~if~~ their programs exhibit the capacity to meet the standards of the agreement.

(b) The evaluations shall, at a minimum, consider: the certifying entity's capacity to conduct investigations of applicants seeking certification under the designated criteria; the ability of the certifying entity to collect the requisite data and to establish adequate protocol to store and exchange said information among the executors of the agreement and to provide adequate security to prevent unauthorized access to information gathered during the certification process; and the degree to which any legal obligations or supplemental requirements unique to the certifying entity exceed the capacity of that entity to conduct certifications.

(c) Any firms certified by organizations or governmental entities determined not to meet the state certification criteria may ~~shall~~ not be eligible to participate as certified rural or urban ~~minority~~ business enterprises in the rural or urban ~~minority~~ business assistance programs of the state. For a period of 1 year from the effective date of this legislation, the executor of the statewide and interlocal agreement may elect to accept only rural or urban ~~minority~~ business enterprises certified pursuant to criteria in place at the time the agreement was signed. After the 1-year period, either party may elect to withdraw from the agreement without further notice.

(d) Any organizations or governmental entities determined by the office not to meet the standards of the agreement may ~~shall~~ not be eligible to execute the statewide and interlocal agreement as a participating organization until approved by the office.

(e) Any participating program receiving three or more challenges to its certification decisions pursuant to subsection (4) from other organizations that are executors to the statewide and interlocal agreement, shall be subject to a review by the office, as provided in paragraphs (a) and (b), of the organization's capacity to perform under such agreement and in accordance with the core criteria established by the task force. The office shall submit a report to the secretary of the Department of Management Services regarding the results of the review.

(f) The office shall maintain a directory of all executors of the statewide and interlocal agreement. The directory should be communicated to the general public.

(4) A certification may be challenged by any executor to the statewide and interlocal agreement upon the grounds of failure by the certifying organization to adhere to the adopted criteria or to the certifying organization's rules and procedures, or on the grounds of a misrepresentation or fraud by the certified rural or urban ~~minority~~ business enterprise. The challenge must ~~shall~~ proceed according to procedures specified in the agreement.

(5)(a) The secretary of the Department of Management Services shall execute the statewide and interlocal agreement established under s. 287.09431 on behalf of the state. The office shall certify rural or urban ~~minority~~ business enterprises in accordance with the laws of this state and, by affidavit, shall recertify such rural or urban ~~minority~~ business enterprises not less than once each year.

(b) The office shall contract with parties to the statewide

and interlocal agreement to perform onsite visits associated with state certifications.

(6)(a) The office shall maintain up-to-date records of all certified rural or urban ~~minority~~ business enterprises, as defined in s. 288.703, and of applications for certification that were denied and shall make this list available to all agencies. The office shall, for statistical purposes, collect and track subgroupings of gender and nationality status for each certified rural or urban ~~minority~~ business enterprise. Agency spending shall also be tracked for these subgroups. The records may include information about certified rural or urban ~~minority~~ business enterprises that provide legal services, auditing services, and health services. Agencies shall use this list in efforts to meet the certified rural or urban ~~minority~~ business enterprise procurement goals set forth in s. 287.09451.

(b) The office shall establish and administer a computerized data bank to carry out the requirements of paragraph (a), to be available to all executors of the statewide and interlocal agreement. Data maintained in the data bank must ~~shall~~ be sufficient to allow each executor to reasonably monitor certifications it has issued.

(7) The office shall identify rural or urban ~~minority~~ business enterprises eligible for certification in all areas of state services and commodities purchasing. The office may contract with a private firm or other agency, if necessary, in seeking to identify rural or urban ~~minority~~ business enterprises for certification. Agencies may request the office to identify certifiable rural or urban ~~minority~~ business enterprises that are in the business of providing a given service or commodity;

the office shall respond to such requests and seek out such certifiable rural or urban ~~minority~~ business enterprises.

(8) The office shall adopt rules necessary to implement this section.

(9) State agencies shall comply with this act except to the extent that the requirements of this act are in conflict with federal law.

(10) Any transfer of ownership or permanent change in the management and daily operations of a certified rural or urban ~~minority~~ business enterprise which may affect certification must be reported to the original certifying jurisdiction or entity and to the office within 14 days of the transfer or change taking place. In the event of a transfer of ownership, the transferee seeking to do business with the state as a certified rural or urban ~~minority~~ business enterprise is responsible for such reporting. In the event of a permanent change in the management and daily operations, owners seeking to do business with the state as a certified rural or urban ~~minority~~ business enterprise are responsible for reporting such change to the office. A ~~Any~~ person violating ~~the provisions of~~ this subsection commits ~~shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(11) To deter fraud in the program, the Auditor General may review the criteria by which a business became certified as a certified rural or urban ~~minority~~ business enterprise.

(12) Any executor of the statewide and interlocal agreement may revoke the certification or recertification of a firm doing business as a certified rural or urban ~~minority~~ business enterprise if the rural or urban ~~minority~~ business enterprise

does not meet the requirements of the jurisdiction or certifying entity that certified or recertified the firm as a certified rural or urban ~~minority~~ business enterprise, or the requirements of ~~subsection (2),~~ s. 288.703(2), and any rule of the office or the Department of Management Services or if the business acquired certification or recertification by means of falsely representing any entity as a rural or urban ~~minority~~ business enterprise for purposes of qualifying for certification or recertification.

(13) Unless permanently revoked, a certified rural or urban ~~minority~~ business enterprise for which certification or recertification has been revoked may not apply or reapply for certification or recertification for a minimum of 36 months after the date of the notice of revocation.

(14)(a) Except for certification decisions issued by the Office of Supplier Development ~~Diversity~~, an executor to the statewide and interlocal agreement shall, in accordance with its rules and procedures:

1. Give reasonable notice to affected persons or parties of its decision to deny certification based on failure to meet eligibility requirements of the statewide and interlocal agreement of s. 287.09431, together with a summary of the grounds therefor.

2. Give affected persons or parties an opportunity, at a convenient time and place, to present to the agency written or oral evidence in opposition to the action or of the executor's refusal to act.

3. Give a written explanation of any subsequent decision of the executor overruling the objections.

(b) An applicant that is denied rural or urban ~~minority~~ business enterprise certification based on failure to meet eligibility requirements of the statewide and interlocal agreement pursuant to s. 287.09431 may not reapply for certification or recertification until at least 6 months after the date of the notice of the denial of certification or recertification.

(15) The office shall adopt rules in compliance with this part.

Section 75. Section 287.09431, Florida Statutes, is amended to read:

287.09431 Statewide and interlocal agreement on certification of business concerns for the status of rural or urban ~~minority~~ business enterprise.—The statewide and interlocal agreement on certification of business concerns for the status of rural or urban ~~minority~~ business enterprise is hereby enacted and entered into with all jurisdictions or organizations legally joining therein. If, within 2 years from the date that the certification core criteria are approved by the Department of Management Services, the agreement included herein is not executed by a majority of county and municipal governing bodies that administer a rural or urban ~~minority~~ business assistance program on the effective date of this act, then the Legislature shall review this agreement. It is the intent of the Legislature that if the agreement is not executed by a majority of the requisite governing bodies, then a statewide uniform certification process should be adopted, and that such ~~said~~ agreement ~~should~~ be repealed and replaced by a mandatory state government certification process.

ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for rural or urban ~~minority~~ business assistance, declare that it is the policy of each of them, on the basis of cooperation with one another, to remedy social and economic disadvantage suffered by certain groups, resulting in their being historically underutilized in ownership and control of commercial enterprises. Thus, the parties seek to address this history by increasing the participation of the identified groups in opportunities afforded by government procurement.

(2) The parties find that the State of Florida presently certifies firms for participation in the rural or urban ~~minority~~ business assistance programs of the state. The parties find further that some counties, municipalities, school boards, special districts, and other divisions of local government require a separate, yet similar, and in most cases redundant certification in order for businesses to participate in the programs sponsored by each government entity.

(3) The parties find further that this redundant certification has proven to be unduly burdensome to ~~the minority-owned~~ firms located in rural or urban areas as defined in s. 288.703 which are intended to benefit from the underlying purchasing incentives.

(4) The parties agree that:

(a) They will facilitate integrity, stability, and cooperation in the statewide and interlocal certification process, and in other elements of programs established to assist ~~minority-owned~~ businesses located in rural or urban areas.

(b) They shall cooperate with agencies, organizations, and associations interested in certification and other elements of rural or urban ~~minority~~ business assistance.

(c) It is the purpose of this agreement to provide for a uniform process whereby the status of a business concern may be determined in a singular review of the business information for these purposes, in order to eliminate any undue expense, delay, or confusion to the ~~minority-owned~~ businesses located in rural or urban areas in seeking to participate in the rural or urban ~~minority~~ business assistance programs of state and local jurisdictions.

ARTICLE II

DEFINITIONS.—As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) "Awarding organization" means any political subdivision or organization authorized by law, ordinance, or agreement to enter into contracts and for which the governing body has entered into this agreement.

(2) "Department" means the Department of Management Services.

~~(3) "Minority" means a person who is a lawful, permanent resident of the state, having origins in one of the minority~~

~~groups as described and adopted by the Department of Management Services, hereby incorporated by reference.~~

(4) "Rural or urban ~~minority~~ business enterprise" means any small business concern as defined in subsection (5) ~~(6)~~ that meets all of the criteria described and adopted by the Department of Management Services, hereby incorporated by reference.

(3)~~(5)~~ "Participating state or local organization" means any political subdivision of the state or organization designated by such that elects to participate in the certification process pursuant to this agreement, which has been approved according to s. 287.0943(3) and has legally entered into this agreement.

(5)~~(6)~~ "Small business concern" means an independently owned and operated business concern which is of a size and type as described and adopted by vote related to this agreement of the commission, hereby incorporated by reference.

ARTICLE III

STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

(1) All awarding organizations shall accept a certification granted by any participating organization which has been approved according to s. 287.0943(3) and has entered into this agreement, as valid status of rural or urban ~~minority~~ business enterprise.

(2) A participating organization shall certify a business concern that meets the definition of a rural or urban ~~minority~~ business enterprise in this agreement, in accordance with the

duly adopted eligibility criteria.

(3) All participating organizations shall issue notice of certification decisions granting or denying certification to all other participating organizations within 14 days of the decision. Such notice may be made through electronic media.

(4) A ~~No~~ certification may not ~~will~~ be granted without an onsite visit to verify ownership and control of the prospective rural or urban ~~minority~~ business enterprise, unless verification can be accomplished by other methods of adequate verification or assessment of ownership and control.

(5) The certification of a rural or urban ~~minority~~ business enterprise pursuant to the terms of this agreement may ~~shall~~ not be suspended, revoked, or otherwise impaired except on any grounds which would be sufficient for revocation or suspension of a certification in the jurisdiction of the participating organization.

(6) The certification determination of a party may be challenged by any other participating organization by the issuance of a timely written notice by the challenging organization to the certifying organization's determination within 10 days of receiving notice of the certification decision, stating the grounds for such challenge ~~therefor~~.

(7) The sole accepted grounds for challenge are ~~shall be~~ the failure of the certifying organization to adhere to the adopted criteria or the certifying organization's rules or procedures, or the perpetuation of a misrepresentation or fraud by the firm.

(8) The certifying organization shall reexamine its certification determination and submit written notice to the

applicant and the challenging organization of its findings within 30 days after the receipt of the notice of challenge.

(9) If the certification determination is affirmed, the challenging agency may subsequently submit timely written notice to the firm of its intent to revoke certification of the firm.

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS.—~~Nothing in~~ This agreement may not ~~shall~~ be construed to repeal or otherwise modify any ordinance, law, or regulation of a party relating to the existing rural or urban ~~minority~~ business assistance provisions and procedures by which rural or urban ~~minority~~ business enterprises participate therein.

ARTICLE V

TERM.—The term of the agreement is ~~shall be~~ 5 years, after which it may be reexecuted by the parties.

ARTICLE VI

AGREEMENT EVALUATION.—The designated state and local officials may meet ~~from time to time~~ as a group to evaluate progress under the agreement, to formulate recommendations for changes, or to propose a new agreement.

ARTICLE VII

OTHER ARRANGEMENTS.—~~Nothing in~~ This agreement may not ~~shall~~ be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

(1) This agreement becomes ~~shall become~~ effective when properly executed by a legal representative of the participating organization, when enacted into the law of the state and after an ordinance or other legislation is enacted into law by the governing body of each participating organization. Thereafter it becomes ~~shall become~~ effective as to any participating organization upon the enactment of this agreement by the governing body of that organization.

(2) Any party may withdraw from this agreement by enacting legislation repealing the same, but ~~no~~ such withdrawal may not ~~shall~~ take effect until one year after the governing body of the withdrawing party has given notice in writing of the withdrawal to the other parties.

(3) A ~~No~~ withdrawal may not ~~shall~~ relieve the withdrawing party of any obligations imposed upon it by law.

ARTICLE IX

FINANCIAL RESPONSIBILITY.—

(1) A participating organization is ~~shall~~ not ~~be~~ financially responsible or liable for the obligations of any other participating organization related to this agreement.

(2) ~~The provisions of~~ This agreement does not ~~shall~~ constitute ~~neither~~ a waiver of any governmental immunity under Florida law or ~~nor~~ a waiver of any defenses of the parties under Florida law. ~~The provisions of~~ This agreement is ~~are solely~~ for the benefit of its executors and is not intended to create or grant any rights, contractual or otherwise, to any person or entity.

ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Office of Supplier Development ~~Diversity~~, and venue for any legal action in connection with this agreement is ~~shall lie~~, for any participating organization except the Office of Supplier Development ~~Diversity~~, ~~exclusively~~ in the county where the participating organization is located. This agreement is ~~shall be~~ governed by and construed in accordance with the laws and court decisions of this ~~the~~ state.

ARTICLE XI

CONSTRUCTION AND SEVERABILITY.—This agreement must ~~shall~~ be liberally construed so as to effectuate the purposes thereof. ~~The provisions of~~ This agreement is ~~shall be~~ severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the State Constitution or the United States Constitution, or the application thereof to any

government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance is ~~shall~~ not ~~be~~ affected ~~thereby~~. If this agreement is ~~shall be~~ held contrary to the State Constitution, the agreement remains ~~shall remain~~ in full force and effect as to all severable matters.

Section 76. Paragraph (b) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

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

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

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

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

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

3. The Florida Sports Foundation and related programs, including those established under ss. 288.1162, 288.11621, 288.1166, and 288.1167.

Section 77. Section 288.7031, Florida Statutes, is amended

to read:

288.7031 Application of certain definitions.—The definitions of "small business~~,~~" and "certified rural or urban ~~minority~~ business enterprise~~,~~" ~~and "certified minority business enterprise"~~ provided in s. 288.703 apply to the state and all political subdivisions of the state.

Section 78. Paragraph (f) of subsection (2), paragraph (c) of subsection (4), and subsections (7) and (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

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

~~(f) "Regional policy plan" means a strategic regional policy plan that has been adopted by rule by a regional planning council pursuant to s. 186.508.~~

(4)

(c) Military base reuse plans shall identify projected impacts to significant regional resources and natural resources ~~of regional significance as identified by applicable regional planning councils in their regional policy plans~~ and the actions that shall be taken to mitigate such impacts.

(7) A military base reuse plan must ~~shall~~ be consistent with the comprehensive plan of the host local government and may ~~shall~~ not conflict with the comprehensive plan of any affected local governments. A military base reuse plan must ~~shall~~ be consistent with the nonprocedural requirements of part II of chapter 163 and rules adopted thereunder~~, applicable regional policy plans,~~ and the state comprehensive plan.

(8) At the request of a host local government, the department shall coordinate a presubmission workshop concerning

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

a military base reuse plan within the boundaries of the host jurisdiction. Agencies that must ~~shall~~ participate in the workshop ~~shall~~ include any affected local governments; the Department of Environmental Protection; the department; the Department of Transportation; the Department of Health; the Department of Children and Families; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts ~~and regional planning councils~~. The purposes of the workshop are ~~shall be~~ to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

(9) If a host local government elects to use the optional provisions of this act, it must ~~shall~~, no later than 12 months after notifying the agencies of its intent pursuant to subsection (3) either:

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; the department; the Department of Transportation; the Department of Health; the Department of Children and Families; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts ~~and regional planning~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~councils~~, or

(b) Petition the department for an extension of the deadline for submitting a proposed reuse plan. Such an extension request must be justified by changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. The department may grant extensions to the required submission date of the reuse plan.

Section 79. Subsection (4) of section 290.004, Florida Statutes, is amended to read:

290.004 Definitions relating to Florida Enterprise Zone Act.—As used in ss. 290.001-290.016:

(4) "Certified rural or urban ~~Minority~~ business enterprise" has the same meaning as provided in s. 288.703.

Section 80. Paragraph (b) of subsection (26) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(26) TAMPA BAY ESTUARY LICENSE PLATES.—

(b) The annual use fees shall be distributed to the Tampa Bay Estuary Program created by s. 163.01.

1. A maximum of 5 percent of such fees may be used for marketing the plate.

~~2. Twenty percent of the proceeds from the annual use fee, not to exceed $50,000, shall be provided to the Tampa Bay Regional Planning Council for activities of the Agency on Bay Management implementing the Council/Agency Action Plan for the restoration of the Tampa Bay estuary, as approved by the Tampa Bay Estuary Program Policy Board.~~

2.~~3.~~ The remaining proceeds must be used to implement the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Comprehensive Conservation and Management Plan for Tampa Bay, pursuant to priorities approved by the Tampa Bay Estuary Program Policy Board.

Section 81. Paragraph (b) of subsection (3) of section 335.188, Florida Statutes, is amended to read:

335.188 Access management standards; access control classification system; criteria.—

(3) The control classification system shall be developed consistent with the following:

(b) The access control classification system shall be developed in cooperation with counties, municipalities, the state land planning agency, ~~regional planning councils,~~ metropolitan planning organizations, and other local governmental entities.

Section 82. Paragraph (b) of subsection (4) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(4) ADDITIONAL TRANSPORTATION PLANS.—

~~(b) Each regional planning council, as provided for in s. 186.504, or any successor agency thereto, shall develop, as an element of its strategic regional policy plan, transportation goals and policies. The transportation goals and policies must be prioritized to comply with the prevailing principles provided in subsection (1) and s. 334.046(1). The transportation goals and policies shall be consistent, to the maximum extent feasible, with the goals and policies of the metropolitan planning organization and the Florida Transportation Plan. The transportation goals and policies of the regional planning council will be advisory only and shall be submitted to the~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~department and any affected metropolitan planning organization for their consideration and comments. Metropolitan planning organization plans and other local transportation plans shall be developed consistent, to the maximum extent feasible, with the regional transportation goals and policies.~~

Section 83. Paragraph (g) of subsection (6) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law. An M.P.O. may not perform project production or delivery for capital improvement projects on the State Highway System.

(g) Each M.P.O. shall have an executive or staff director who reports directly to the M.P.O. governing board for all matters regarding the administration and operation of the M.P.O. and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by an M.P.O. or by another governmental entity, such as a county or~~,~~ city~~, or regional planning council~~, that has a staff services agreement signed and in effect with the M.P.O. Each

M.P.O. may enter into contracts with local or state agencies, private planning firms, private engineering firms, or other public or private entities to accomplish its transportation planning and programming duties and administrative functions.

Section 84. Subsection (6) of section 339.285, Florida Statutes, is amended to read:

339.285 Enhanced Bridge Program for Sustainable Transportation.—

(6) Preference shall be given to bridge projects located on corridors that connect to the Strategic Intermodal System, created under s. 339.64, and that have been identified as regionally significant in accordance with s. 339.155(4)(b), (c), and (d) ~~s. 339.155(4)(c), (d), and (c)~~.

Section 85. Subsections (3) and (4) of section 339.63, Florida Statutes, are amended to read:

339.63 System facilities designated; additions and deletions.—

(3) After the initial designation of the Strategic Intermodal System under subsection (1), the department shall, in coordination with the metropolitan planning organizations, local governments, ~~regional planning councils,~~ transportation providers, and affected public agencies, add facilities to or delete facilities from the Strategic Intermodal System described in paragraphs (2)(b) and (c) based upon criteria adopted by the department.

(4) After the initial designation of the Strategic Intermodal System under subsection (1), the department shall, in coordination with the metropolitan planning organizations, local governments, ~~regional planning councils,~~ transportation

providers, and affected public agencies, add facilities to or delete facilities from the Strategic Intermodal System described in paragraph (2)(a) based upon criteria adopted by the department. However, an airport that is designated as a reliever airport to a Strategic Intermodal System airport which has at least 75,000 itinerant operations per year, has a runway length of at least 5,500 linear feet, is capable of handling aircraft weighing at least 60,000 pounds with a dual wheel configuration which is served by at least one precision instrument approach, and serves a cluster of aviation-dependent industries, shall be designated as part of the Strategic Intermodal System by the Secretary of Transportation upon the request of a reliever airport meeting this criteria.

Section 86. Subsection (1) and paragraph (a) of subsection (3) of section 339.64, Florida Statutes, are amended to read:

339.64 Strategic Intermodal System Plan.—

(1) The department shall develop, in cooperation with metropolitan planning organizations, ~~regional planning councils,~~ local governments, and other transportation providers, a Strategic Intermodal System Plan. The plan shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155 and shall be updated at least once every 5 years, subsequent to updates of the Florida Transportation Plan.

(3)(a) During the development of updates to the Strategic Intermodal System Plan, the department shall provide metropolitan planning organizations, ~~regional planning councils,~~ local governments, transportation providers, affected public agencies, and citizens with an opportunity to participate in and comment on the development of the update.

Section 87. Subsection (1) of section 341.041, Florida Statutes, is amended to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(1) Develop a statewide plan that provides for public transit and intercity bus service needs at least 5 years in advance. The plan shall be developed in a manner that will assure maximum use of existing facilities, and optimum integration and coordination of the various modes of transportation, including both governmentally owned and privately owned resources, in the most cost-effective manner possible. The plan shall also incorporate plans adopted by local ~~and regional~~ planning agencies which are consistent, to the maximum extent feasible, with ~~adopted strategic policy plans and~~ approved local government comprehensive plans for the region and units of local government covered by the plan and shall, insofar as practical, conform to federal planning requirements. The plan shall be consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.

Section 88. Paragraph (m) of subsection (3) of section 343.54, Florida Statutes, is amended to read:

343.54 Powers and duties.—

(3) The authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(m) To cooperate with other governmental entities and to contract with other governmental agencies, including the

Department of Transportation, the Federal Government, ~~regional planning councils,~~ counties, and municipalities.

Section 89. Paragraphs (c) and (d) of subsection (1) of section 366.93, Florida Statutes, are amended to read:

366.93 Cost recovery for the siting, design, licensing, and construction of nuclear and integrated gasification combined cycle power plants.—

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

(c) "Integrated gasification combined cycle power plant" or "plant" means an electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses synthesis gas produced by integrated gasification technology.

(d) "Nuclear power plant" or "plant" means an electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses nuclear materials for fuel.

Section 90. Subsection (1) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

~~(1) "Council" means the East Central Florida Regional Planning Council.~~

Section 91. Subsection (3) of section 369.307, Florida Statutes, is amended to read:

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The St. Johns River Water Management District ~~East Central Florida Regional Planning Council~~ shall adopt policies that ~~as part of its strategic regional policy plan and regional issues list~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~which~~ will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of all species ~~designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code~~, and native vegetation in the Wekiva River Protection Area. The water management district ~~council~~ shall also cooperate with the department in the department's implementation ~~of the provisions~~ of s. 369.305.

Section 92. Paragraph (e) of subsection (1) of section 373.309, Florida Statutes, is amended to read:

373.309 Authority to adopt rules and procedures.—

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(e) Encourage prevention of potable water well contamination and promote cost-effective remediation of contaminated potable water supplies by use of the Water Quality Assurance Trust Fund as provided in s. 376.307(1)(e) and establish by rule:

1. Delineation of areas of groundwater contamination for implementation of well location and construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2.-6. ~~2., 3., 4., 5., and 6.~~ The department shall make available to water management districts, ~~regional planning councils,~~ the Department of Health, and county building and zoning departments, maps or other information on areas of contamination, including areas of ethylene dibromide

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

contamination. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request and upon payment of appropriate costs.

2. Requirements for testing for suspected contamination in areas of known contamination, as a prerequisite for clearance of a water well for drinking purposes. The department is authorized to establish criteria for acceptance of water quality testing results from the Department of Health and laboratories certified by the Department of Health, and is authorized to establish requirements for sample collection quality assurance.

3. Requirements for mandatory connection to available potable water systems in areas of known contamination, wherein the department may prohibit the permitting and construction of new potable water wells.

4. Location and construction standards for public and all other potable water wells permitted in areas of contamination. Such standards shall be designed to minimize the effects of such contamination.

5. A procedure for permitting all potable water wells in areas of known contamination. Any new water well that is to be used for drinking water purposes and that does not meet construction standards pursuant to subparagraph 4. must be abandoned and plugged by the owner. Water management districts shall implement, through delegation from the department, the permitting and enforcement responsibilities of this subparagraph.

6. A procedure for clearing for use all potable water wells, except wells that serve a public water supply system, in

areas of known contamination. If contaminants are found upon testing pursuant to subparagraph 2., a well may not be cleared for use without a filter or other means of preventing the users of the well from being exposed to deleterious amounts of contaminants. The Department of Health shall implement the responsibilities of this subparagraph.

7. Fees to be paid for well construction permits and clearance for use. The fees shall be based on the actual costs incurred by the water management districts, the Department of Health, or other political subdivisions in carrying out the responsibilities related to potable water well permitting and clearance for use. The fees shall provide revenue to cover all such costs and shall be set according to the following schedule:

a. The well construction permit fee may not exceed $500.

b. The clearance fee may not exceed $50.

8. Procedures for implementing well-location, construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2.-6. within areas that research or monitoring data indicate are vulnerable to contamination with nitrate, or areas in which the department provides a subsidy for restoration or replacement of contaminated drinking water supplies through extending existing water lines or developing new water supply systems pursuant to s. 376.307(1)(e). The department shall consult with the Florida Ground Water Association in the process of developing rules pursuant to this subparagraph.

All fees and funds collected by each delegated entity pursuant to this part shall be deposited in the appropriate operating account of that entity.

Section 93. Subsections (1) and (2) of section 373.415, Florida Statutes, are amended to read:

373.415 Protection zones; duties of the St. Johns River Water Management District.—

(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Wekiva River System, as designated in s. 369.303 ~~s. 369.303(10)~~. Such protection zones shall be sufficiently wide to prevent harm to the Wekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent wildlife species, caused by any of the activities regulated under this part. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species.

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident.

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

In addition, the rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or

cumulatively.

(2) Notwithstanding ~~the provisions of~~ s. 120.60, the St. Johns River Water Management District may ~~shall~~ not issue any permit under this part within the Wekiva River Protection Area, as defined in s. 369.303 ~~s. 369.303(9)~~, until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones on his or her property. However, if a development proposal is amended as the result of the review by the district, a permit may be issued before ~~prior to~~ the development proposal is ~~being~~ returned, if necessary, to the local government for additional review.

Section 94. Paragraph (a) of subsection (2) of section 376.3072, Florida Statutes, is amended to read:

376.3072 Florida Petroleum Liability and Restoration Insurance Program.—

(2)(a) An owner or operator of a petroleum storage system may become an insured in the restoration insurance program at a facility if:

1. A site at which an incident has occurred is eligible for restoration if the insured is a participant in the third-party liability insurance program or otherwise meets applicable financial responsibility requirements. After July 1, 1993, the insured must also provide the required excess insurance coverage or self-insurance for restoration to achieve the financial

responsibility requirements of 40 C.F.R. s. 280.97, subpart H, not covered by paragraph (d).

2. A site which had a discharge reported before January 1, 1989, for which notice was given pursuant to s. 376.3071(10) and which is ineligible for the third-party liability insurance program solely due to that discharge is eligible for participation in the restoration program for an incident occurring on or after January 1, 1989, pursuant to subsection (3). Restoration funding for an eligible contaminated site will be provided without participation in the third-party liability insurance program until the site is restored as required by the department or until the department determines that the site does not require restoration.

3. Notwithstanding paragraph (b), a site where an application is filed with the department before January 1, 1995, where the owner is a small business under s. 288.703 ~~s. 288.703(6)~~, a Florida College System institution with less than 2,500 FTE, a religious institution as defined by s. 212.08(7)(m), a charitable institution as defined by s. 212.08(7)(p), or a county or municipality with a population of less than 50,000, is eligible for up to $400,000 of eligible restoration costs, less a deductible of $10,000 for small businesses, eligible Florida College System institutions, and religious or charitable institutions, and $30,000 for eligible counties and municipalities, if:

a. Except as provided in sub-subparagraph e., the facility was in compliance with department rules at the time of the discharge.

b. The owner or operator has, upon discovery of a

discharge, promptly reported the discharge to the department, and drained and removed the system from service, if necessary.

c. The owner or operator has not intentionally caused or concealed a discharge or disabled leak detection equipment.

d. The owner or operator proceeds to complete initial remedial action as specified in department rules.

e. The owner or operator, if required and if it has not already done so, applies for third-party liability coverage for the facility within 30 days after receipt of an eligibility order issued by the department pursuant to this subparagraph.

However, the department may consider in-kind services from eligible counties and municipalities in lieu of the $30,000 deductible. The cost of conducting initial remedial action as defined by department rules is an eligible restoration cost pursuant to this subparagraph.

4.a. By January 1, 1997, facilities at sites with existing contamination must have methods of release detection to be eligible for restoration insurance coverage for new discharges subject to department rules for secondary containment. Annual storage system testing, in conjunction with inventory control, shall be considered to be a method of release detection until the later of December 22, 1998, or 10 years after the date of installation or the last upgrade. Other methods of release detection for storage tanks which meet such requirement are:

(I) Interstitial monitoring of tank and integral piping secondary containment systems;

(II) Automatic tank gauging systems; or

(III) A statistical inventory reconciliation system with a

tank test every 3 years.

b. For pressurized integral piping systems, the owner or operator must use:

(I) An automatic in-line leak detector with flow restriction meeting the requirements of department rules used in conjunction with an annual tightness or pressure test; or

(II) An automatic in-line leak detector with electronic flow shut-off meeting the requirements of department rules.

c. For suction integral piping systems, the owner or operator must use:

(I) A single check valve installed directly below the suction pump if there are no other valves between the dispenser and the tank; or

(II) An annual tightness test or other approved test.

d. Owners of facilities with existing contamination that install internal release detection systems pursuant to sub-subparagraph a. shall permanently close their external groundwater and vapor monitoring wells pursuant to department rules by December 31, 1998. Upon installation of the internal release detection system, such wells must be secured and taken out of service until permanent closure.

e. Facilities with vapor levels of contamination meeting the requirements of or below the concentrations specified in the performance standards for release detection methods specified in department rules may continue to use vapor monitoring wells for release detection.

f. The department may approve other methods of release detection for storage tanks and integral piping which have at least the same capability to detect a new release as the methods

specified in this subparagraph.

Sites meeting the criteria of this subsection for which a site rehabilitation completion order was issued before June 1, 2008, do not qualify for the 2008 increase in site rehabilitation funding assistance and are bound by the pre-June 1, 2008, limits. Sites meeting the criteria of this subsection for which a site rehabilitation completion order was not issued before June 1, 2008, regardless of whether they have previously transitioned to nonstate-funded cleanup status, may continue state-funded cleanup pursuant to s. 376.3071(6) until a site rehabilitation completion order is issued or the increased site rehabilitation funding assistance limit is reached, whichever occurs first.

Section 95. Paragraph (k) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(k) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, and municipalities~~, and regional planning agencies~~ to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned

and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the department.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

Section 96. Subsection (3) of section 378.411, Florida Statutes, is amended to read:

378.411 Certification to receive notices of intent to mine, to review, and to inspect for compliance.—

(3) In making his or her determination, the secretary shall consult with the Department of Commerce~~, the appropriate regional planning council,~~ and the appropriate water management district.

Section 97. Subsection (15) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

~~(15) "Regional planning agency" means the agency designated by the state land planning agency to exercise responsibilities under this chapter in a particular region of the state.~~

Section 98. Subsection (2) of section 380.045, Florida Statutes, is amended to read:

380.045 Resource planning and management committees; objectives; procedures.—

(2) The committee must include, but is not limited to, representation from each of the following: elected officials from the local governments within the area under study; the planning office of each of the local governments within the area under study; the state land planning agency; any other state agency under chapter 20 a representative of which the Governor feels is relevant to the compilation of the committee; and a water management district, if appropriate~~, and regional planning council all or part of whose jurisdiction lies within the area under study~~. After the appointment of the members, the Governor shall select a chair and vice chair. A staff member of the state land planning agency shall be appointed by the secretary of such agency to serve as the secretary of the committee. The state land planning agency shall, to the greatest extent possible, provide technical assistance and administrative support to the committee. Meetings will be called as needed by the chair or on the demand of three or more members of the committee. The committee will act on a simple majority of a quorum present and shall make a report within 6 months to the head of the state land planning agency. The committee must, from the time of appointment, remain in existence for no less than 6 months.

Section 99. Subsections (3), (4), (7), (8), and (12) of section 380.05, Florida Statutes, are amended to read:

380.05 Areas of critical state concern.—

(3) Each local government ~~regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions as to areas to be recommended. A local government in an area where there is no regional planning agency~~ may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. If the state land planning agency does not recommend to the commission as an area of critical state concern an area substantially similar to one that has been recommended, it must ~~shall~~ respond in writing as to its reasons therefor.

(4) Before ~~Prior to~~ submitting any recommendation to the commission under subsection (1), the state land planning agency shall give notice to any committee appointed pursuant to s. 380.045 and to all local governments ~~and regional planning agencies~~ that include within their boundaries any part of any area of critical state concern proposed to be designated by the rule, in addition to any notice otherwise required under chapter 120.

(7) The state land planning agency ~~and any applicable regional planning agency~~ shall, to the greatest extent possible, provide technical assistance to local governments in the

preparation of the land development regulations and local comprehensive plan for areas of critical state concern.

(8) If any local government fails to submit land development regulations or a local comprehensive plan, or if the regulations or plan or plan amendment submitted do not comply with the principles for guiding development set out in the rule designating the area of critical state concern, within 120 days after the adoption of the rule designating an area of critical state concern, or within 120 days after the issuance of a recommended order on the compliance of the plan or plan amendment pursuant to s. 163.3184, or within 120 days after the effective date of an order rejecting a proposed land development regulation, the state land planning agency must ~~shall~~ submit to the commission recommended land development regulations and a local comprehensive plan or portions thereof applicable to that local government's portion of the area of critical state concern. Within 45 days following receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the recommendation with or without modification, and by rule establish land development regulations and a local comprehensive plan applicable to that local government's portion of the area of critical state concern. However, such rule may ~~shall~~ not become effective before ~~prior to~~ legislative review of an area of critical state concern pursuant to paragraph (1)(c). In the rule, the commission shall specify the extent to which its land development regulations, plans, or plan amendments will supersede, or will be supplementary to, local land development regulations and plans. Notice of any proposed rule issued under

this section shall be given to all local governments and regional ~~planning~~ agencies in the area of critical state concern, in addition to any other notice required under chapter 120. The land development regulations and local comprehensive plan adopted by the commission under this section may include any type of regulation and plan that could have been adopted by the local government. Any land development regulations or local comprehensive plan or plan amendments adopted by the commission under this section shall be administered by the local government as part of, or in the absence of, the local land development regulations and local comprehensive plan.

(12) Upon the request of a substantially interested person pursuant to s. 120.54(7), a local government or regional ~~planning~~ agency within the designated area, or the state land planning agency, the commission may by rule remove, contract, or expand any designated boundary. Boundary expansions are subject to legislative review pursuant to paragraph (1)(c). No boundary may be modified without a specific finding by the commission that such changes are consistent with necessary resource protection. The total boundaries of an entire area of critical state concern may ~~shall~~ not be removed by the commission unless a minimum time of 1 year has elapsed from the adoption of regulations and a local comprehensive plan pursuant to subsection (1), subsection (6), subsection (8), or subsection (10). Before totally removing such boundaries, the commission shall make findings that the regulations and plans adopted pursuant to subsection (1), subsection (6), subsection (8), or subsection (10) are being effectively implemented by local governments within the area of critical state concern to protect

the area and that adopted local government comprehensive plans within the area have been conformed to principles for guiding development for the area.

Section 100. Subsection (3) of section 380.055, Florida Statutes, is amended to read:

380.055 Big Cypress Area.—

(3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The "Big Cypress Area," as defined in this subsection, is hereby designated as an area of critical state concern. "Big Cypress Area" means the area generally depicted on the map entitled "Boundary Map, Big Cypress National Freshwater Reserve, Florida," numbered BC-91,001 and dated November 1971, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior, Washington, D.C., and in the office of the Board of Trustees of the Internal Improvement Trust Fund, which is the area proposed as the Federal Big Cypress National Freshwater Reserve, Florida, and that area described as follows: Sections 1, 2, 11, 12 and 13 in Township 49 South, Range 31 East; and Township 49 South, Range 32 East, less Sections 19, 30 and 31; and Township 49 South, Range 33 East; and Township 49 South, Range 34 East; and Sections 1 through 5 and 10 through 14 in Township 50 South, Range 32 East; and Sections 1 through 18 and 20 through 25 in Township 50 South, Range 33 East; and Township 50 South, Range 34 East, less Section 31; and Sections 1 and 2 in Township 51 South, Range 34 East; All in Collier County, Florida, which described area shall be known as the "Big Cypress National Preserve Addition, Florida," together with such contiguous land and water areas as are ecologically linked with the Everglades

National Park, certain of the estuarine fisheries of South Florida, or the freshwater aquifer of South Florida, the definitive boundaries of which shall be set in the following manner: Within 120 days following the effective date of this act, the state land planning agency shall recommend definitive boundaries for the Big Cypress Area to the Administration Commission, after giving notice to all local governments and regional ~~planning~~ agencies which include within their boundaries any part of the area proposed to be included in the Big Cypress Area and holding such hearings as the state land planning agency deems appropriate. Within 45 days following receipt of the recommended boundaries, the Administration Commission shall adopt, modify, or reject the recommendation and shall by rule establish the boundaries of the area defined as the Big Cypress Area.

Section 101. Subsection (6) and paragraph (b) of subsection (12) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(6) REPORTS.—Notwithstanding any condition in a development order for an approved development of regional impact, the developer is not required to submit an annual or a biennial report on the development of regional impact to the local government, ~~the regional planning agency,~~ the state land planning agency, and all affected permit agencies unless required to do so by the local government that has jurisdiction over the development. The penalty for failure to file such a required report is as prescribed by the local government.

(12) PROPOSED DEVELOPMENTS.—

(b) This subsection does not apply to:

1. Amendments to a development order governing an existing development of regional impact.

2. An application for development approval filed with a concurrent plan amendment application pending as of May 14, 2015, if the applicant elects to have the application reviewed pursuant to this section as it existed on that date. The election shall be in writing and filed with the affected local government~~, regional planning council,~~ and the state land planning agency before December 31, 2018.

Section 102. Subsection (2) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(2) Following written notification to the state land planning agency ~~and the appropriate regional planning agency~~, a local government with an approved Florida Quality Development within its jurisdiction must set a public hearing pursuant to its local procedures and shall adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Development. Thereafter, the Florida Quality Development shall follow the procedures and requirements for developments of regional impact as specified in this chapter.

Section 103. Subsection (2) of section 380.07, Florida Statutes, is amended to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(2) Whenever any local government issues any development order in any area of critical state concern, or in regard to the abandonment of any approved development of regional impact, copies of such orders as prescribed by rule by the state land

planning agency shall be transmitted to the state land planning agency~~, the regional planning agency,~~ and the owner or developer of the property affected by such order. The state land planning agency shall adopt rules describing development order rendition and effectiveness in designated areas of critical state concern. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the development order is not consistent with this part.

Section 104. Paragraph (c) of subsection (3) of section 380.23, Florida Statutes, is amended to read:

380.23 Federal consistency.—

(3) Consistency review shall be limited to review of the following activities, uses, and projects to ensure that such activities, uses, and projects are conducted in accordance with the state's coastal management program:

(c) Federally licensed or permitted activities affecting land or water uses when such activities are in or seaward of the jurisdiction of local governments required to develop a coastal zone protection element as provided in s. 380.24 and when such activities involve:

1. Permits and licenses required under the Rivers and Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

2. Permits and licenses required under the Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss. 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3. Permits and licenses required under the Federal Water Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as

amended, unless such permitting activities have been delegated to the state pursuant to said act.

4. Permits and licenses relating to the transportation of hazardous substance materials or transportation and dumping which are issued pursuant to the Hazardous Materials Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or 33 U.S.C. s. 1321, as amended.

5. Permits and licenses required under 15 U.S.C. ss. 717-717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss. 1331-1356 for construction and operation of interstate gas pipelines and storage facilities.

6. Permits and licenses required for the siting and construction of any new electrical power plants as defined in s. 403.503 ~~s. 403.503(14)~~, as amended, and the licensing and relicensing of hydroelectric power plants under the Federal Power Act, 16 U.S.C. ss. 791a et seq., as amended.

7. Permits and licenses required under the Mining Law of 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as amended; the Federal Land Policy and Management Act, 43 U.S.C. ss. 1701 et seq., as amended; the Mining in the Parks Act, 16 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, for drilling, mining, pipelines, geological and geophysical activities, or rights-of-way on public lands and permits and licenses required under the Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as amended.

8. Permits and licenses for areas leased under the OCS

Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including leases and approvals of exploration, development, and production plans.

9. Permits and licenses required under the Deepwater Port Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

10. Permits required for the taking of marine mammals under the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. s. 1374.

Section 105. Subsection (3) of section 380.507, Florida Statutes, is amended to read:

380.507 Powers of the trust.—The trust shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including:

(3) To provide technical and financial assistance to local governments, state agencies, water management districts, ~~regional planning councils,~~ and nonprofit agencies to carry out projects and activities and develop programs to achieve the purposes of this part.

Section 106. Paragraph (b) of subsection (8) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and certified rural or urban ~~minority~~ business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. However, the department may not renew the license of a medical marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that the medical marijuana treatment center is required to renew its license. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.

3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.

4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.

5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.

7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.

a. Upon approval, the applicant must post a $5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.

b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the

department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.

8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and certified rural or urban ~~minority~~ business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

b. Efforts to recruit minority persons and veterans for employment; and

c. A record of contracts for services with rural or urban ~~minority~~ business enterprises and veteran business enterprises.

Section 107. Subsection (4) of section 403.031, Florida Statutes, is amended to read:

403.031 Definitions.—In construing this chapter, or rules

and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(4) "Electrical power plant" means, for purposes of this part of this chapter, any electrical generating facility that uses any process or fuel and that is owned or operated by an electric utility, as defined in s. 403.503 ~~s. 403.503(14)~~, and includes any associated facility that directly supports the operation of the electrical power plant.

Section 108. Subsection (6) of section 403.0752, Florida Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(6) The secretary of the department may form ecosystem management advisory teams for consultation and participation in the preparation of an ecosystem management agreement. The secretary shall request the participation of at least the state and regional and local government entities having regulatory authority over the activities to be subject to the ecosystem management agreement. Such teams may also include representatives of other participating or advisory government agencies, which may include ~~regional planning councils,~~ private landowners, public landowners and managers, public and private utilities, corporations, and environmental interests. Team members shall be selected in a manner that ensures adequate representation of the diverse interests and perspectives within the designated ecosystem. Participation by any department of state government is at the discretion of that agency.

Section 109. Subsection (27) of section 403.503, Florida Statutes, is amended to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

403.503 Definitions relating to Florida Electrical Power Plant Siting Act.—As used in this act:

~~(27) "Regional planning council" means a regional planning council as defined in s. 186.503(4) in the jurisdiction of which the electrical power plant is proposed to be located.~~

Section 110. Subsection (1) of section 403.50663, Florida Statutes, is amended to read:

403.50663 Informational public meetings.—

(1) A local government within whose jurisdiction the power plant is proposed to be sited may hold one informational public meeting in addition to the hearings specifically authorized by this act on any matter associated with the electrical power plant proceeding. Such informational public meetings shall be held by the local government ~~or by the regional planning council if the local government does not hold such meeting~~ within 70 days after the filing of the application. The purpose of an informational public meeting is for the local government ~~or regional planning council~~ to further inform the public about the proposed electrical power plant or associated facilities, obtain comments from the public, and formulate its recommendation with respect to the proposed electrical power plant.

Section 111. Paragraph (a) of subsection (2) of section 403.507, Florida Statutes, is amended to read:

403.507 Preliminary statements of issues, reports, project analyses, and studies.—

(2)(a) No later than 100 days after the certification application has been determined complete, the following agencies shall prepare reports as provided below and shall submit them to the department and the applicant, unless a final order denying

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

the determination of need has been issued under s. 403.519:

1. The Department of Commerce shall prepare a report containing recommendations which address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the state comprehensive plan, emergency management, and other such matters within its jurisdiction. The Department of Commerce may also comment on the consistency of the proposed electrical power plant with applicable ~~strategic regional policy plans or~~ local comprehensive plans and land development regulations.

2. The water management district shall prepare a report as to matters within its jurisdiction, including but not limited to, the impact of the proposed electrical power plant on water resources, regional water supply planning, and district-owned lands and works.

3. Each local government in whose jurisdiction the proposed electrical power plant is to be located shall prepare a report as to the consistency of the proposed electrical power plant with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed electrical power plant, including any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to matters within its jurisdiction.

5. The Department of Transportation shall address the impact of the proposed electrical power plant on matters within its jurisdiction.

Section 112. Paragraphs (a) and (c) of subsection (4) of

section 403.509, Florida Statutes, are amended to read:

403.509 Final disposition of application.—

(4)(a) Any transmission line corridor certified by the board, or secretary if applicable, shall meet the criteria of this section. When more than one transmission line corridor is proper for certification under s. 403.503 ~~s. 403.503(11)~~ and meets the criteria of this section, the board, or secretary if applicable, shall certify the transmission line corridor that has the least adverse impact regarding the criteria in subsection (3), including costs.

(c) If the board, or secretary if applicable, finds that two or more of the corridors that comply with subsection (3) have the least adverse impacts regarding the criteria in subsection (3), including costs, and that the corridors are substantially equal in adverse impacts regarding the criteria in subsection (3), including costs, the board, or secretary if applicable, shall certify the corridor preferred by the applicant if the corridor is one proper for certification under s. 403.503 ~~s. 403.503(11)~~.

Section 113. Paragraph (a) of subsection (6) and paragraph (a) of subsection (7) of section 403.5115, Florida Statutes, are amended to read:

403.5115 Public notice.—

(6)(a) A good faith effort shall be made by the applicant to provide direct written notice of the filing of an application for certification by United States mail or hand delivery no later than 45 days after filing of the application to all local landowners whose property, as noted in the most recent local government tax records, and residences are located within the

following distances of the proposed project:

1. Three miles of the proposed main site boundaries of the proposed electrical power plant.

2. One-quarter mile for a transmission line corridor that only includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

3. One-quarter mile for all other linear associated facilities extending away from the main site boundary except for a transmission line corridor that includes a transmission line that operates below those defined by s. 403.522 ~~s. 403.522(22)~~.

(7)(a) A good faith effort shall be made by the proponent of an alternate corridor that includes a transmission line, as defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct written notice of the filing of an alternate corridor for certification by United States mail or hand delivery of the filing no later than 30 days after filing of the alternate corridor to all local landowners whose property, as noted in the most recent local government tax records, and residences, are located within one-quarter mile of the proposed boundaries of a transmission line corridor that includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

Section 114. Subsection (1) of section 403.5175, Florida Statutes, is amended to read:

403.5175 Existing electrical power plant site certification.—

(1) An electric utility that owns or operates an existing electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~ may apply for certification of an existing power plant and its site in order to obtain all agency licenses necessary to ensure

compliance with federal or state environmental laws and regulation using the centrally coordinated, one-stop licensing process established by this part. An application for certification under this section must be in the form prescribed by department rule. Applications must be reviewed and processed using the same procedural steps and notices as for an application for a new facility, except that a determination of need by the Public Service Commission is not required.

Section 115. Paragraph (c) of subsection (2) of section 403.518, Florida Statutes, is amended to read:

403.518 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

(2) An application fee, which may ~~shall~~ not exceed $200,000. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, or increase in electrical generating capacity proposed by the application.

(c)1. Upon written request with proper itemized accounting within 90 days after final agency action by the board or department or withdrawal of the application, the agencies that prepared reports pursuant to s. 403.507 or participated in a hearing pursuant to s. 403.508 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request must ~~shall~~ contain an accounting of expenses incurred which may include time spent reviewing the application, preparation of any studies required of the agencies by this act, agency travel and per diem to attend any hearing held pursuant to this act, and for any local

government's ~~or regional planning council's~~ provision of notice of public meetings required as a result of the application for certification. The department shall review the request and verify that the expenses are valid. Valid expenses must ~~shall~~ be reimbursed; however, in the event the amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies requesting reimbursement, reimbursement is ~~shall be~~ on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement. This time period is ~~shall be~~ measured from the date the applicant has provided written notification to the department that it desires to have the application review process placed on hold. The fee disbursement shall be processed in accordance with subparagraph 1.

Section 116. Subsection (21) of section 403.522, Florida Statutes, is amended to read:

403.522 Definitions relating to the Florida Electric Transmission Line Siting Act.—As used in this act:

~~(21) "Regional planning council" means a regional planning council as defined in s. 186.503(4) in the jurisdiction of which the project is proposed to be located.~~

Section 117. Paragraph (a) of subsection (2) of section 403.526, Florida Statutes, is amended to read:

403.526 Preliminary statements of issues, reports, and project analyses; studies.—

(2)(a) No later than 90 days after the filing of the application, the following agencies shall prepare reports as provided below, unless a final order denying the determination

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

of need has been issued under s. 403.537:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Commerce shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan, emergency management, and other matters within its jurisdiction. The Department of Commerce may also comment on the consistency of the proposed transmission line or corridor with applicable ~~strategic regional policy plans or~~ local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

6. The Department of Transportation shall prepare a report as to the impact of the proposed transmission line or corridor on state roads, railroads, airports, aeronautics, seaports, and other matters within its jurisdiction.

7. The commission shall prepare a report containing its determination under s. 403.537, and the report may include the comments from the commission with respect to any other subject within its jurisdiction.

8. Any other agency, if requested by the department, shall also perform studies or prepare reports as to subjects within the jurisdiction of the agency which may potentially be affected by the proposed transmission line.

Section 118. Paragraphs (d) and (f) of subsection (1) of section 403.5271, Florida Statutes, are amended to read:

403.5271 Alternate corridors.—

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(d) Within 21 days after acceptance of an alternate

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.5365 ~~s. 403.526(2)~~ and newly affected agencies necessary for the preparation of a supplementary report on the proposed alternate corridor.

(f) The agencies listed in s. 403.5365 ~~s. 403.526(2)~~ and any newly affected agencies shall file supplementary reports with the applicant and the department which address the proposed alternate corridors no later than 24 days after the data submitted pursuant to paragraph (d) or paragraph (e) is determined to be complete.

Section 119. Subsection (1) of section 403.5272, Florida Statutes, is amended to read:

403.5272 Informational public meetings.—

(1) A local government whose jurisdiction is to be crossed by a proposed corridor may hold one informational public meeting in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. The informational public meeting ~~may be conducted by the local government or the regional planning council and~~ shall be held no later than 55 days after the application is filed. The purpose of an informational public meeting is for the local government ~~or regional planning council~~ to further inform the public about the transmission line proposed, obtain comments from the public, and formulate its recommendation with respect to the proposed transmission line.

Section 120. Subsection (4), paragraph (a) of subsection (5), and paragraph (a) of subsection (6) of section 403.5363,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Florida Statutes, are amended to read:

403.5363 Public notices; requirements.—

(4) A local government ~~or regional planning council~~ that proposes to conduct an informational public meeting pursuant to s. 403.5272 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical transmission line will be located no later than 7 days before ~~prior to~~ the meeting. A newspaper of general circulation shall be the newspaper that has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

(5)(a) A good faith effort shall be made by the applicant to provide direct notice of the filing of an application for certification by United States mail or hand delivery no later than 45 days after filing of the application to all local landowners whose property, as noted in the most recent local government tax records, and residences are located within one-quarter mile of the proposed boundaries of a transmission line corridor that only includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

(6)(a) A good faith effort shall be made by the proponent of an alternate corridor that includes a transmission line, as defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct notice of the filing of an alternate corridor for certification by United States mail or hand delivery of the filing no later than

30 days after filing of the alternate corridor to all local landowners whose property, as noted in the most recent local government tax records, and residences are located within one-quarter mile of the proposed boundaries of a transmission line corridor that includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

Section 121. Paragraph (d) of subsection (1) of section 403.5365, Florida Statutes, is amended to read:

403.5365 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

(1) An application fee.

(d)1. Upon written request with proper itemized accounting within 90 days after final agency action by the siting board or the department or the written notification of the withdrawal of the application, the agencies that prepared reports under s. 403.526 or s. 403.5271 or participated in a hearing under s. 403.527 or s. 403.5271 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request must contain an accounting of expenses incurred, which may include time spent reviewing the application, preparation of any studies required of the agencies by this act, agency travel and per diem to attend any hearing held under this act, and for the local government ~~or regional planning council~~ providing additional notice of the informational public meeting. The department shall review the request and verify whether a claimed expense is valid. Valid expenses shall be reimbursed; however, if the

amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies, reimbursement shall be on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement under subparagraph 1. This time period shall be measured from the date the applicant has provided written notification to the department that it desires to have the application review process placed on hold. The fee disbursement shall be processed in accordance with subparagraph 1.

Section 122. Paragraphs (a) and (d) of subsection (1) of section 403.537, Florida Statutes, are amended to read:

403.537 Determination of need for transmission line; powers and duties.—

(1)(a) Upon request by an applicant or upon its own motion, the Florida Public Service Commission shall schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Florida Electric Transmission Line Siting Act, ss. 403.52-403.5365. The notice shall be published at least 21 days before the date set for the hearing and shall be published by the applicant in at least one-quarter page size notice in newspapers of general circulation, and by the commission in the manner specified in chapter 120, by giving notice to counties ~~and regional planning councils~~ in whose jurisdiction the transmission line could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hearing shall be held pursuant to s. 350.01 within 45 days after the filing of the request, and a decision shall be rendered within 60 days after such filing.

(d) The determination by the commission of the need for the transmission line, as defined in s. 403.522 ~~s. 403.522(22)~~, is binding on all parties to any certification proceeding under the Florida Electric Transmission Line Siting Act and is a condition precedent to the conduct of the certification hearing prescribed therein. An order entered pursuant to this section constitutes final agency action.

Section 123. Subsection (17) of section 403.704, Florida Statutes, is amended to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of this act. In addition to other powers and duties, the department shall:

(17) Provide technical assistance to local governments and regional agencies to ensure consistency between county hazardous waste management assessments; coordinate the development of such assessments ~~with the assistance of the appropriate regional planning councils~~; and review and make recommendations to the Legislature relative to the sufficiency of the assessments to meet state hazardous waste management needs.

Section 124. Subsections (3) and (6) of section 403.7225, Florida Statutes, are amended to read:

403.7225 Local hazardous waste management assessments.—

(3) Each county ~~or regional planning council~~ shall coordinate the local hazardous waste management assessments within its jurisdiction according to guidelines established

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

under s. 403.7226. If a county declines to perform the local hazardous waste management assessment, the county must ~~shall~~ make arrangements with the department ~~its regional planning council~~ to perform the assessment.

(6) Unless performed by the county pursuant to subsection (3), the department ~~regional planning councils~~ shall upon successful arrangements with a county:

(a) Perform local hazardous waste management assessments; and

(b) Provide any technical expertise needed by the counties in developing the assessments.

Section 125. Subsection (1) of section 403.7226, Florida Statutes, is amended to read:

403.7226 Technical assistance by the department.—The department shall:

(1) Provide technical assistance to county governments ~~and regional planning councils~~ to ensure consistency in implementing local hazardous waste management assessments as provided in ss. 403.7225, 403.7234, and 403.7236. In order to ensure that each local assessment is properly implemented and that all information gathered during the assessment is uniformly compiled and documented, each county ~~or regional planning council~~ shall contact the department during the preparation of the local assessment to receive technical assistance. Each county ~~or regional planning council~~ shall follow guidelines established by the department, and adopted by rule as appropriate, in order to properly implement these assessments.

Section 126. Subsection (2) of section 403.723, Florida Statutes, is amended to read:

403.723 Siting of hazardous waste facilities.—It is the intent of the Legislature to facilitate siting of proper hazardous waste storage facilities in each region and any additional storage, treatment, or disposal facilities as required. The Legislature recognizes the need for facilitating disposal of waste produced by small generators, reducing the volume of wastes generated in the state, reducing the toxicity of wastes generated in the state, and providing treatment and disposal facilities in the state.

(2) After each county designates areas for storage facilities, the department ~~each regional planning council~~ shall designate one or more sites at which a regional hazardous waste storage or treatment facility could be constructed.

Section 127. Subsection (22) of section 403.9403, Florida Statutes, is amended to read:

403.9403 Definitions.—As used in ss. 403.9401-403.9425, the term:

~~(22) "Regional planning council" means a regional planning council created pursuant to chapter 186 in the jurisdiction of which the project is proposed to be located.~~

Section 128. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact

of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Commerce shall prepare a report containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the proposed natural gas transmission pipeline or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Commerce may also comment on the consistency of the proposed natural gas transmission pipeline or corridor with applicable strategic ~~regional policy plans~~ or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, including the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission

pipeline or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed natural gas transmission pipeline or corridor unless the certification is denied or the application is withdrawn.

6. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

7. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

8. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 129. Paragraph (a) of subsection (1) of section

403.9422, Florida Statutes, is amended to read:

403.9422 Determination of need for natural gas transmission pipeline; powers and duties.—

(1)(a) Upon request by an applicant or upon its own motion, the commission shall schedule a public hearing, after notice, to determine the need for a natural gas transmission pipeline regulated by ss. 403.9401-403.9425. Such notice shall be published at least 45 days before the date set for the hearing and shall be published in at least one-quarter page size in newspapers of general circulation and in the Florida Administrative Register, by giving notice to counties ~~and regional planning councils~~ in whose jurisdiction the natural gas transmission pipeline could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 75 days after the filing of the request, and a decision shall be rendered within 90 days after such filing.

Section 130. Subsection (4) of section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(4) The regional teams shall be established through the execution of a project-specific memorandum of agreement developed and executed by the applicant and the secretary, with input solicited from the respective heads of the Department of Transportation and its district offices, the Department of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, ~~appropriate regional planning councils,~~ appropriate water management districts, and voluntarily participating municipalities and counties. The memorandum of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

Section 131. Paragraphs (b) and (d) of subsection (1) of section 408.033, Florida Statutes, are amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(b) Each local health council may:

1. Develop a district area health plan that permits each local health council to develop strategies and set priorities for implementation based on its unique local health needs.

2. Advise the agency on health care issues and resource allocations.

3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.

4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.

5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.

~~6. Advise and assist any regional planning councils within~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.~~

6.~~7.~~ Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

a. A copy and appropriate updates of the district health plan;

b. A report of nursing home utilization statistics for facilities within the local government jurisdiction; and

c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.

7.~~8.~~ Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.

8.~~9.~~ In conjunction with the Department of Health, plan for services at the local level for persons infected with the human immunodeficiency virus.

9.~~10.~~ Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals,

objectives, and policies adopted by the local health council.

10.~~11.~~ Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health facilities in the district.

(d) Each local health council shall enter into a memorandum of agreement with each ~~regional planning council in its district that elects to address health issues in its strategic regional policy plan. In addition, each local health council shall enter into a memorandum of agreement with each~~ local government that includes an optional health element in its comprehensive plan. Each memorandum of agreement must specify the manner in which each local government~~, regional planning council,~~ and local health council will coordinate its activities to ensure a unified approach to health planning and implementation efforts.

Section 132. Subsection (1) of section 420.609, Florida Statutes, is amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(1) There is created the Affordable Housing Study Commission, which shall be composed of 20 ~~21~~ members to be appointed by the Governor:

(a) One citizen actively engaged in the residential home building industry.

(b) One citizen actively engaged in the home mortgage lending profession.

(c) One citizen actively engaged in the real estate sales profession.

(d) One citizen actively engaged in apartment development.

(e) One citizen actively engaged in the management and operation of a rental housing development.

(f) Two citizens who represent very-low-income and low-income persons.

(g) One citizen representing a community-based organization with experience in housing development.

(h) One citizen representing a community-based organization with experience in housing development in a community with a population of less than 50,000 persons.

(i) Two citizens who represent elderly persons' housing interests.

~~(j) One representative of regional planning councils.~~

(j)~~(k)~~ One representative of the Florida League of Cities.

(k)~~(l)~~ One representative of the Florida Association of Counties.

(l)~~(m)~~ Two citizens representing statewide growth management organizations.

(m)~~(n)~~ One citizen of the state to serve as chair of the commission.

(n)~~(o)~~ One citizen representing a residential community developer.

(o)~~(p)~~ One member who is a resident of the state.

(p)~~(q)~~ One representative from a local housing authority.

(q)~~(r)~~ One citizen representing the housing interests of homeless persons.

Section 133. Paragraph (a) of subsection (3) and subsection (6) of section 473.3065, Florida Statutes, are amended to read:

473.3065 Clay Ford Scholarship Program; Certified Public Accountant Education Minority Assistance Advisory Council.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(3) The board shall adopt rules as necessary for administration of the Clay Ford Scholarship Program, including rules relating to the following:

(a) Eligibility criteria for receipt of a scholarship, which, at a minimum, shall include the following factors:

1. Financial need.

2. Ethnic, gender, or racial minority status pursuant to s. 288.703 ~~s. 288.703(4)~~.

3. Scholastic ability and performance.

(6) There is hereby created the Certified Public Accountant Education Minority Assistance Advisory Council to assist the board in administering the Clay Ford Scholarship Program. The council shall be diverse and representative of the gender, ethnic, and racial categories set forth in s. 288.703 ~~s. 288.703(4)~~.

(a) The council shall consist of five licensed Florida-certified public accountants selected by the board, of whom one shall be a board member who serves as chair of the council, one shall be a representative of the National Association of Black Accountants, one shall be a representative of the Cuban American CPA Association, and two shall be selected at large. At least one member of the council must be a woman.

(b) The board shall determine the terms for initial appointments and appointments thereafter.

(c) Any vacancy on the council shall be filled in the manner provided for the selection of the initial member. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of that term.

(d) Three consecutive absences or absences constituting 50

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant.

(e) The members of the council shall serve without compensation, and any necessary and actual expenses incurred by a member while engaged in the business of the council shall be borne by such member or by the organization or agency such member represents. However, the council member who is a member of the board shall be compensated in accordance with ss. 455.207(4) and 112.061.

Section 134. Paragraph (f) of subsection (1) of section 501.171, Florida Statutes, is amended to read:

501.171 Security of confidential personal information.—

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

(f) "Governmental entity" means any department, division, bureau, commission, ~~regional planning agency,~~ board, district, authority, agency, or other instrumentality of this state that acquires, maintains, stores, or uses data in electronic form containing personal information.

Section 135. Section 625.3255, Florida Statutes, is amended to read:

625.3255 Capital participation instrument.—An insurer may invest in any capital participation instrument or evidence of indebtedness issued by the Department of Commerce pursuant to the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act.

Section 136. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

may invest its funds subject to the following definitions, restrictions, and limitations:

(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of the credit union may be invested in any of the following:

(b) Any capital participation instrument or evidence of indebtedness issued by the Department of Commerce pursuant to the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act.

Section 137. Paragraph (f) of subsection (4) of section 658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR LESS OF CAPITAL ACCOUNTS.—

(f) Up to 10 percent of the capital accounts of a bank or trust company may be invested in any capital participation instrument or evidence of indebtedness issued by the Department of Commerce pursuant to the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act.

Section 138. Subsection (6) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district ~~and regional planning council~~. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184(11) to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 139. For the purpose of incorporating the amendment made by this act to section 447.203, Florida Statutes, in

references thereto, paragraph (w) of subsection (2) of section 110.205, Florida Statutes, is reenacted to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(w) Managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support and attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

Section 140. For the purpose of incorporating the amendment made by this act to section 164.1031, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section

163.3162, Florida Statutes, is reenacted to read:

163.3162 Agricultural lands and practices.—

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

(d) "Governmental entity" has the same meaning as provided in s. 164.1031. The term does not include a water management district, a water control district established under chapter 298, or a special district created by special act for water management purposes.

Section 141. For the purpose of incorporating the amendment made by this act to section 164.1031, Florida Statutes, in a reference thereto, subsection (8) of section 373.129, Florida Statutes, is reenacted to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(8) In conflicts arising where a water management district is a party to litigation against another governmental entity, as defined in s. 164.1031, a district has an affirmative duty to engage in alternative dispute resolution in good faith as required by chapter 164.

Section 142. For the purpose of incorporating the amendment made by this act to section 339.155, Florida Statutes, in references thereto, subsections (1) and (3) of section 339.2819, Florida Statutes, are reenacted to read:

339.2819 Transportation Regional Incentive Program.—

(1) There is created within the Department of Transportation a Transportation Regional Incentive Program for the purpose of providing funds to improve regionally significant transportation facilities in regional transportation areas created pursuant to s. 339.155(4).

(3) The department shall allocate funding available for the Transportation Regional Incentive Program to the districts based on a factor derived from equal parts of population and motor fuel collections for eligible counties in regional transportation areas created pursuant to s. 339.155(4).

Section 143. For the purpose of incorporating the amendments made by this act to sections 380.045 and 380.05, Florida Statutes, in references thereto, subsections (5) and (6) of section 380.0552, Florida Statutes, are reenacted to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5), (9)-(11), (15), (17), and (21) shall not apply to the area designated by this section for so long as the designation remains in effect. Except as otherwise provided in this section, s. 380.045 shall not apply to the area designated by this section. All other provisions of this chapter shall apply, including s. 380.07.

(6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the Florida Keys Area with the membership as specified in s. 380.045(2). Meetings shall be called as needed by the chair or on the demand of three or more members of the committee. The

committee shall:

(a) Serve as a liaison between the state and local governments within Monroe County.

(b) Develop, with local government officials in the Florida Keys Area, recommendations to the state land planning agency as to the sufficiency of the Florida Keys Area's comprehensive plan and land development regulations.

(c) Recommend to the state land planning agency changes to state and regional plans and regulatory programs affecting the Florida Keys Area.

(d) Assist units of local government within the Florida Keys Area in carrying out the planning functions and other responsibilities required by this section.

(e) Review, at a minimum, all reports and other materials provided to it by the state land planning agency or other governmental agencies.

Section 144. For the purpose of incorporating the amendment made by this act to section 403.507, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 403.5064, Florida Statutes, is reenacted to read:

403.5064 Application; schedules.—

(1) The formal date of filing of a certification application and commencement of the certification review process shall be when the applicant submits:

(a) Copies of the certification application in a quantity and format as prescribed by rule to the department and other agencies identified in s. 403.507(2)(a).

Section 145. For the purpose of incorporating the amendment made by this act to section 403.526, Florida Statutes, in a

reference thereto, paragraph (a) of subsection (1) of section 403.5251, Florida Statutes, is reenacted to read:

403.5251 Application; schedules.—

(1)(a) The formal date of the filing of the application for certification and commencement of the review process for certification is the date on which the applicant submits:

1. Copies of the application for certification in a quantity and format, electronic or otherwise as prescribed by rule, to the department and other agencies identified in s. 403.526(2).

2. The application fee as specified under s. 403.5365 to the department.

The department shall provide to the applicant and the Division of Administrative Hearings the names and addresses of any additional agencies or persons entitled to notice and copies of the application and amendments, if any, within 7 days after receiving the application for certification and the application fees.

Section 146. For the purpose of incorporating the amendment made by this act to section 403.526, Florida Statutes, in references thereto, paragraphs (d) and (f) of subsection (1) of section 403.5271, Florida Statutes, are reenacted to read:

403.5271 Alternate corridors.—

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(d) Within 21 days after acceptance of an alternate

corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.526(2) and newly affected agencies necessary for the preparation of a supplementary report on the proposed alternate corridor.

(f) The agencies listed in s. 403.526(2) and any newly affected agencies shall file supplementary reports with the applicant and the department which address the proposed alternate corridors no later than 24 days after the data submitted pursuant to paragraph (d) or paragraph (e) is determined to be complete.

Section 147. For the purpose of incorporating the amendment made by this act to section 403.941, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 403.9421, Florida Statutes, is reenacted to read:

403.9421 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which shall be paid into the Florida Permit Fee Trust Fund:

(5) In administering fee revenues received under this section, the department shall allocate the funds as follows:

(c) The balance of fees remaining shall be used by the department to reimburse affected agencies included in s. 403.941(2)(a) for costs incurred in application and postcertification review, respectively.

1. For application processing costs, upon presentation by an affected agency of a proper itemized accounting within 90 days after the date of the board's order approving certification or the date on which a pending application is otherwise disposed of, the department shall reimburse the agencies for authorized

costs from the fee balances remaining. Such reimbursement shall be authorized for studies and the preparation of any reports required of the agencies by ss. 403.9401-403.9425, for agency travel and per diem to attend any hearing held, and for participation in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis. If any sums are remaining, the department shall retain them for use in the same manner as is otherwise authorized by this section; however, if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 120 days after withdrawal.

2. For postcertification costs, an invoice may be submitted on an annual basis, commencing from the date of certification, for expenses incurred by affected agencies conducting postcertification review work pursuant to the conditions of certification. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

Section 148. This act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 15, 2025

I respectfully request that **Senate Bill #1264**, relating to Rural and Urban Business Enterprises, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Jay Collins
Florida Senate, District 14

File signed original with committee office

S-020 (03/2004)

BILL
TEMPORARILY POSTPONED

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

SB 1264
Bill Number or Topic

283376
Amendment Barcode (if applicable)

Name Chadwick Leonard

Phone 407 954 0605

Address 308 N. Monroe
Street

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:
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1264
Bill Number or Topic

283376
Amendment Barcode (if applicable)

Name Kristin Dozier

Phone 850-509-2907

Address 2507 Callaway Rd
Street

Email kdozier@arpc.org

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. 2020-2022JointRules.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

4.21
Meeting Date

Rules
Committee

1264
Bill Number or Topic

283376
Amendment Barcode (if applicable)

Name RANA BROWN

Phone 850.224.3427

Address 104 W Jefferson St.
Street

Email Rana@RLBookPA.com

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: FL Regional Council's 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. 2020-2022JointRules.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

4/21/25
Meeting Date

RULES
Committee

1264
Bill Number or Topic

283376
Amendment Barcode (if applicable)

Name STEPHEN MARANTE

Phone (954) 296-3366

Address 107 E MADISON STREET
Street

Email STEPHEN.MARANTE@COMMERCE.FL.GOV

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:
DEPARTMENT 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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

1264
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Phone 850-425-1344

Address 104 S. Monroe Street
Street

Email TcgLobby@aol.com

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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

4/21/2025
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

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

1264
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colton Madill

Phone 850-766-7983

Address 136 S. Bronough St.
Street

Email cmadill@flchamber.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 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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

1264
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cissy Proctor

Phone 850-294-1099

Address 1400 Village Square Blvd, Suite 3-168
Street

Email cproctor@lsnpartners.com

TLH FL 32312
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:
Leonardo Helicopters

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1264
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lindsay Pierce

Phone 334-268-8282

Address 113 E College Ave
Street

Email lpierce@spaceflorida.gov

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: Space 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

DUPLICATE

The Florida Senate

APPEARANCE RECORD

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

April 21, 2025
Meeting Date

Rules
Committee

1264
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Phone 850-425-1344

Address 104 S. Monroe Street
Street

Email TcgLobby@aol.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:
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. 2020-2022JointRules.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

4.21.25	1264
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Kara Gross

Phone 786-363-4436

Address 4343 West Flagler St
Street

Email kgross@aclufl.org

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:
American Civil Liberties Union 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/CS/SB 1270
INTRODUCER:	Rules Committee; Appropriations Committee on Health and Human Services; Health Policy Committee and Senator Collins
SUBJECT:	Department of Health
DATE:	April 23, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith/Looke	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Fav/CS**
3.	Smith/Looke	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1270 revises statutes administered by the Department of Health (DOH), including provisions relating to medical marijuana regulation, health care practitioner licensure, patient rights, and public health mandates.

The bill reenacts ss. 381.00316(2)(g) and 381.00319(1)(e), F.S., and repeals section 9 of chapter 2023-43, L.O.F., to preserve the statutory definition of "messenger ribonucleic acid vaccine" (mRNA vaccine). These provisions collectively maintain statutory prohibitions against discrimination based on knowledge or belief of a person's status relating to vaccination with any mRNA vaccine, including by governmental entities, business establishments, and educational institutions.

The bill amends s. 381.026, F.S., to prohibit health care providers and facilities from discriminating against a patient based solely on vaccination status and affirms a patient's right to impartial access to treatment or accommodations regardless of vaccination status.

The bill amends ss. 381.986 and 381.988, F.S., to define "owner," "manager," and "employee" for purposes of background screening requirements applicable to medical marijuana treatment centers (MMTCs) and certified marijuana testing laboratories respectively. The bill requires MMTCs to report any actual or attempted theft, diversion, or loss of marijuana to local law enforcement and to notify the DOH by email.

The bill amends s. 456.0145, F.S., to establish that reported conduct in the National Practitioner Data Bank does not automatically disqualify an applicant from licensure as a health care practitioner under Florida's Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act if the conduct would not constitute a violation of Florida law or rule. In such cases, the bill authorizes the applicable regulatory board, or the DOH if there is no board, to approve the application, approve it with restrictions or conditions, or deny it.

The bill amends ss. 458.315 and 459.0076, F.S., to revise criteria for the issuance of temporary certificates for practice in areas of critical need by allopathic and osteopathic physician assistants. Under the bill, such temporary certificates are limited to physician assistants who are licensed in a U.S. state or the District of Columbia, thereby excluding those licensed only in U.S. territories.

The bill amends s. 486.112, F.S., to correct one material deviation to conform provisions of the Physical Therapy Licensure Compact model language by defining the term "party state."

The bill amends s. 766.1115, F.S., to add dental and dental hygiene students to the list of persons eligible for sovereign immunity when providing services to low-income individuals through qualified programs under the Access to Health Care Act.

The bill may have a significant, negative fiscal impact on the Division of Medical Quality Assurance (MQA). **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025, except as otherwise expressly provided for provisions ensuring continuity of the statutory definition of "messenger ribonucleic acid vaccine," which shall take effect upon this act becoming a law and shall operate retroactively if this bill is enrolled but not yet enacted by that date.

II. Present Situation:

Department of Health

The Department of Health (DOH) is the state's primary public health agency, responsible for safeguarding the health and well-being of residents and visitors. Established in 1996, the DOH operates under the leadership of the State Surgeon General and encompasses various divisions, including Administration, Emergency Preparedness and Community Support, Disease Control and Health Protection, Community Health Promotion, and Medical Quality Assurance (MQA).[1] The DOH comprises a central state health office in Tallahassee, with statewide responsibilities; Florida's 67 county health departments (CHD); eight Children's Medical Services (CMS) area offices; 12 MQA regional offices; nine Disability Determinations regional offices; and three public health laboratories.[2]

The MQA within the DOH has general regulatory authority over health care practitioners. The MQA works in conjunction with 22 regulatory boards and four councils to license and regulate

[1] Section 20.42, F.S.
[2] Florida Department of Health, about the Florida Department of Health, *available at* https://www.floridahealth.gov/about/index.html (last visited Mar. 29, 2025).

over 1.5 million health care practitioners.[3] Professions are generally regulated by individual practice acts and by ch. 456, F.S., which provides regulatory and licensure authority for the MQA.

Mobile Opportunity by Interstate Licensure Endorsement Act

The Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act, codified in s. 456.0145, F.S., establishes a pathway for expedited licensure of health care professionals who are licensed in good standing in another state. The MOBILE Act was designed to facilitate workforce mobility and expand access to care by allowing eligible out-of-state practitioners to obtain licensure in Florida without undergoing traditional initial licensure requirements, such as additional examinations or coursework.

Under current law, applicants must have actively practiced their profession for the three years immediately preceding application. An applicant is ineligible for licensure under the MOBILE Act if he or she has a pending complaint or investigation in another jurisdiction, has been convicted or pled to an offense related to health care practice, has had a license revoked, suspended, or surrendered in another state, or has been reported to the National Practitioner Data Bank unless successfully removed through appeal.

As of January 6, 2025, the MQA has received 3,263 MOBILE applications and issued 769 licenses.[4]

Temporary Certificates for Practice in Areas of Critical Need

Both the Board of Medicine (BOM) and the Board of Osteopathic Medicine (BOOM) may issue temporary certificates to practice in areas of critical need to allopathic or osteopathic physicians and to allopathic and osteopathic physician assistants (PA) who agree to practice in those areas. An applicant for a temporary certificate must:[5]

- Be actively licensed to practice in any jurisdiction of the U.S.;
- Be employed by, or practice in, a county health department, correctional facility, Department of Veterans' Affairs clinic, federally-funded community health care center, or any other agency or institution designated by the State Surgeon General and provides health care to underserved populations; or
- Practice for a limited time to address critical physician-specialty, demographic, or geographic needs for this state's physician workforce as determined by the Surgeon General.

The BOM and the BOOM (the boards collectively) are authorized to administer an abbreviated oral examination to determine a physician's or PAs competency. A written examination is not required.[6] The boards may deny the application, issue the temporary certificate with reasonable restrictions, or require the applicant to meet any reasonable conditions of the BOM or BOOM

[3] Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan: Fiscal Year 2023–2024*, *available at* https://mqawebteam.com/annualreports/2324/8/ (last visited Mar. 29, 2025).
[4] Department of Health, Senate Bill 1270 *Legislative Analysis* (Mar. 11, 2025) (on file with the Senate Committee on Health Policy).
[5] Sections 458.315, and 459.0076, F.S.
[6] *Id.*

prior to issuing the temporary certificate if it has been more than three years since the applicant has actively practiced and the respective board determines the applicant lacks clinical competency, adequate skills, necessary medical knowledge, or sufficient clinical decision-making.[7]

Physician fees for the temporary certificate for practice in areas of critical need include a $300 application fee and $429 initial licensure fee; however, these fees may be waived if the individual is not compensated for his or her practice.[8] The temporary certificate is only valid for as long as the Surgeon General determines that critical need remains an issue in this state.[9] However, the boards must review the temporary certificate holder at least annually to ensure that he or she is in compliance with the practice act and rules adopted thereunder.[10] The BOM or BOOM may revoke or restrict the temporary certificate for practice in areas of critical need if noncompliance is found.[11]

COVID-19 Vaccine and Testing Mandate Prohibitions

In 2023, CS/SB 252 was enacted to prohibit a business entity,[12] governmental entity,[13] or educational institution[14] from requiring any person to provide any documentation certifying vaccination with listed vaccines or postinfection recovery from COVID-19, or requiring a COVID-19 test, in order to gain access, entry upon, or service from, or admission to such entity or institution.

The 2023 bill, now codified in ss. 381.00316 and 381.00319, F.S., applies to the following vaccines:

- "COVID-19 vaccine" means a preparation designed to stimulate the human body's immune response against COVID-19.
- "Emergency use authorization vaccine" means any vaccine that is authorized for emergency use under 21 U.S.C. 360bbb-3(a)(1) and qualifies as an unapproved product under 21 U.S.C. 360bbb-3(a)(2)(A).
- "Messenger ribonucleic acid vaccine" means any vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body's immune system to generate an immune response.

Those statutes prohibit:

- Requiring such documentation or testing as a condition of contracting, hiring, promotion, or continued employment;

[7] Sections 458.315(3)(b) and 459.0076(3)(b), F.S.
[8] Fla. Admin. Code Rs. 64B8-3.003, and 64B15-10.002 (2025).
[9] Sections 458.315(3), and 459.0076(3), F.S.
[10] Sections 458.315(3)(c), and 459.0076(3)(c), F.S.
[11] *Id.*
[12] "Business entity" has the same meaning as in s. 606.03, F.S., and also includes a charitable organization as defined in s. 496.404, a corporation not for profit as defined in s. 617.01401, a private club, or any other business operating in this state.
[13] "Governmental entity" means the state or any political subdivision thereof, including the Executive, Legislative, and Judicial branches of government; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; or any agencies that are subject to chapter 286, F.S.
[14] "Educational institution" means a public or private school, including a preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school.

- Using a knowledge or belief of a person's vaccination with any of the listed vaccines or COVID-19 postinfection status, or a person's failure to take a COVID-19 test, to:
  - Refuse to hire, or discharge, the person;
  - Deprive or attempt to deprive the person of employment opportunities;
  - Adversely affect the person's status as an employee or as an applicant; or
  - Otherwise discriminate against the person.

Current law also provides that if a governmental entity fails to comply with the above provisions, an employee terminated based on such noncompliance is eligible for reemployment assistance under ch. 443, F.S., in addition to any other remedies available for such violation.

Additionally, for matters related to any vaccine other than a defined vaccine, a defined entity or institution must provide for reasonable religious and medical accommodations in compliance with federal law.

The definitions for "messenger ribonucleic acid vaccine" in ss. 381.00316 and 381.00319, F.S., will automatically expire on June 1, 2025, effectively eliminating the prohibitions relating to that type of vaccine on that date.

Messenger Ribonucleic Acid Vaccines

Messenger Ribonucleic Acid (mRNA) is a molecule that contains the instructions or recipe that directs cells in the human body to make a protein using their natural machinery. To enter cells smoothly, mRNA travels within a protective bubble called a Lipid Nanoparticle. Once inside, mRNA causes cells to read the mRNA as a set of instructions, building proteins that match parts of the pathogen called antigens. The immune system sees these foreign antigens as invaders, dispatching defenders called antibodies and T-cells, and training the immune system for potential future attacks. So, if and when the real virus comes along, the body might recognize it, sounding the alarm to help defend against infection and illness.

Though many people first became aware of mRNA technology because of COVID-19 vaccines, the technology is not new to the scientific community. For decades, scientists have studied mRNA, looking for ways to unlock its potential to prevent and treat disease. While the mechanism of action for mRNA technology is relatively simple, researchers have worked for years to develop technologies to allow mRNA to work in the real world.[15]

Current research is ongoing for mRNA vaccines for various infectious diseases, including human immunodeficiency virus (HIV), Hepatitis C, Influenza, Malaria, and Tuberculosis. Additionally, researchers are working on mRNA vaccines for cancer and genetic diseases as well as treatments for food an environmental allergies.[16]

[15] Pfizer, *Harnessing the Potential of mRNA, available at* https://www.pfizer.com/science/innovation/mrna-technology, (last visited Mar. 30, 2025).
[16] Penn Medicine, *The Future of mRNA Vaccines, available at* https://www.pennmedicine.org/mrna, (last visited Mar. 30, 2025).

Florida Patient's Bill of Rights and Responsibilities

The Patient's Bill of Rights and Responsibilities, codified in s. 381.026, F.S., was created for the purpose of promoting better communication among patients and health care providers. The Legislature intends for the bill of rights to give patients an understanding of their rights and responsibilities to enable them to make informed decisions concerning their health.

The Patient's Bill of Rights and Responsibilities applies to health care facilities licensed under ch. 395, F.S., (hospitals, ambulatory surgical centers, and mobile surgical facilities), physicians licensed under chs. 458, 459, and 461, F.S., (allopathic, osteopathic, and podiatric physicians), and advanced practice registered nurses licensed under ch. 464, F.S.

Section 381.0261(1), F.S., requires the DOH to provide a summary of the Patient's Bill of Rights on its website. The summary is codified in subsection (6) of that section. Subsection (6) also requires that health care facilities and health care providers provide a patient with a summary of these rights if the patient requests a copy.

Enforcement

The Agency for Health Care Administration (AHCA) may impose an administrative fine against a health care facility when a health care facility fails to make the summary of rights available to its patients. For a first unintentional violation, the health care facility would not receive an administrative fine but would be subject to corrective action. The AHCA may impose a fine against a health care facility of up to $5,000 for unintentional violations and a fine of up to $25,000 for willful and intentional violations.

Regulatory boards may fine physicians when they fail to make the summary of rights available to their patients. For initial unintentional violations, a health care provider would not receive an administrative fine but would be subject to corrective action. A regulatory board or the DOH may impose a fine of up to $100 against a health care provider for unintentional violations and a fine of up to $500 for willful violations.[17]

Sovereign Immunity for Charitable Care

Section 766.1115, F.S., also known as the "Access to Health Care Act," provides protections against liability for health care providers who offer free quality medical services to underserved populations in Florida. The act provides that a health care provider that executes a contract with a governmental contractor[18] to provide health care services is considered an agent of the state for sovereign immunity purposes when acting under the scope of duties under the contract and may not be named as a defendant in any action arising out of medical care or treatment provided under the contracts entered into.

For the purposes of the Access to Health Care Act, a health care provider includes:

- A birth center.

[17] Section 381.0261(4) and (5), F.S.

[18] "Governmental contractor" is defined as the DOH, county health departments, a special taxing district with health care responsibilities, or a hospital owned and operated by a governmental entity.

- An ambulatory surgical center.
- A hospital.
- A medical doctor, osteopathic physician, or PA.
- A chiropractic physician.
- A podiatric physician.
- A registered nurse, nurse midwife, licensed practical nurse (LPN), or Advanced Practice Registered Nurse (APRN) or any facility which employs nurses to supply all or part of the care delivered.
- A midwife.
- A health maintenance organization.
- A health care professional association and its employees or a corporate medical group and its employees.
- Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or which delivers nonsurgical human medical treatment, and which includes an office maintained by a provider.
- A dentist or dental hygienist.
- A free clinic that delivers only medical diagnostic services or nonsurgical medical treatment free of charge to all low-income recipients.[19]
- Any other health care professional, practitioner, provider, or facility under contract with a governmental contractor, including a student enrolled in an accredited program that prepares the student for licensure as a physician or physician assistant, osteopathic physician or osteopathic physician assistant, chiropractic physician, podiatric physician, registered nurse, midwife, licensed practical nurse, or advanced practice registered nurse licensed, or midwife.

Medical Marijuana Treatment Center and Certified Marijuana Testing Laboratory Requirements

Background Screening Requirements

Because Medical Marijuana Treatment Centers (MMTC) and Certified Marijuana Testing Laboratories (CMTL) handle medical marijuana, they are required to ensure that all owners, managers, and employees of the MMTC or CMTL have passed a level II background screening pursuant to the requirements specified in ss. 381.986(9) and 381.988(1)(d), F.S., respectively.

Federal Bureau of Investigation Requirements for MMTC and CMTL Background Screening Statutes

According to the DOH, background screenings are conducted using information systems controlled by the Federal Bureau of Investigation (FBI). Through the Florida Department of Law Enforcement (FDLE), the FBI has communicated that the department may not use the FBI's background check system to perform this regulatory requirement for certain categories of CMTL personnel until the DOH defines the terms "owner," "manager," and "employee" in statute, rather than rule. The FBI's basis for the need to define said terms in statute is that the terms fail

[19] "Low-Income" is defined as A person who is Medicaid-eligible under Florida law; a person who is without health insurance and whose family income does not exceed 300 percent of the federal poverty level as defined annually by the federal Office of Management and Budget; or any client of the department who voluntarily chooses to participate in a program offered or approved by the department and meets the program eligibility guidelines of the department.

to comply with Pub. L. 92-544.[20] Failure to update statutory language could result in loss of access to background screening tools necessary to perform background screenings required by ss. 381.986 and 381.988, F.S. The DOH has been given a grace period to effectuate these changes through July 1, 2026.[21]

Diversion Reporting Requirements

Section 381.986(8)(f)10, F.S., requires MMTCs to report to local law enforcement within 24 hours after the MMTC is notified of or becomes aware of actual theft, diversion, or loss of marijuana. Current law does not require the MMTC to report *attempted* theft, diversion, or loss of marijuana nor does it require the MMTC to notify the DOH of either attempted or actual theft, diversion, or loss of marijuana.

III. Effect of Proposed Changes:

Section 1 reenacts s. 381.00316(2)(g), F.S., to preserve the statutory definition of "messenger ribonucleic acid vaccine."[22] This reenactment maintains the operative provisions of s. 381.00316, F.S., which prohibits discrimination by governmental and business entities based on a person's vaccination status, including such status relating to an messenger ribonucleic acid (mRNA) vaccine, beyond the scheduled repeal date of June 1, 2025, and provides for retroactive application to June 1, 2025, if this bill is enrolled, but not enacted before that date.

Section 2 reenacts s. 381.00319(1)(e), F.S., which cross-references the definition of "messenger ribonucleic acid vaccine" in s. 381.00316, F.S., as applied to educational institutions. This reenactment maintains the operative provisions of s. 381.00319, F.S., to ensure continuity of statutory prohibitions on COVID-19 testing, mask, and vaccination mandates for schools and universities, beyond the scheduled repeal date of June 1, 2025, and provides for retroactive application to June 1, 2025, if this bill is enrolled, but not enacted before that date.

Section 3 repeals section 9 of chapter 2023-43, L.O.F., which is the scheduled repeal of the statutory definition of "messenger ribonucleic acid vaccine" in both s. 381.00316(2)(g) and s. 381.00319(1)(e), F.S., on June 1, 2025. This repeal would ensure the continued enforceability of the statutory definition and, like with sections 1 and 2 of the bill, this section also provides for retroactive application to June 1, 2025, if this bill is enrolled, but not enacted before that date.

Section 4 amends s. 381.026, F.S., the Florida Patient's Bill of Rights and Responsibilities, to prohibit a health care provider[23] or health care facility[24] from discriminating against a patient based solely upon the patient's vaccination status.

---

[20] For more info *see* https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/public-law-92-544, (last visited Mar. 28, 2025).
[21] Department of Health, Senate Bill 1270 *Legislative Analysis* (Mar. 11, 2025) (on file with the Senate Committee on Health Policy).
[22] "Messenger ribonucleic acid vaccine" means any vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body's immune system to generate an immune response.
[23] "Health care provider" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a podiatric physician licensed under chapter 461, or an advanced practice registered nurse registered under s. 464.0123. Section 381.026(2)(c), F.S.
[24] "Health care facility" means a facility licensed under chapter 395. *See* s. 381.026(2)(b), F.S.

It also establishes that a patient has the right to impartial access to medical treatment or accommodations, regardless of vaccination status.

Section 5 amends s. 381.986, F.S., to define, related to background screening requirements for Medical Marijuana Treatment Centers (MMTC), the terms:

- "Owner" to mean any person who owns or controls a five percent or greater share of interests of the applicant or MMTC which include beneficial or voting rights to interests. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case, both are considered the owner of such interests.
- "Manager" to mean any person with the authority to exercise or contribute to the operational control, direction, or management of an applicant or MMTC or who has authority to supervise any employee of an applicant or MMTC. This includes an individual with the power or authority to direct or influence the direction or operation of an applicant or a MMTC through board membership, an agreement, or a contract.
- "Employee" to mean any person who is employed by a MMTC licensee in any capacity, including those whose duties involve any aspect of the cultivation, processing, transportation, or dispensing of marijuana. This requirement applies to all employees, regardless of the compensation received.

The bill also requires MMTCs to report any actual or *attempted* theft, diversion, or loss of marijuana to local law enforcement and notify the Department of Health (DOH) of the actual or attempted theft, diversion, or loss of marijuana by email.

Section 6 amends s. 381.988, F.S., to define, related to background screening requirements for Certified Marijuana Testing Laboratories (CMTL), the terms:

- "Owner" to mean any person who owns or controls a five percent or greater share of interests of the applicant or CMTL which include beneficial or voting rights to interests. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case, both are considered the owner of such interests.
- "Manager" to mean any person with authority to exercise or contribute to the operational control, direction, or management of an applicant or CMTL or who has authority to supervise any employee of an applicant or a CMTL. This includes an individual with the power or authority to direct or influence the direction or operation of an applicant or a MMTC through board membership, an agreement, or a contract.
- "Employee" to mean any person whose duties or activities involve any aspect of regulatory compliance testing or research and development testing of marijuana for a CMTL, regardless of whether such person is compensated for his or her work.

Section 7 amends s. 456.0145, F.S., to provide that an applicant who has had his or her conduct reported in the National Practitioner Data Bank may be eligible for licensure under the MOBILE (Mobile Opportunity by Interstate Licensure Endorsement) Act if the reported conduct would not constitute a violation of Florida law or rule. If the reported conduct would not constitute a violation of any law or rule in Florida, the applicable board, or the DOH, if there is no board, may:

- Approve the application;
- Approve the application with restrictions on the licensee's scope of practice;
- Approve the application for a probationary period subject to conditions; or
- Deny the application.

Sections 8 and 9 amend ss. 458.315 and 459.0076, F.S., to revise the standards for which the Board of Medicine and Board of Osteopathic Medicine, respectively, may issue temporary certificates to allopathic and osteopathic physician assistants (PAs) for practice in areas of critical need, limiting these temporary certificates to PAs who are licensed to practice in any state of the United States or the District of Columbia. In effect, this would exclude PAs who are licensed in other jurisdictions of the U.S., such as those licensed in U.S. territories such as Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands.

Section 10 amends s. 486.112, F.S., to conform provisions of the Physical Therapy Licensure Compact to cure one material deviation by conforming to the compact model language relating to the term "party state."

Section 11 amends s. 766.1115, F.S., to add dental and dental hygiene students to the list of persons eligible for sovereign immunity under the Access to Health Care Act.

The bill takes effect July 1, 2025, except as otherwise expressly provided in sections 1, 2, and 3 of the bill which shall take effect upon this act becoming a law and shall operate retroactively if this bill is enrolled but not yet enacted by that date.

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:

Section 6 of Article III of the State Constitution, requires every law to "embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title." The subject as expressed in the title circumscribes the one subject to which the act must relate. CS/SB 1270 is titled "An act relating to the Department of

Health." Section 4 of the bill amends the Florida Patient's Bill of Rights and Responsibilities to prohibit a health care facility licensed under ch. 395, F.S., including hospitals, ambulatory surgical centers, and mobile surgical facilities, from discriminating against a patient based solely upon the patient's vaccination status. These health care facilities are regulated by the Agency for Health Care Administration and not the department. It is unclear whether a court would find that this section of the bill is "properly connected therewith" an Act relating to the Department of Health.

Similarly, section 11 of the bill amends the Access to Health Care Act, which applies to a "health care provider" that executes a contract with a governmental contractor. The definition of the term "health care provider" as written in s. 766.115(3)(d), F.S., both in current law and as amended by this bill, includes specified licensed practitioners regulated by the department, as well as numerous other entities, many of which are not regulated by the department. Some of the entities, including students preparing for licensure as specified health care practitioners, aren't regulated by the state at all. The bill specifically adds dental and dental hygiene students to the list of persons eligible for sovereign immunity. It is unclear whether a court would find that the addition made by the bill relates to the Department of Health.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a significant negative fiscal impact on the Division of Medical Quality Assurance (MQA) related to the revised criteria for licensure by endorsement (Section 7) and the issuance of certain temporary certificates (Sections 8 and 9). The MQA may experience a temporary increase in workload if rules need to be revised and systems updated to conform to provisions in the bill. It is likely that the costs can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

A court may determine that the changes made by section 4 of the bill to s. 381.026, F.S., conflict with existing provisions of that section, including subparagraph (4)(b)9., which affirms a physician's authority to choose his or her patients.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.026, 381.986, 381.988, 456.0145, 458.315, 459.0076, 486.112, and 766.1115.

This bill reenacts the following sections of the Florida Statutes: 381.00316 and 381.00319.

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/CS by Rules on April 21, 2025:
The committee substitute revises the criteria for determining which individuals are required to undergo background screening to work at a MMTC or CMTL by deleting the words "voting rights" from the definitions of "manager."

CS/CS by Appropriations Committee on Health and Human Services on April 10, 2025:
The committee substitute revises the definition of "manager" related to background screening requirements for medical marijuana treatment centers and certified marijuana testing laboratories to ensure compliance with the requirements for participation in the FBI's background check system established in Pub. L. 92-544.12.

CS by Health Policy on April 1, 2025:
The CS expands the Patient's Bill of Rights and Responsibilities to prohibit discrimination based on vaccination status. The CS revises standards for issuing temporary certificates to PAs for practice in areas of critical need by excluding Physician's Assistants who are not licensed by a U.S. state or the District of Columbia. The CS also adds dental and dental hygiene students to the list of persons eligible for sovereign immunity under the Access to Health Care Act.

The CS removes provisions in the underlying bill that would have eliminated certain regulatory boards and councils. It also removes a provision that would have required the department to conduct a study on the efficiency of its boards and councils. Additionally, the amendment preserves the statutorily required three-year duration of active practice for applicants under the Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act.

The CS revises the effective date of the bill for bill sections 1, 2, and 3, to ensure the continuity of the statutory definition of "messenger ribonucleic acid vaccine," which shall take effect upon this act becoming a law and shall operate retroactively if this bill is enrolled but not yet enacted by that date.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

649992

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Collins) recommended the following:

Senate Amendment

Delete lines 365 - 784
and insert:
an agreement, or a contract.

b. "Owner" means any person who owns or controls a 5 percent or greater share of interests of the applicant or a medical marijuana treatment center which include beneficial or voting rights to interests. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case,

649992

both are considered the owner of such interests.

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

b. Efforts to recruit minority persons and veterans for employment; and

c. A record of contracts for services with minority business enterprises and veteran business enterprises.

(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center shall ~~must~~, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may


649992

grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request must ~~shall~~ be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.

b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.

c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent

649992

errors or omissions and request any additional information required.

d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application will ~~shall~~ be deemed incomplete and ~~shall be~~ withdrawn from further consideration and the fees ~~shall be~~ forfeited.

e. Within 30 days after the receipt of a complete application, the department shall approve or deny the application.

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.

3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9). As used in this subparagraph, the term "employee" means any person employed by a medical marijuana treatment center licensee in any capacity, including those whose duties involve any aspect of the cultivation, processing, transportation, or dispensing of

649992

marijuana. This requirement applies to all employees, regardless of the compensation received.

5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.

6. When growing marijuana, a medical marijuana treatment center:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments

649992

pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may not have a potency variance ~~of no~~ greater than 15 percent. Marijuana products, including edibles, may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

649992

11. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be

649992

tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select samples of marijuana from a medical marijuana treatment center facility which shall be tested by the department to determine whether the marijuana meets the potency requirements of this section, is safe for human consumption, and is accurately labeled with the tetrahydrocannabinol and cannabidiol concentration or to verify the result of marijuana testing conducted by a marijuana testing laboratory. The department may also select samples of marijuana delivery devices from a medical marijuana treatment center to determine whether the marijuana delivery device is safe for use by qualified patients. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall marijuana, including all marijuana and marijuana products made from the same batch of marijuana, that fails to meet the potency requirements of this section, that is unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The department shall adopt rules to establish marijuana potency variations of no greater than 15 percent using negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts for, but is not limited to, time lapses between testing, testing

649992

methods, testing instruments, and types of marijuana sampled for testing. The department may not issue any recalls for product potency as it relates to product labeling before issuing a rule relating to potency variation standards. A medical marijuana treatment center must also recall all marijuana delivery devices determined to be unsafe for use by qualified patients. The medical marijuana treatment center must retain records of all testing and samples of each homogeneous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

649992

(II) The name of the medical marijuana treatment center from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date dispensed.

(IV) The name of the physician who issued the physician certification.

(V) The name of the patient.

(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products that are attractive to children or which promote the recreational use of marijuana.

(VII) The recommended dose.

(VIII) A warning that it is illegal to transfer medical marijuana to another person.

(IX) A marijuana universal symbol developed by the department.

12. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for

649992

smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol.

14. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

15. Each edible must be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible must be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 11. and 12., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list of all the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

16. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

a. May dispense any active, valid order for low-THC

649992

cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

d. Must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes or

649992

wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:

(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

(II) Cameras are fixed in entrances and exits to the

649992

premises, which must ~~shall~~ record from both indoor and outdoor, or ingress and egress, vantage points.

(III) Recorded images must clearly and accurately display the time and date.

(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the medical marijuana treatment center's outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

5. Store marijuana in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

649992

10. Report to local law enforcement and notify the department through e-mail within 24 hours after the medical marijuana treatment center is notified or becomes aware of any actual or attempted ~~the~~ theft, diversion, or loss of marijuana.

Section 6. Paragraph (d) of subsection (1) of section 381.988, Florida Statutes, is amended to read:

381.988 Medical marijuana testing laboratories; marijuana tests conducted by a certified laboratory.—

(1) A person or entity seeking to be a certified marijuana testing laboratory must:

(d) Require all employees, owners, and managers to submit to and pass a level 2 background screening pursuant to chapter 435. The department shall deny certification if the person or entity seeking certification has a disqualifying offense as provided in s. 435.04 or has an arrest awaiting final disposition for, has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction. Exemptions from disqualification as provided under s. 435.07 do not apply to this paragraph.

1. As used in this paragraph, the term:

a. "Employee" means any person whose duties or activities involve any aspect of regulatory compliance testing or research and development testing of marijuana for a certified marijuana testing laboratory, regardless of whether such person is compensated for his or her work.

b. "Manager" means any person with authority to exercise or contribute to the operational control, direction, or management

649992

of an applicant or certified marijuana testing laboratory or who has authority to supervise any employee of an applicant or a certified marijuana testing laboratory. The term includes an individual with the power or authority to direct or influence the direction or operation of an applicant or a certified marijuana testing laboratory through board membership, an agreement, or a contract.

By the Appropriations Committee on Health and Human Services; the Committee on Health Policy; and Senator Collins

603-03442-25 20251270c2

A bill to be entitled

An act relating to the Department of Health; reenacting ss. 381.00316(2)(g) and 381.00319(1)(e), F.S., relating to the prohibition on discrimination by governmental and business entities based on health care choices and the prohibition on mask mandates and vaccination and testing mandates for educational institutions, respectively, for purposes of preserving the definition of the term "messenger ribonucleic acid vaccine" notwithstanding its scheduled repeal; repealing s. 9 of chapter 2023-43, Laws of Florida, which provides for the repeal of the definition of the term "messenger ribonucleic acid vaccine"; amending s. 381.026, F.S.; revising the rights of patients, which each health care provider and facility are required to observe, to include that such facilities and providers may not discriminate based on a patient's vaccination status; amending s. 381.986, F.S.; defining terms for purposes of background screening requirements for persons affiliated with medical marijuana treatment centers; requiring medical marijuana treatment centers to notify the Department of Health through electronic mail within a specified timeframe after an actual or attempted theft, diversion, or loss of marijuana; requiring medical marijuana treatment centers to report attempted thefts, in addition to actual thefts, to law enforcement within a specified timeframe; amending s. 381.988, F.S.; defining terms for purposes of background screening requirements for persons

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

603-03442-25 20251270c2

affiliated with medical marijuana testing laboratories; amending s. 456.0145, F.S.; revising eligibility criteria for licensure by endorsement under the MOBILE Act; amending ss. 458.315 and 459.0076, F.S.; authorizing certain physician assistants to be issued temporary certificates for practice in areas of critical need; amending s. 486.112, F.S.; defining the term "party state"; authorizing a remote state to issue subpoenas to individuals to testify or for the production of evidence from a party located in a party state; providing that such subpoenas are enforceable in the party state; requiring that investigative information pertaining to certain licensees in a certain system be available only to other party states; revising construction and severability of the compact to conform to changes made by the act; amending s. 766.1115, F.S.; revising the definition of the term "health care provider" or "provider"; providing effective dates.

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

Section 1. Effective upon becoming a law, or, if this act fails to become a law until after June 1, 2025, operating retroactively to June 1, 2025, notwithstanding the scheduled repeal in section 9 of chapter 2023-43, Laws of Florida, paragraph (g) of subsection (2) of section 381.00316, Florida Statutes, is reenacted to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

381.00316 Discrimination by governmental and business entities based on health care choices; prohibition.—

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

(g) "Messenger ribonucleic acid vaccine" means any vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body's immune system to generate an immune response.

Section 2. Effective upon becoming a law, or, if this act fails to become a law until after June 1, 2025, operating retroactively to June 1, 2025, notwithstanding the scheduled repeal in section 9 of chapter 2023-43, Laws of Florida, paragraph (e) of subsection (1) of section 381.00319, Florida Statutes, is reenacted to read:

381.00319 Prohibition on mask mandates and vaccination and testing mandates for educational institutions.—

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

(e) "Messenger ribonucleic acid vaccine" has the same meaning as in s. 381.00316.

Section 3. Effective upon becoming a law, or, if this act fails to become a law until after June 1, 2025, operating retroactively to June 1, 2025, section 9 of chapter 2023-43, Laws of Florida, is repealed.

Section 4. Paragraphs (b) and (d) of subsection (4) and subsection (6) of section 381.026, Florida Statutes, are amended to read:

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

(4) RIGHTS OF PATIENTS.—Each health care facility or provider shall observe the following standards:

(b) *Information.*—

1. A patient has the right to know the name, function, and qualifications of each health care provider who is providing medical services to the patient. A patient may request such information from his or her responsible provider or the health care facility in which he or she is receiving medical services.

2. A patient in a health care facility has the right to know what patient support services are available in the facility.

3. A patient has the right to be given by his or her health care provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis, unless it is medically inadvisable or impossible to give this information to the patient, in which case the information must be given to the patient's guardian or a person designated as the patient's representative. A patient has the right to refuse this information.

4. A patient has the right to refuse any treatment based on information required by this paragraph, except as otherwise provided by law. The responsible provider shall document any such refusal.

5. A patient in a health care facility has the right to know what facility rules and regulations apply to patient conduct.

6. A patient has the right to express grievances to a health care provider, a health care facility, or the appropriate state licensing agency regarding alleged violations of patients' rights. A patient has the right to know the health care provider's or health care facility's procedures for expressing a

grievance.

7. A patient in a health care facility who does not speak English has the right to be provided an interpreter when receiving medical services if the facility has a person readily available who can interpret on behalf of the patient.

8. A health care provider or health care facility shall respect a patient's right to privacy and should refrain from making a written inquiry or asking questions concerning the ownership of a firearm or ammunition by the patient or by a family member of the patient, or the presence of a firearm in a private home or other domicile of the patient or a family member of the patient. Notwithstanding this provision, a health care provider or health care facility that in good faith believes that this information is relevant to the patient's medical care or safety, or safety of others, may make such a verbal or written inquiry.

9. A patient may decline to answer or provide any information regarding ownership of a firearm by the patient or a family member of the patient, or the presence of a firearm in the domicile of the patient or a family member of the patient. A patient's decision not to answer a question relating to the presence or ownership of a firearm does not alter existing law regarding a physician's authorization to choose his or her patients.

10. A health care provider or health care facility may not discriminate against a patient based solely upon the patient's exercise of the constitutional right to own and possess firearms or ammunition.

11. A health care provider or health care facility shall

respect a patient's legal right to own or possess a firearm and should refrain from unnecessarily harassing a patient about firearm ownership during an examination.

12. A health care provider or health care facility may not discriminate against a patient based solely upon the patient's vaccination status.

(d) *Access to health care.*—

1. A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, handicap, vaccination status, or source of payment.

2. A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide such treatment.

3. A patient has the right to access any mode of treatment that is, in his or her own judgment and the judgment of his or her health care practitioner, in the best interests of the patient, including complementary or alternative health care treatments, in accordance with the provisions of s. 456.41.

(6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care provider who treats a patient in an office or any health care facility licensed under chapter 395 that provides emergency services and care or outpatient services and care to a patient, or admits and treats a patient, shall adopt and make available to the patient, in writing, a statement of the rights and responsibilities of patients, including the following:

SUMMARY OF THE FLORIDA PATIENT'S BILL
OF RIGHTS AND RESPONSIBILITIES

Florida law requires that your health care provider or health care facility recognize your rights while you are receiving medical care and that you respect the health care provider's or health care facility's right to expect certain behavior on the part of patients. You may request a copy of the full text of this law from your health care provider or health care facility. A summary of your rights and responsibilities follows:

A patient has the right to be treated with courtesy and respect, with appreciation of his or her individual dignity, and with protection of his or her need for privacy.

A patient has the right to a prompt and reasonable response to questions and requests.

A patient has the right to know who is providing medical services and who is responsible for his or her care.

A patient has the right to know what patient support services are available, including whether an interpreter is available if he or she does not speak English.

A patient has the right to bring any person of his or her choosing to the patient-accessible areas of the health care facility or provider's office to accompany the patient while the patient is receiving inpatient or outpatient treatment or is consulting with his or her health care provider, unless doing so

would risk the safety or health of the patient, other patients, or staff of the facility or office or cannot be reasonably accommodated by the facility or provider.

A patient has the right to know what rules and regulations apply to his or her conduct.

A patient has the right to be given by the health care provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis.

A patient has the right to refuse any treatment, except as otherwise provided by law.

A patient has the right to be given, upon request, full information and necessary counseling on the availability of known financial resources for his or her care.

A patient who is eligible for Medicare has the right to know, upon request and in advance of treatment, whether the health care provider or health care facility accepts the Medicare assignment rate.

A patient has the right to receive, upon request, prior to treatment, a reasonable estimate of charges for medical care.

A patient has the right to receive a copy of a reasonably clear and understandable, itemized bill and, upon request, to have the charges explained.

A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, handicap, vaccination

status, or source of payment.

A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide treatment.

A patient has the right to know if medical treatment is for purposes of experimental research and to give his or her consent or refusal to participate in such experimental research.

A patient has the right to express grievances regarding any violation of his or her rights, as stated in Florida law, through the grievance procedure of the health care provider or health care facility which served him or her and to the appropriate state licensing agency.

A patient is responsible for providing to the health care provider, to the best of his or her knowledge, accurate and complete information about present complaints, past illnesses, hospitalizations, medications, and other matters relating to his or her health.

A patient is responsible for reporting unexpected changes in his or her condition to the health care provider.

A patient is responsible for reporting to the health care provider whether he or she comprehends a contemplated course of action and what is expected of him or her.

A patient is responsible for following the treatment plan recommended by the health care

provider.

A patient is responsible for keeping appointments and, when he or she is unable to do so for any reason, for notifying the health care provider or health care facility.

A patient is responsible for his or her actions if he or she refuses treatment or does not follow the health care provider's instructions.

A patient is responsible for assuring that the financial obligations of his or her health care are fulfilled as promptly as possible.

A patient is responsible for following health care facility rules and regulations affecting patient care and conduct.

Section 5. Paragraphs (b), (e), and (f) of subsection (8) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(b) An applicant for licensure as a medical marijuana treatment center must ~~shall~~ apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The

department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. However, the department may not renew the license of a medical marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that the medical marijuana treatment center is required to renew its license. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in this ~~the~~ state.

2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.

3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.

4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.

5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.

7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.

a. Upon approval, the applicant must post a $5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.

b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department must ~~shall~~ deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to

the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest must ~~shall~~ be used by the department for the administration of this section.

8. That all owners~~, officers, board members,~~ and managers have passed a background screening pursuant to subsection (9). As used in this subparagraph, the term:

a. "Manager" means any person with the authority to exercise or contribute to the operational control, direction, or management of an applicant or a medical marijuana treatment center or who has authority to supervise any employee of an applicant or a medical marijuana treatment center. The term includes an individual with the power or authority to direct or influence the direction or operation of an applicant or a medical marijuana treatment center through board membership, voting power, an agreement, or a contract.

b. "Owner" means any person who owns or controls a 5 percent or greater share of interests of the applicant or a medical marijuana treatment center which include beneficial or voting rights to interests. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case, both are considered the owner of such interests.

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business

enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

b. Efforts to recruit minority persons and veterans for employment; and

c. A record of contracts for services with minority business enterprises and veteran business enterprises.

(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center shall ~~must~~, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request must ~~shall~~ be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed

alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.

b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.

c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.

d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application will ~~shall~~ be deemed incomplete and ~~shall be~~

withdrawn from further consideration and the fees ~~shall be~~ forfeited.

e. Within 30 days after the receipt of a complete application, the department shall approve or deny the application.

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.

3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9). As used in this subparagraph, the term "employee" means any person employed by a medical marijuana treatment center licensee in any capacity, including those whose duties involve any aspect of the cultivation, processing, transportation, or dispensing of marijuana. This requirement applies to all employees, regardless of the compensation received.

5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.

6. When growing marijuana, a medical marijuana treatment center:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may not have a potency variance ~~of no~~ greater than 15 percent. Marijuana products, including edibles, may not be attractive to

children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

11. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting

potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to

meet the testing requirements of this section, s. 381.988, or department rule. The department may select samples of marijuana from a medical marijuana treatment center facility which shall be tested by the department to determine whether the marijuana meets the potency requirements of this section, is safe for human consumption, and is accurately labeled with the tetrahydrocannabinol and cannabidiol concentration or to verify the result of marijuana testing conducted by a marijuana testing laboratory. The department may also select samples of marijuana delivery devices from a medical marijuana treatment center to determine whether the marijuana delivery device is safe for use by qualified patients. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall marijuana, including all marijuana and marijuana products made from the same batch of marijuana, that fails to meet the potency requirements of this section, that is unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The department shall adopt rules to establish marijuana potency variations of no greater than 15 percent using negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts for, but is not limited to, time lapses between testing, testing methods, testing instruments, and types of marijuana sampled for testing. The department may not issue any recalls for product potency as it relates to product labeling before issuing a rule relating to potency variation standards. A medical marijuana treatment center must also recall all marijuana delivery devices determined to be unsafe for use by qualified patients. The

medical marijuana treatment center must retain records of all testing and samples of each homogeneous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the medical marijuana treatment center from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date dispensed.

(IV) The name of the physician who issued the physician certification.

(V) The name of the patient.

(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products that are attractive to children or which promote the recreational use of marijuana.

(VII) The recommended dose.

(VIII) A warning that it is illegal to transfer medical marijuana to another person.

(IX) A marijuana universal symbol developed by the department.

12. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical

marijuana treatment center's department-approved logo and the marijuana universal symbol.

14. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

15. Each edible must be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible must be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 11. and 12., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list of all the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

16. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver.

May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

d. Must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes or wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana

delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:

(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

(II) Cameras are fixed in entrances and exits to the premises, which must ~~shall~~ record from both indoor and outdoor, or ingress and egress, vantage points.

(III) Recorded images must clearly and accurately display the time and date.

(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the medical marijuana treatment center's outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

5. Store marijuana in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement and notify the department through e-mail within 24 hours after the medical marijuana treatment center is notified or becomes aware of any actual or attempted ~~the~~ theft, diversion, or loss of marijuana.

Section 6. Paragraph (d) of subsection (1) of section 381.988, Florida Statutes, is amended to read:

381.988 Medical marijuana testing laboratories; marijuana tests conducted by a certified laboratory.—

(1) A person or entity seeking to be a certified marijuana testing laboratory must:

(d) Require all employees, owners, and managers to submit to and pass a level 2 background screening pursuant to chapter 435. The department shall deny certification if the person or entity seeking certification has a disqualifying offense as provided in s. 435.04 or has an arrest awaiting final disposition for, has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction. Exemptions from disqualification as provided under s. 435.07 do not apply to this paragraph.

1. As used in this paragraph, the term:

a. "Employee" means any person whose duties or activities involve any aspect of regulatory compliance testing or research and development testing of marijuana for a certified marijuana testing laboratory, regardless of whether such person is compensated for his or her work.

b. "Manager" means any person with authority to exercise or contribute to the operational control, direction, or management of an applicant or certified marijuana testing laboratory or who has authority to supervise any employee of an applicant or a certified marijuana testing laboratory. The term includes an individual with the power or authority to direct or influence the direction or operation of an applicant or a certified marijuana testing laboratory through board membership, voting

power, an agreement, or a contract.

c. "Owner" means any person who owns or controls a 5 percent or greater share of interests of the applicant or a certified marijuana testing laboratory which include beneficial or voting rights to interests. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case, both are considered the owner of such interests.

2. Such employees, owners, and managers must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

3.~~2.~~ Fees for state and federal fingerprint processing and retention must ~~shall~~ be borne by the certified marijuana testing laboratory. The state cost for fingerprint processing is ~~shall be~~ as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

4.~~3.~~ Fingerprints submitted to the Department of Law Enforcement pursuant to this paragraph must ~~shall~~ be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified must ~~shall~~ be reported to the department.

Section 7. Paragraph (c) of subsection (2) of section 456.0145, Florida Statutes, is amended to read:

456.0145 Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act.—

(2) LICENSURE BY ENDORSEMENT.—

(c) A person is ineligible for a license under this section if he or she:

1. Has a complaint, an allegation, or an investigation pending before a licensing entity in another state, the District of Columbia, or a possession or territory of the United States;

2. Has been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;

3. Has had a health care provider license revoked or suspended by another state, the District of Columbia, or a territory of the United States, or has voluntarily surrendered any such license in lieu of having disciplinary action taken against the license; or

4. Has been reported to the National Practitioner Data Bank, unless the applicant has successfully appealed to have his or her name removed from the data bank. If the reported adverse action was a result of conduct that would not constitute a violation of any law or rule in this state, the board, or the department if there is no board, may:

a. Approve the application;

b. Approve the application with restrictions on the scope of practice of the licensee;

c. Approve the application with placement of the licensee on probation for a period of time and subject to such conditions

as the board, or the department if there is no board, may specify, including, but not limited to, requiring the applicant to submit to treatment, attend continuing education courses, or submit to reexamination; or

d. Deny the application.

Section 8. Subsection (1) of section 458.315, Florida Statutes, is amended to read:

458.315 Temporary certificate for practice in areas of critical need.—

(1) A physician ~~or physician assistant who is~~ licensed to practice in any jurisdiction of the United States ~~and~~ whose license is currently valid may be issued a temporary certificate for practice in areas of critical need. A physician seeking such certificate must pay an application fee of $300. A physician assistant licensed to practice in any state of the United States or the District of Columbia whose license is currently valid may be issued a temporary certificate for practice in areas of critical need.

Section 9. Subsection (1) of section 459.0076, Florida Statutes, is amended to read:

459.0076 Temporary certificate for practice in areas of critical need.—

(1) A physician ~~or physician assistant~~ who holds a valid license to practice in any jurisdiction of the United States may be issued a temporary certificate for practice in areas of critical need. A physician seeking such certificate must pay an application fee of $300. A physician assistant licensed to practice in any state of the United States or the District of Columbia whose license is currently valid may be issued a

temporary certificate for practice in areas of critical need.

Section 10. Section 486.112, Florida Statutes, is amended to read:

486.112 Physical Therapy Licensure Compact.—The Physical Therapy Licensure Compact is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I

PURPOSE AND OBJECTIVES

(1) The purpose of the compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The compact preserves the regulatory authority of member states to protect public health and safety through their current systems of state licensure. For purposes of state regulation under the compact, the practice of physical therapy is deemed to have occurred in the state where the patient is located at the time physical therapy is provided to the patient.

(2) The compact is designed to achieve all of the following objectives:

(a) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses.

(b) Enhance the states' ability to protect the public's health and safety.

(c) Encourage the cooperation of member states in regulating multistate physical therapy practice.

(d) Support spouses of relocating military members.

(e) Enhance the exchange of licensure, investigative, and disciplinary information between member states.

(f) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

ARTICLE II

DEFINITIONS

As used in the compact, and except as otherwise provided, the term:

(1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. chapter 1209 or chapter 1211.

(2) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

(3) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a state's physical therapy licensing board. The term includes, but is not limited to, programs that address substance abuse issues.

(4) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or physical therapist assistant in the remote state under its laws and rules.

(5) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of

participation in, and completion of, educational and professional activities relevant to the practice of physical therapy.

(6) "Data system" means the coordinated database and reporting system created by the Physical Therapy Compact Commission for the exchange of information between member states relating to licensees or applicants under the compact, including identifying information, licensure data, investigative information, adverse actions, nonconfidential information related to alternative program participation, any denials of applications for licensure, and other information as specified by commission rule.

(7) "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

(8) "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(9) "Home state" means the member state that is the licensee's primary state of residence.

(10) "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

(11) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a specific state.

(12) "Licensee" means an individual who currently holds an authorization from a state to practice as a physical therapist or physical therapist assistant.

(13) "Member state" means a state that has enacted the

compact.

(14) "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

(15) "Physical therapist" means an individual licensed by a state to practice physical therapy.

(16)~~(15)~~ "Physical therapist assistant" means an individual licensed by a state to assist a physical therapist in specified areas of physical therapy.

(17)~~(16)~~ "Physical therapy" or "the practice of physical therapy" means the care and services provided by or under the direction and supervision of a licensed physical therapist.

(18)~~(17)~~ "Physical Therapy Compact Commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

(19)~~(18)~~ "Physical therapy licensing board" means the agency of a state which is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(20)~~(19)~~ "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(21)~~(20)~~ "Rule" means a regulation, principle, or directive adopted by the commission which has the force of law.

(22)~~(21)~~ "State" means any state, commonwealth, district, or territory of the United States of America which regulates the practice of physical therapy.

ARTICLE III

STATE PARTICIPATION IN THE COMPACT

(1) To participate in the compact, a state must do all of the following:

(a) Participate fully in the commission's data system, including using the commission's unique identifier, as defined by commission rule.

(b) Have a mechanism in place for receiving and investigating complaints about licensees.

(c) Notify the commission, in accordance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.

(d) Fully implement a criminal background check requirement, within a timeframe established by commission rule, which uses results from the Federal Bureau of Investigation record search on criminal background checks to make licensure decisions in accordance with subsection (2).

(e) Comply with the commission's rules.

(f) Use a recognized national examination as a requirement for licensure pursuant to the commission's rules.

(g) Have continuing competence requirements as a condition for license renewal.

(2) Upon adoption of the compact, a member state has the authority to obtain biometric-based information from each licensee applying for a compact privilege and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. s. 534 and 34 U.S.C. s. 40316.

(3) A member state must grant the compact privilege to a

licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

ARTICLE IV

COMPACT PRIVILEGE

(1) To exercise the compact privilege under the compact, a licensee must satisfy all of the following conditions:

(a) Hold a license in the home state.

(b) Not have an encumbrance on any state license.

(c) Be eligible for a compact privilege in all member states in accordance with subsections (4), (7), and (8).

(d) Not have had an adverse action against any license or compact privilege within the preceding 2 years.

(e) Notify the commission that the licensee is seeking the compact privilege within a remote state.

(f) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege.

(g) Report to the commission adverse action taken by any nonmember state within 30 days after the date the adverse action is taken.

(2) The compact privilege is valid until the expiration date of the home license. The licensee must continue to meet the requirements of subsection (1) to maintain the compact privilege in a remote state.

(3) A licensee providing physical therapy in a remote state under the compact privilege must comply with the laws and rules of the remote state.

(4) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any member state until the specific period of time for removal has ended and all fines are paid.

(5) If a home state license is encumbered, the licensee loses the compact privilege in any remote state until the following conditions are met:

(a) The home state license is no longer encumbered.

(b) Two years have elapsed from the date of the adverse action.

(6) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (1) to obtain a compact privilege in any remote state.

(7) If a licensee's compact privilege in any remote state is removed, the licensee loses the compact privilege in all remote states until all of the following conditions are met:

(a) The specific period of time for which the compact privilege was removed has ended.

(b) All fines have been paid.

(c) Two years have elapsed from the date of the adverse action.

(8) Once the requirements of subsection (7) have been met, the licensee must meet the requirements of subsection (1) to

obtain a compact privilege in a remote state.

ARTICLE V
ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may choose any of the following locations to designate his or her home state:

(1) Home of record.

(2) Permanent change of station location.

(3) State of current residence, if it is different from the home of record or permanent change of station location.

ARTICLE VI
ADVERSE ACTIONS

(1) A home state has exclusive power to impose adverse action against a license issued by the home state.

(2) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(3) The compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior

authorization from such other member state.

(4) A member state may investigate actual or alleged violations of the laws and rules for the practice of physical therapy committed in any other member state by a physical therapist or physical therapist assistant practicing under the compact who holds a license or compact privilege in such other member state.

(5) A remote state may do any of the following:

(a) Take adverse actions as set forth in subsection (4) of Article IV against a licensee's compact privilege in the state.

(b) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party ~~member~~ state for the attendance and testimony of witnesses or for the production of evidence from another party ~~member~~ state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service laws of the state where the witnesses or evidence is located.

(c) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(6)(a) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(b) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

ARTICLE VII
ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

(1) COMMISSION CREATED.—The member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission:

(a) The commission is an instrumentality of the member states.

(b) Venue is proper, and judicial proceedings by or against the commission must be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(c) The compact may not be construed to be a waiver of sovereign immunity.

(2) MEMBERSHIP, VOTING, AND MEETINGS.—

(a) Each member state has and is limited to one delegate selected by that member state's physical therapy licensing board to serve on the commission. The delegate must be a current member of the physical therapy licensing board who is a physical therapist, a physical therapist assistant, a public member, or the board administrator.

(b) A delegate may be removed or suspended from office as

provided by the law of the state from which the delegate is appointed. Any vacancy occurring on the commission must be filled by the physical therapy licensing board of the member state for which the vacancy exists.

(c) Each delegate is entitled to one vote with regard to the adoption of rules and bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(d) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

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

(f) All meetings must be open to the public, and public notice of meetings must be given in the same manner as required under the rulemaking provisions in Article IX.

(g) The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss any of the following:

1. Noncompliance of a member state with its obligations under the compact.

2. The employment, compensation, or discipline of, or other matters, practices, or procedures related to, specific employees or other matters related to the commission's internal personnel practices and procedures.

3. Current, threatened, or reasonably anticipated

litigation against the commission, executive board, or other committees of the commission.

4. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

5. An accusation of any person of a crime or a formal censure of any person.

6. Information disclosing trade secrets or commercial or financial information that is privileged or confidential.

7. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

8. Investigatory records compiled for law enforcement purposes.

9. Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact.

10. Matters specifically exempted from disclosure by federal or member state statute.

(h) If a meeting, or portion of a meeting, is closed pursuant to this subsection, the commission's legal counsel or designee must certify that the meeting may be closed and must reference each relevant exempting provision.

(i) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only

by a majority vote of the commission or order of a court of competent jurisdiction.

(3) DUTIES.—The commission shall do all of the following:

(a) Establish the fiscal year of the commission.

(b) Establish bylaws.

(c) Maintain its financial records in accordance with the bylaws.

(d) Meet and take such actions as are consistent with the provisions of the compact and the bylaws.

(4) POWERS.—The commission may do any of the following:

(a) Adopt uniform rules to facilitate and coordinate implementation and administration of the compact. The rules have the force and effect of law and are binding in all member states.

(b) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law is not affected.

(c) Purchase and maintain insurance and bonds.

(d) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.

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

(f) Accept any appropriate donations and grants of money, equipment, supplies, materials, and services and receive, use,

and dispose of the same, provided that at all times the commission avoids any appearance of impropriety or conflict of interest.

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

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

(i) Establish a budget and make expenditures.

(j) Borrow money.

(k) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in the compact and the bylaws.

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

(m) Establish and elect an executive board.

(n) Perform such other functions as may be necessary or appropriate to achieve the purposes of the compact consistent with the state regulation of physical therapy licensure and practice.

(5) THE EXECUTIVE BOARD.—

(a) The executive board may act on behalf of the commission according to the terms of the compact.

(b) The executive board shall be composed of the following nine members:

1. Seven voting members who are elected by the commission from the current membership of the commission.

2. One ex officio, nonvoting member from the recognized national physical therapy professional association.

3. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(c) The ex officio members shall be selected by their respective organizations.

(d) The commission may remove any member of the executive board as provided in its bylaws.

(e) The executive board shall meet at least annually.

(f) The executive board shall do all of the following:

1. Recommend to the entire commission changes to the rules or bylaws, compact legislation, fees paid by compact member states, such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

2. Ensure compact administration services are appropriately provided, contractually or otherwise.

3. Prepare and recommend the budget.

4. Maintain financial records on behalf of the commission.

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

6. Establish additional committees as necessary.

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

(6) FINANCING OF THE COMMISSION.—

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

(b) The commission may accept any appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff. Such assessments and fees must total to an amount sufficient to cover the commission's annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the commission, which shall adopt a rule binding upon all member states.

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

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission must be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the commission.

(7) QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.—

(a) The members, officers, executive director, employees, and representatives of the commission are immune from suit and liability, whether personally or in their official capacity, for

any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities. However, this paragraph may not be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. However, this subsection may not be construed to prohibit any member, officer, executive director, employee, or representative of the commission from retaining his or her own counsel or to require the commission to defend such person if the actual or alleged act, error, or omission resulted from that person's intentional, willful, or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that

such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

ARTICLE VIII
DATA SYSTEM

(1) The commission shall provide for the development, maintenance, and use of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensees in member states.

(2) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission, which data set must include all of the following:

(a) Identifying information.

(b) Licensure data.

(c) Investigative information.

(d) Adverse actions against a license or compact privilege.

(e) Nonconfidential information related to alternative program participation.

(f) Any denial of application for licensure, and the reason for such denial.

(g) Other information that may facilitate the administration of the compact, as determined by the rules of the commission.

(3) Investigative information in the system pertaining to a licensee in any member state must be available only to other party ~~member~~ states.

(4) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license in a member state. Adverse action information pertaining to a licensee in any member state must be available to all other member states.

(5) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(6) Any information submitted to the data system which is subsequently required to be expunged by the laws of the member state contributing the information must be removed from the data system.

ARTICLE IX

RULEMAKING

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

(2) If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years after the date of adoption of the rule, such rule does not have further force and effect in any member state.

(3) Rules or amendments to the rules must be adopted at a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

regular or special meeting of the commission.

(4) Before adoption of a final rule by the commission, and at least 30 days before the meeting at which the rule will be considered and voted upon, the commission must file a notice of proposed rulemaking on all of the following:

(a) The website of the commission or another publicly accessible platform.

(b) The website of each member state physical therapy licensing board or another publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(5) The notice of proposed rulemaking must include all of the following:

(a) The proposed date, time, and location of the meeting in which the rule or amendment will be considered and voted upon.

(b) The text of the proposed rule or amendment and the reason for the proposed rule.

(c) A request for comments on the proposed rule or amendment from any interested person.

(d) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(6) Before adoption of a proposed rule or amendment, the commission must allow persons to submit written data, facts, opinions, and arguments, which must be made available to the public.

(7) The commission must grant an opportunity for a public hearing before it adopts a rule or an amendment if a hearing is requested by any of the following:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(a) At least 25 persons.

(b) A state or federal governmental subdivision or agency.

(c) An association having at least 25 members.

(8) If a scheduled public hearing is held on the proposed rule or amendment, the commission must publish the date, time, and location of the hearing. If the hearing is held through electronic means, the commission must publish the mechanism for access to the electronic hearing.

(a) All persons wishing to be heard at the hearing must notify the executive director of the commission or another designated member in writing of their desire to appear and testify at the hearing at least 5 business days before the scheduled date of the hearing.

(b) Hearings must be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(c) All hearings must be recorded. A copy of the recording must be made available on request.

(d) This article may not be construed to require a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

(9) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(10) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with adoption of the proposed rule without a public hearing.

(11) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this article are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to do any of the following:

(a) Meet an imminent threat to public health, safety, or welfare.

(b) Prevent a loss of commission or member state funds.

(c) Meet a deadline for the adoption of an administrative rule established by federal law or rule.

(d) Protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission before the end of

the notice period. If a challenge is not made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE X

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(1) OVERSIGHT.—

(a) The executive, legislative, and judicial branches of state government in each member state shall enforce the compact and take all actions necessary and appropriate to carry out the compact's purposes and intent. The provisions of the compact and the rules adopted pursuant thereto shall have standing as statutory law.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact which may affect the powers, responsibilities, or actions of the commission.

(c) The commission is entitled to receive service of process in any such proceeding and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or an order void as to the commission, the compact, or the adopted rules.

(2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.—

(a) If the commission determines that a member state has defaulted in the performance of its obligations or

responsibilities under the compact or the adopted rules, the commission must do all of the following:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and any other action to be taken by the commission.

2. Provide remedial training and specific technical assistance regarding the default.

(b) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by the compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. The commission shall give notice of intent to suspend or terminate a defaulting member state to the governor and majority and minority leaders of the defaulting state's legislature and to each of the member states.

(d) A state that has been terminated from the compact is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(e) The commission does not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the

commission and the defaulting state.

(f) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) DISPUTE RESOLUTION.—

(a) Upon request by a member state, the commission must attempt to resolve disputes related to the compact which arise among member states and between member and nonmember states.

(b) The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(4) ENFORCEMENT.—

(a) The commission, in the reasonable exercise of its discretion, shall enforce the compact and the commission's rules.

(b) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its adopted rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) The remedies under this article are not the exclusive remedies of the commission. The commission may pursue any other

remedies available under federal or state law.

ARTICLE XI

DATE OF IMPLEMENTATION OF THE

PHYSICAL THERAPY COMPACT

AND ASSOCIATED RULES;

WITHDRAWAL; AND AMENDMENTS

(1) The compact becomes effective on the date that the compact statute is enacted into law in the tenth member state. The provisions that become effective at that time are limited to the powers granted to the commission relating to assembly and the adoption of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary for the implementation and administration of the compact.

(2) Any state that joins the compact subsequent to the commission's initial adoption of the rules is subject to the rules as they exist on the date that the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.

(3) Any member state may withdraw from the compact by enacting a statute repealing the same.

(a) A member state's withdrawal does not take effect until 6 months after enactment of the repealing statute.

(b) Withdrawal does not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act before the effective date of

withdrawal.

(4) The compact may not be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state which does not conflict with the provisions of the compact.

(5) The compact may be amended by the member states. An amendment to the compact does not become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XII

CONSTRUCTION AND SEVERABILITY

The compact must be liberally construed so as to carry out the purposes thereof. The provisions of the compact are severable, and if any phrase, clause, sentence, or provision of the compact is declared to be contrary to the constitution of any party ~~member~~ state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of the compact and the applicability thereof to any government, agency, person, or circumstance is not affected thereby. If the compact is held contrary to the constitution of any party ~~member~~ state, the compact remains in full force and effect as to the remaining party ~~member~~ states and in full force and effect as to the party ~~member~~ state affected as to all severable matters.

Section 11. Paragraph (d) of subsection (3) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

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

(d) "Health care provider" or "provider" means:

1. A birth center licensed under chapter 383.

2. An ambulatory surgical center licensed under chapter 395.

3. A hospital licensed under chapter 395.

4. A physician or physician assistant licensed under chapter 458.

5. An osteopathic physician or osteopathic physician assistant licensed under chapter 459.

6. A chiropractic physician licensed under chapter 460.

7. A podiatric physician licensed under chapter 461.

8. A registered nurse, nurse midwife, licensed practical nurse, or advanced practice registered nurse licensed or registered under part I of chapter 464 or any facility which employs nurses licensed or registered under part I of chapter 464 to supply all or part of the care delivered under this section.

9. A midwife licensed under chapter 467.

10. A health maintenance organization certificated under part I of chapter 641.

11. A health care professional association and its employees or a corporate medical group and its employees.

12. Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or which delivers nonsurgical human medical treatment, and which includes an office maintained by a provider.

13. A dentist or dental hygienist licensed under chapter 466.

14. A free clinic that delivers only medical diagnostic services or nonsurgical medical treatment free of charge to all low-income recipients.

15. Any other health care professional, practitioner, provider, or facility under contract with a governmental contractor, including a student enrolled in an accredited program that prepares the student for licensure as any one of the professionals listed in subparagraphs 4.-9. and 13.

The term includes any nonprofit corporation qualified as exempt from federal income taxation under s. 501(a) of the Internal Revenue Code, and described in s. 501(c) of the Internal Revenue Code, which delivers health care services provided by licensed professionals listed in this paragraph, any federally funded community health center, and any volunteer corporation or volunteer health care provider that delivers health care services.

Section 12. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, or, if this act fails to become a law until after June 1, 2025, it shall take effect upon becoming a law and shall operate retroactively to June 1, 2025, this act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10, 2025

I respectfully request that **Senate Bill #1270**, relating to Department of Health, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Jay Collins
Florida Senate, District 14

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

1270
Bill Number or Topic

Amendment Barcode (if applicable)

Name Constitutional Attorney Katherine Henry Phone 321 300 3037

Address 33 Cypress Circle
Street

Ormond Beach FL 32176
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1270
Bill Number or Topic

Amendment Barcode (if applicable)

Name Emma Henry Phone

Address 33 Cypress Circle Email
Street

Ormond Beach Florida 32176
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1270
Bill Number or Topic

Amendment Barcode (if applicable)

Name Maija Hahn

Phone 909-289-3406

Address 132 Rainbow St.
Street

Email Maija@REACTforhope.org

Merritt Island, FL 32952
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1270
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Ladapo; surgeon general

Phone 407-312-4112

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: Department of Health

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 1288
INTRODUCER:	Rules Committee; Judiciary Committee and Senator Grall
SUBJECT:	Parental Rights
DATE:	April 22, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	**Favorable**
2.	Davis	Cibula	JU	**Fav/CS**
3.	Brick	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1288 expands parental consent requirements for health care services provided to minors and replaces broad statutory exceptions with specifically enumerated ones. The bill also establishes new parental rights relating to school-based questionnaires and the use of biofeedback devices outside of clinical settings.

The bill requires school districts to notify parents before administering any student well-being or mental health questionnaire and allows parents to opt their child out of participation. These requirements apply to all students in kindergarten through grade 12 and replace the current requirement for affirmative parental permission for students in kindergarten through grade 3.

The bill revises parental rights related to health care decision-making, medical record access, and the creation or sharing of DNA and blood records. It removes broad exceptions based on general law and replaces them with specifically enumerated exceptions, including those related to emergency medical care, court orders, and provisions under the Baker and Marchman Acts. The bill also limits when DNA and blood samples may be collected from a minor without parental consent, preserving exceptions for certain criminal and juvenile justice procedures.

Finally, the bill provides that parents must consent in writing before a biofeedback device may be used on their minor child outside of a clinical setting. If the parent consents, the results must be provided to the parent and treated as confidential medical records.

The bill takes effect July 1, 2025.

II. Present Situation:

Parental Rights in Florida

Florida law includes a Parent's Bill of Rights in chapter 1014, F.S., that protects a broad set of parental rights, ensuring that parents retain authority over education, healthcare, and other key decisions affecting their children.[1]

Parents have the right to direct the education and care of their minor child.[2] Parents may:
- Choose the type of schooling for their child, including public, private, religious, or home education programs.[3]
- Access and review all school records related to their minor child.[4]
- Direct the moral or religious upbringing of their child.[5]

Schools must promptly notify parents if a school employee suspects a criminal offense has been committed against their child, unless notification would interfere with a law enforcement or DCF investigation.[6] In addition, school districts are required to obtain parental permission before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3. The district must first provide the questionnaire or form to the parent and receive the parent's permission before proceeding with administration.[7]

Parents have the right to make health care decisions for their minor children, including access to medical records and control over medical services and personal health data.[8] Except where otherwise authorized by law, health care practitioners must obtain parental consent before providing medical services to a minor.[9]

Parents also retain the right to:
- Access and review all medical records, unless the parent is under investigation for a crime against the child and law enforcement has requested records not be released.[10]
- Provide written consent before any biometric scan or DNA sample is taken, stored, or shared.[11]
- Examine and provide consent before a school district may administer a student well-being questionnaire or health screening form to a student in kindergarten through grade 3.[12]

[1] Section 1014.04(1), F.S.
[2] Section 1014.04(1)(a), F.S.
[3] Section 1014.04(1)(c), F.S.
[4] Section 1014.04(1)(d), F.S.
[5] Section 1014.04(1)(b), F.S.
[6] Section 1014.04(1)(j), F.S.
[7] Section 1001.42(8)(c)6., F.S.
[8] Section 1014.04(1)(e)-(f), F.S.
[9] Section 1014.06(1), F.S.
[10] Section 1014.04(1)(f), F.S.
[11] Section 1014.04(1)(g)-(h), F.S.
[12] Section 1001.42(8)(c)6., F.S.

Additionally, written parental consent is required before:

- A video or voice recording of a minor child is created by a government entity, except for purposes such as classroom instruction, security monitoring, or forensic investigations.[13]
- The state or any entity collects, stores, or shares a child's DNA or blood sample, unless required by general law or a court order.[14]

Examples of exceptions to the written parental consent requirement include circumstances involving criminal or juvenile justice processing, such as DNA collection upon arrest or during a sexual offense investigation.[15]

These provisions help ensure that parents retain control over their child's health care and personal data, while allowing limited exceptions for security or legal purposes.

Exceptions to Parental Consent

Under current law, minors may independently consent to certain health care services without parental approval. These exceptions include:

- Treatment for Sexually Transmissible Diseases (STDs) – A minor may consent to examination and treatment for STDs without parental involvement.[16]
- Emergency Medical Treatment – A minor may receive emergency medical care if parental consent is unavailable.[17]
- Emergency Behavioral Health Care – A minor may be taken into custody and receive emergency mental health or substance abuse evaluation and treatment under the Baker Act[18] or Marchman Act[19] without parental consent.
- Mental Health Services – A minor aged 13 or older may consent to diagnostic and evaluative mental health services. However, parental consent is required for therapeutic services beyond two visits within a one-week period.[20]
- Blood Donation – A minor who is at least 17 years old may donate blood, provided there is no written objection from the parent or guardian.[21]
- Pregnancy-Related Care – An unwed, pregnant minor may consent to medical or surgical care related to her pregnancy. However, this does not include medical care unrelated to pregnancy.[22]
- Substance Abuse Treatment – A minor may consent to substance abuse treatment without parental approval.[23]
- When the disability of nonage has been removed pursuant to specific statutes in chapter 743, F.S.

[13] Section 1014.04(1)(i), F.S.
[14] Section 1014.04(1)(h), F.S.
[15] Sections 943.325 and 943.326, F.S.
[16] Section 384.30, F.S.
[17] Section 743.064, F.S.
[18] Section 394.463, F.S.
[19] Section 397.675, F.S.
[20] Section 394.4784, F.S.
[21] Section 743.06, F.S.
[22] Section 743.065, F.S.
[23] Section 397.601, F.S.

- Substitute Consent – If a parent or legal guardian is unavailable and cannot be contacted after reasonable attempts, certain relatives—including stepparents, grandparents, adult siblings, or adult aunts and uncles—may provide consent for the minor's medical treatment.[24]

In addition to these statutory exceptions, Florida law also restricts a parent's authority under certain legal circumstances.

When a Parent is Prohibited by Law from Making Health Care Decisions

In certain circumstances, a parent may be legally prohibited from making health care decisions for their minor child, including:

- Termination or Restriction of Parental Rights – A parent loses medical decision-making authority if a court terminates their rights due to abuse, neglect, or abandonment. In such cases, a legal guardian, foster parent, or the Department of Children and Families (DCF) assumes this role.[25]
- Court Orders for Abuse, Neglect, or Domestic Violence – A court may issue a protective order restricting a parent's ability to make medical decisions.[26]
- Incapacity or Unfitness of the Parent – A parent deemed legally incapacitated, such as due to severe mental illness or substance abuse, may lose decision-making authority, which transfers to a court-appointed guardian.[27]
- Court-Ordered Medical Treatment – A court may override parental consent if a parent refuses life-saving or medically necessary treatment for their child.[28]

These legal provisions ensure that minors receive necessary medical treatment when a parent is legally prohibited from providing consent.

Health Care Providers and Practitioners

Health Care Providers

The term "provider" under Florida law refers to any facility, agency, or service that is regulated by the Agency for Health Care Administration (AHCA) and requires licensure to provide services.[29] Licensed providers include, but are not limited to, hospitals, nursing homes, home medical equipment providers, and health care clinics.[30] Providers that fail to obtain proper licensure may face administrative penalties, moratoriums on accepting new clients, or revocation of their license.[31]

Health Care Practitioners

Florida law defines a health care practitioner as any person licensed under a broad range of health-related professional regulations. Section 456.001(4), F.S., establishes this definition,

[24] Section 743.0645, F.S.
[25] Section 39.806, F.S.
[26] Section 741.30, F.S.
[27] Section 744.3215, F.S.
[28] Section 39.407(2), F.S.
[29] Section 408.803(12), F.S.
[30] Section 408.802, F.S.
[31] Section 408.803(11), F.S.

covering practitioners licensed under statutes regulating physicians, nurses, pharmacists, mental health professionals, and other medical providers.[32]

Health care practitioners include, but are not limited to:
- Medical doctors and osteopathic physicians (Chapters 458 and 459, F.S.).
- Chiropractic physicians and podiatrists (Chapters 460 and 461, F.S.).
- Optometrists and pharmacists (Chapters 463 and 465, F.S.).
- Nurses, including advanced practice registered nurses (Chapter 464, F.S.).
- Dentists and midwives (Chapters 466 and 467, F.S.).
- Physical therapists, occupational therapists, and speech-language pathologists (Chapters 468 and 486, F.S.).
- Psychologists, clinical social workers, marriage and family therapists, and mental health counselors (Chapters 490 and 491, F.S.).

Enforcement & Penalties for Violating Parental Consent Laws

Disciplinary Actions for Violations of Parental Consent Requirements

Florida law subjects health care practitioners to disciplinary action for violations of professional standards or statutory requirements.[33] Failure to comply with parental consent requirements is a disciplinary violation, and practitioners may face penalties for providing services to a minor without obtaining required parental consent.[34]

Penalties for Violating Parental Consent Requirements

If a licensed health care provider is found in violation of the parental consent requirements the provider may be subject to one or more of the following penalties:[35]
- Suspension or permanent revocation of a license.
- Administrative fines up to $10,000 per violation.
- Practice restrictions, including limitations on work settings or the type of services the practitioner may provide.
- Probationary conditions, such as mandated supervision, continuing education, or corrective actions.
- Issuance of a reprimand or letter of concern.
- Requirement to refund fees billed to a patient or third-party payer[1].

Enforcement and Legal Actions

Florida law establishes enforcement mechanisms to ensure compliance with health care regulations. These include:
- Assessment of investigative and prosecution costs against the practitioner if disciplinary action is taken.[36]

[32] Section 456.001(4), F.S.
[33] Section 456.072(1), F.S.
[34] Section 456.072(1)(rr), F.S.
[35] Section 456.072(2), F.S.
[36] Section 456.072(4), F.S.

- An injunction or writ of mandamus to prohibit continued violations of the regulations.[37]
- Permanent revocation of a license for severe violations, with limited options for reapplication.[38]

Additionally, AHCA is authorized to penalize providers that fail to comply with parental consent requirements, up to $500 per offense.[39]

Biofeedback in Educational and Clinical Settings

Biofeedback is a technique that enables individuals to gain control over physiological processes by providing real-time feedback on bodily functions such as heart rate, muscle tension, and brainwave activity.[40]

Biofeedback Applications

In educational settings, biofeedback has been explored as a tool to enhance student performance, manage stress, and address behavioral and learning challenges.[41] Studies have investigated its effectiveness in treating childhood behavioral and learning disorders, including anxiety and attention-related conditions.[42]

Some studies suggest that biofeedback can be comparable to cognitive-behavioral therapy (CBT) for anxiety-related disorders, with no significant differences in treatment outcomes.[43] Other studies indicate that biofeedback, when combined with behavior modification training, has shown improvements in attention regulation and behavioral outcomes for children with ADHD.[44]

Biofeedback devices are also marketed for non-clinical educational applications. Some products, such as wearable biofeedback tools and neurofeedback headsets, claim to help students improve

[37] Section 456.072(5), F.S.
[38] Section 456.072(6), F.S.
[39] Section 408.813(3), F.S.
[40] Mayo Clinic, *Biofeedback*, available at https://www.mayoclinic.org/tests-procedures/biofeedback/about/pac-20384664 (last visited March 28, 2025).
[41] ResearchGate, *Reducing Anxiety and Improving Academic Performance Through a Biofeedback Relaxation Training Program*, *available at* https://www.researchgate.net/publication/317660383_Reducing_Anxiety_and_Improving_Academic_Performance_Through_a_Biofeedback_Relaxation_Training_Program (last visited March 28, 2025).
[42] ResearchGate, *The Use of Biofeedback on Students: A Systematic Review*, *available at* https://www.researchgate.net/publication/355655679_The_Use_of_Biofeedback_on_Students_a_Systematic_Review (last visited March 28, 2025).
[43] NeuroRegulation, *Neurofeedback Training and Cognitive Behavior Therapy for Treatment of Generalized Anxiety Disorder in Children and Adolescents: A Comparative Study*, available at https://www.neuroregulation.org/article/view/22435 (last visited March 28, 2025).
[44] Frontiers in Psychiatry, *Efficacy of behavior modification training combined with electroencephalographic biofeedback therapy for attention deficit hyperactivity disorder in children: a randomized controlled trial*, https://www.frontiersin.org/journals/child-and-adolescent-psychiatry/articles/10.3389/frcha.2023.1235310/full (last visited March 28, 2025).

focus and emotional regulation.[45] Educational programs have incorporated biofeedback training in stress management programs and learning interventions.[46]

Regulatory Landscape in Florida – Biofeedback Applications

Florida law regulates certain biofeedback applications under the practice of psychology and the practice of school psychology, as defined in the Psychological Services Act.[47] The law includes biofeedback as one of the scientific and applied psychological principles, methods, and procedures used for modifying human behavior and treating mental, nervous, psychological, and emotional disorders.[48] The use of biofeedback for psychological purposes is restricted to psychologists appropriately trained in its use.[49]

Additionally, school psychologists are authorized to provide psychoeducational, developmental, and behavioral interventions in school settings.[50] The practice of school psychology includes counseling, behavior techniques, environmental management, and group processes—services that may overlap with certain biofeedback applications.[51]

Separately, neurofeedback, a subset of biofeedback that specifically targets brainwave activity, is regulated under the Board of Occupational Therapy Practice.[52] Practitioners using neurofeedback for clinical purposes must complete at least 16 hours of didactic instruction and five supervised treatments in a clinical setting.[53]

However, biofeedback devices marketed for educational or non-clinical applications are not specifically addressed under Florida law. While some biofeedback tools are designed for licensed professionals, others are sold directly to consumers, including educators and students.[54]

III. Effect of Proposed Changes:

CS/CS/SB 1288 expands parental consent requirements for health care services provided to minors and replaces broad statutory exceptions with specifically enumerated ones. The bill also establishes new parental rights relating to school-based questionnaires and the use of biofeedback devices outside of clinical settings.

---

[45] Biofeedback & Neurofeedback Therapy, *Biofeedback for Academic Success*, https://biofeedback-neurofeedback-therapy.com/biofeedback-for-academic-success/ (last visited March 28, 2025).
[46] Biofeedback & Neurofeedback Therapy, *Biofeedback for Academic Success*, https://biofeedback-neurofeedback-therapy.com/biofeedback-for-academic-success/ (last visited March 28, 2025).
[47] Sections 490.001 and 490.003, F.S.
[48] Section 490.003(4), F.S.
[49] Section 490.003(4)(b), F.S.
[50] Section 490.003(5), F.S.
[51] Section 490.003(5), F.S.
[52] Florida Board of Occupational Therapy, *Regulations on Neurofeedback Devices*, https://floridasoccupationaltherapy.gov/prescription-devices-modalities-certification-faqs/ (last visited Mach 28, 2025).
[53] Rule 64B11-4.001(3), Fla. Adm. Code.
[54] Mayo Clinic, *Biofeedback: What is it and how does it work?*, https://www.mayoclinic.org/tests-procedures/biofeedback/about/pac-20384664 (last visited March 28, 2025); MindBody Devices, *Biofeedback Devices*, https://mindbodydevices.com/biofeedback-devices/ (last visited March 28, 2025); Biofeedback & Neurofeedback Therapy, *Biofeedback for Academic Success*, https://biofeedback-neurofeedback-therapy.com/biofeedback-for-academic-success/ (last visited March 28, 2025).

Parental Rights

Examination and Treatment for Sexually Transmissible Diseases

The bill revises current law, s. 384.30, F.S., which permits a minor to be examined and treated for a sexually transmissible diseases without parental consent. The change made by the bill still allows a minor to be examined for the disease without parental consent but now requires parental consent for a minor to receive treatment.

Surveys or Questionnaires

The bill amends s. 1001.42(8)(c)6., F.S., to revise the requirements for administering student well-being questionnaires and health screening forms. Under current law, these requirements apply only to students in kindergarten through grade 3 and require affirmative parental permission. The bill:

- Expands the applicability of the provision to all students in kindergarten through grade 12;
- Broadens the scope to include questionnaires or screening forms addressing mental health;
- Requires school districts to provide the questionnaire or form to the parent either electronically or in paper form;
- Requires the notice to include the date or time period when the questionnaire or form will be administered; and
- Authorizes a parent to exempt the student from participation by submitting an opt-out request, in lieu of affirmative parental permission.

Regulation of Biofeedback Devices

The bill creates s. 1014.04(1)(k), F.S., to establish a new parental right relating to the use of biofeedback devices on minor children. The bill provides that a parent has the right to consent in writing before such a device may be used on their child. For purposes of this provision, a "biofeedback device" is defined as an instrument or sensor used to measure bodily functions – such as heart rate variability, brain waves, or breathing rate – outside of a health care facility or provider's office, for the purpose of improving performance. If the parent consents to the use of the device, all results must be provided to the parent and maintained as confidential medical records.

Parental Consent for Health Care Services

Health Care Decisions

The bill amends s. 1014.04, F.S., to *revise exceptions* for certain parental rights. A parent retains the right to make health care decisions for his or her minor child *unless*:

- The parent is the subject of an investigation of a crime committed against the minor child;
- The Department of Children and Families has maintained the child in an out of home placement and the department has the child examined for injury, illness, and communicable diseases and to determine the need for immunization;

- The child is authorized by law to make specific healthcare decisions for himself or herself as provided in ch. 743, F.S, which describes when the "disability of nonage" is removed and the child is authorized to act on his or her behalf;[55]
- A parent cannot be located and another person is authorized in statute to make health care decisions as provided in s. 743.0645, F.S.;[56]
- Circumstances exist which satisfy the requirements of law for a parent's implied consent to medical care and treatment of the child as provided in s. 383.50, F.S., dealing with an infant who is surrendered to a hospital, emergency medical services station, or a fire station; or
- A court order provides otherwise.

Health Care Records

The bill expands the scope of parental rights by removing certain exceptions to general law. As expanded, a parent:

- May access and review all medical records of his or her minor child; however, the bill preserves the authority of a law enforcement agency or official to prevent the release of a child's medical records to a parent who is the subject of an investigation of a crime committed against the minor child. The broader exception "unless prohibited by law" is deleted.
- Must consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except when required by statute under s. 943.325 or s. 943.326, F.S., or as authorized pursuant to a court order. The broader exception "as required by general law" is deleted.

Restriction on a Practitioner

The bill amends s. 1014.06(1), F.S., to prohibit a health care practitioner, or an individual employed by a practitioner, from providing, soliciting, or arranging to provide health care services or prescribing medicinal drugs to a minor child without first obtaining written parental consent. The bill replaces the current exception "as authorized by law" with specifically enumerated exceptions for emergency medical care, emergency behavioral health care under the Baker or Marchman Acts, or when authorized by a court order.

Restriction on a Facility

The bill amends s. 1014.06(2), F.S., to prohibit health care facilities from allowing a medical procedure to be performed on a minor child without written parental consent, unless the procedure is necessary for emergency medical care or is authorized by court order.

---

[55] The statutes cited in the bill are for the removal of the disability of nonage for: s. 743.01, F.S., a married minor; s. 743.015, F.S., a minor when determined by a circuit court that removal of nonage is in the minor's best interest; s. 743.06, F.S., making a blood donation for a minor who is at least 17 years old; s. 743.065, F.S, an unwed pregnant minor to consent to medical or surgical care relating to her pregnancy; s. 743.066, F.S., a minor adjudicated as an adult and in the custody or under the supervision of the Department of Corrections as to health care services, except for abortion and sterilization; and s.743.067, F.S., a certified unaccompanied homeless youth who is at least 16 years old and not in the physical custody of a parent or guardian.

[56] Section 743.0645, F.S., provides that consent may be granted by the following people after a reasonable attempt to locate someone who has the power to consent has failed. In order of priority those people are: a health care surrogate, the stepparent, the grandparent of the minor, an adult brother or sister of the minor, and an adult aunt or uncle of the minor.

The bill takes effect July 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Schools may expend more resources requesting parents to review and consent to surveys before the surveys may be administered. Schools might also expend more time requesting permission from a parent to share the results of surveys and questionnaires.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 384.30, 1001.42, 1014.04, and 1014.06.

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 Rules on April 21, 2025:
The committee substitute modifies or replaces several provisions relating to parental consent, health care decision-making, and school-based questionnaires addressed in the bill. Specifically, the amendment:

- Removes the provision added in s. 1014.04(1)(k), F.S., which created a new parental right to review and consent to student surveys or questionnaires. In its place, the amendment revises s. 1001.42(8)(c)6., F.S., to:
  - Apply to all students in kindergarten through grade 12 (previously limited to grades K–3);
  - Expand the scope to include questionnaires or screening forms addressing mental health;
  - Require school districts to provide notice to the parent either electronically or in paper form, including the date or time period when the questionnaire will be administered;
  - Authorize parental opt-out in place of affirmative parental permission.
- Clarifies that the parental right to make health care decisions does not apply when a court order provides otherwise. This supplements the existing exceptions for emergencies, investigations, and consent by another authorized individual.
- Adds to the bill exceptions for blood and DNA collection authorized under criminal and juvenile justice provisions in ss. 943.325 and 943.326, F.S.
- Adds to the bill an exception to the requirement for written parental consent before a health care practitioner may provide services to a minor. The new exception applies when services are provided under emergency behavioral health provisions of the Baker Act or Marchman Act (ss. 394.463(1) and 397.675, F.S.). This exception is added alongside the existing exceptions for emergency medical care, court-ordered services, and consent provided by another authorized individual.
- Replaces the provision in s. 1014.06, F.S., that defined the use of a biofeedback device as a health care service with a new parental right in s. 1014.04(1)(k), F.S., which applies only to non-clinical use outside a health care facility or provider's office.

CS by Judiciary on April 1, 2025:
The committee substitute differs from the underlying bill by:

- Requiring a parent's consent to a minor child's treatment for sexually transmissible diseases; and
- Listing specific instances in which a person, other than a parent, is authorized to make health care decisions for a minor child.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

725164

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 49 - 146
and insert:
Section 2. Paragraph (c) of subsection (8) of section 1001.42, Florida Statutes, is amended to read:
1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:
(8) STUDENT WELFARE.—
(c)1. In accordance with the rights of parents enumerated



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

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

 725164

3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 8, except when required by ss. 1003.42(2)(o)3. and 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be age-appropriate or developmentally appropriate for students in accordance with state standards. This subparagraph applies to charter schools.

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

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

6. Before administering any ~~a~~ student well-being, mental health, or health screening questionnaire or ~~health screening~~ form to a student in kindergarten through grade 12 ~~3~~, the school district must provide the questionnaire or ~~health screening~~ form to the parent, either electronically or in paper form, and notify the parent of the date or time period when the questionnaire or form will be administered. The school district must give the parent an opportunity to opt his or her student out of participation ~~and obtain the permission of the parent~~.



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

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

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

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

(II) Bring an action against the school district to obtain a declaratory judgment that the school district procedure or

725164

practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

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

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

Section 3. Paragraphs (e), (f), and (h) of subsection (1) of section 1014.04, Florida Statutes, are amended, and paragraph (k) is added to that subsection, to read:

1014.04 Parental rights.—

(1) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

(e) The right to make health care decisions for his or her minor child, unless:

1. The parent is the subject of an investigation of a crime committed against the minor child;

2. The child has been maintained in an out-of-home placement by the Department of Children and Families and the department has a child examined for injury, illness, and communicable diseases and to determine the need for immunization;

725164

3. The child is authorized by law to make the specific health care decisions for himself or herself as provided in ss. 743.01, 743.015, 743.06, 743.065, 743.066, and 743.067;

4. A parent cannot be located and another person is authorized by law to make the health care decisions as provided in s. 743.0645;

5. Circumstances exist which satisfy the requirements of law for a parent's implied consent to medical care and treatment of the child as provided in s. 383.50; or

6. A court order provides otherwise ~~prohibited by law~~.

(f) The right to access and review all medical records of his or her minor child, unless ~~prohibited by law or if~~ the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.

(h) The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by s. 943.325 or s. 943.326 ~~general law~~ or authorized pursuant to a court order.

(k) The right to consent in writing to the use of a biofeedback device on his or her minor child. As used in this paragraph, the term "biofeedback device" means an instrument or a sensor used to measure bodily functions, such as heart rate variability, brain waves, or breathing rate, outside of a health care facility or provider's office, for the purpose of improving performance. If the parent consents to the use of the device, all results must be provided to the parent and must otherwise be held as a confidential medical record.

Section 4. Subsections (1) and (2) of section 1014.06,

725164

Florida Statutes, are amended to read:

1014.06 Parental consent for health care services.—

(1) Except as otherwise provided for emergency medical care under s. 743.064 or s. 1014.04(1)(e), emergency behavioral health care under s. 394.463(1) or s. 397.675, or by court order ~~law~~, a health care practitioner, as defined in s. 456.001, or an individual employed by such health care practitioner may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.

(2) Except as otherwise provided for emergency medical care under s. 743.064, s. 1014.04(1)(e) ~~by law~~ or by a court order, a provider, as defined in s. 408.803, may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.

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

And the title is amended as follows:

Delete lines 4 - 22

and insert:

treatment for certain diseases; amending s. 1001.42, F.S.; requiring a school district to provide parents with specified information before the district administers certain questionnaires or forms to students; requiring a school district to give a parent an opportunity to opt his or her student out of such questionnaire or form; amending s. 1014.04, F.S.; revising exceptions for certain parental rights; creating the parental right to consent in writing to

725164

the use of a biofeedback device on a parent's minor child; defining the term "biofeedback device"; requiring that the results from the use of such device be provided to a parent; requiring that such results be held as a confidential medical record; amending s. 1014.06, F.S.; revising exceptions for specified requirements of parental consent;

By the Committee on Judiciary; and Senator Grall

590-03177-25 20251288c1

A bill to be entitled

An act relating to parental rights; amending s. 384.30, F.S.; requiring parental consent for a minor's treatment for certain diseases; amending s. 1014.04, F.S.; revising exceptions for certain parental rights; creating the parental right to review and consent to a survey or questionnaire provided to a parent's minor child; creating the parental right to grant permission for the results or responses of such survey or questionnaire to be shared or distributed; amending s. 1014.06, F.S.; revising exceptions for specified requirements of parental consent; prohibiting the use of a biofeedback device on a minor child without written permission from the minor child's parent or guardian; defining the term "biofeedback device"; requiring the results of the use of such device be provided to a parent or guardian; requiring that such results be held as a confidential medical record; reenacting ss. 408.813(3)(f) and 456.072(1)(rr), F.S., relating to administrative fines and grounds for discipline, respectively, to incorporate the amendment made to s. 1014.06, F.S., in references thereto; providing an effective date.

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

Section 1. Section 384.30, Florida Statutes, is amended to read:

384.30 Minors' consent to treatment.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-03177-25 20251288c1

(1) The department and its authorized representatives, each physician licensed to practice medicine under the provisions of chapter 458 or chapter 459, each health care professional licensed under the provisions of part I of chapter 464 who is acting pursuant to the scope of his or her license, and each public or private hospital, clinic, or other health facility may examine ~~and provide treatment~~ for sexually transmissible diseases to any minor, if the physician, health care professional, or facility is qualified to provide such examination and treatment. The consent of a parent ~~the parents~~ or guardian ~~guardians~~ of a minor is not a prerequisite for an examination; however, the consent of a parent or guardian is required for ~~or~~ treatment.

(2) The fact of consultation, examination, and treatment of a minor for a sexually transmissible disease is confidential and exempt from the provisions of s. 119.07(1) and shall not be divulged in any direct or indirect manner, such as sending a bill for a consultation or examination ~~services rendered~~ to a parent or guardian, except as provided in s. 384.29.

Section 2. Paragraphs (e), (f), and (h) of subsection (1) of section 1014.04, Florida Statutes, are amended, and paragraph (k) is added to that subsection, to read:

1014.04 Parental rights.—

(1) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(e) The right to make health care decisions for his or her minor child, unless:

1. The parent is the subject of an investigation of a crime committed against the minor child;

2. The child has been maintained in an out of home placement by the Department of Children and Families and the department has a child examined for injury, illness, and communicable diseases and to determine the need for immunization;

3. The child is authorized by law to make the specific health care decisions for himself or herself as provided in ss. 743.01, 743.015, 743.06, 743.065, 743.066, and 743.067;

4. A parent cannot be located and another person is authorized by law to make the health care decisions as provided in s. 743.0645; or

5. Circumstances exist which satisfy the requirements of law for a parent's implied consent to medical care and treatment of the child as provided in s. 383.50 ~~otherwise prohibited by law~~.

(f) The right to access and review all medical records of his or her minor child, unless ~~prohibited by law or if~~ the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.

(h) The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as ~~required by general law or~~ authorized pursuant to a court order.

(k)1. The right to review and consent to any survey or

questionnaire given to his or her minor child.

2. The right to grant permission for the responses or results of such survey or questionnaire to be shared or distributed, upon receiving notice of the intended recipient, the purpose of the survey or questionnaire, or the specified information to be shared.

Section 3. Present subsections (3), (4), and (5), of section 1014.06, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, a new subsection (3) is added to that section, and subsections (1) and (2) of that section are amended, to read:

1014.06 Parental consent for health care services.—

(1) Except as otherwise provided for emergency medical care under s. 743.064 or s. 1014.04(1)(e) or by court order ~~law~~, a health care practitioner, as defined in s. 456.001, or an individual employed by such health care practitioner may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.

(2) Except as otherwise provided for emergency medical care under s. 743.064, s. 1014.04(1)(e) ~~by law~~ or by a court order, a provider, as defined in s. 408.803, may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.

(3) The use of a biofeedback device is a health care service for the purpose of this section. The use of such a device on a minor child without first obtaining express written permission from the minor child's parent or guardian is prohibited. As used in this subsection, the term "biofeedback

device" means an instrument or a sensor used to measure bodily functions, such as heart rate variability, brain waves, or breathing rate, for the purpose of improving performance. If the parent or guardian consents to the use of the device, all results must be provided to the parent or guardian and must otherwise be held as a confidential medical record.

Section 4. For the purpose of incorporating the amendment made by this act to section 1014.06, Florida Statutes, in a reference thereto, paragraph (f) of subsection (3) of section 408.813, Florida Statutes, is reenacted to read:

408.813 Administrative fines; violations.—As a penalty for any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

(3) The agency may impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine may not exceed $500 for each violation. Unclassified violations include:

(f) Violating the parental consent requirements of s. 1014.06.

Section 5. For the purpose of incorporating the amendment made by this act to section 1014.06, Florida Statutes, in a reference thereto, paragraph (rr) of subsection (1) of section 456.072, Florida Statutes, is reenacted to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(rr) Failure to comply with the parental consent

requirements of s. 1014.06.

Section 6. This act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1288**, relating to Parental Rights, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/21/2025
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

725164
Amendment Barcode (if applicable)

Name Maxx Fenning

Phone (561) 221-8804

Address 1327 Partridge Close
Street

Email maxxfenning@prismfl.org

Pompano Beach FL 33064
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:
PRISM

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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

1288
Bill Number or Topic

725164
Amendment Barcode (if applicable)

Name Michelle Grimsley Shindano

Phone

Address
Street

Email michelle.grimsley@ppsenfl.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: FL Alliance of Planned Parenthood Affiliates

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Talya Davis

Phone 7544229843

Address
Street

Email davistalya1020@gmail.com

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. 2020-2022JointRules.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

4/21/2024
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alessandra Borges

Phone (954) 867-6762

Address 1600 West Call Street
Street

Email alesdborges@gmail.com

Tallahassee Florida 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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

SB 1298
Bill Number or Topic

Amendment Barcode (if applicable)

Name Maxx Fenning

Phone (561) 221-8809

Address 1327 Partridge Close
Street

Email maxx.fenning@prismfl.org

Pompano Beach FL 33064
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:
PRISM

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. 2020-2022JointRules.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

4.21.2025
Meeting Date

Rules
Committee

SB 1266
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colton Taylor

Phone

Address
Street

Email

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. 2020-2022JointRules.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

4/21/25
Meeting Date

1288
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Kristin Nelson

Phone 352 818 9394

Address 2928 Tangerine Ct
Street

Email Kristinkarol1966@yahoo.com

Leesburg FL 34748
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. 2020-2022JointRules.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

4/21/25
Meeting Date

S. Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Phone

Address 201 E. Park Ave., Ste. 200A
Street

Email

TLH 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:
Equality 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Yenisbel Vilorio

Phone

Address 1360 Regent St, PMB: 257
Street

Email

Madison WI 53715
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. 2020-2022JointRules.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

4.21.25
Meeting Date

Senate Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kara Gross

Phone 786-363-4436

Address 4343 West Flagler Rd
Street

Email kgross@aclufl.org

Tallahassee 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 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. 2020-2022JointRules.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

04/21/2025
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Trenece Robertson

Phone n/a

Address n/a
Street

Email n/a

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address PO Box 650216
Street

Email JohnLabriola@cfcflorida.net

Miami FL 33265
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: Christian Family Coalition 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. 2020-2022JointRules.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

04/21/2024
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Maria Victoria Chacon-Briceño Phone 786 867 5047

Address P.O. Box 13184
Street

Email marvicchabri@gmail.com

St. Petersburg FL 33733
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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Parker Keaton

Phone (352) 727-3746

Address

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:

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara Myers

Phone 850/443-9177

Address 8172 Wenoga Ct
Street

Email Barb1748@Yahoo.com

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:

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Emma Henry Phone

Address 33 Cypress circle Email
Street

Ormond Beach Florida 32176
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Constitutional Attorney Katherine Henry Phone

Address 33 Cypress Circle Email
Street

Ormond Beach FL 32176
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Maija Hahn

Phone 909-289-3406

Address 132 Rainbow St.
Street

Email Maija@REACTforHope.org

Merritt Island, FL 32952
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Robert Lee

Phone

Address
Street

Email

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules Committee
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nicole Soza

Phone

Address
Street

Email

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address PO Box 530103
Street

Email aarond@flfamily.org

Orlando FL 32853
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 Family Voice

☐ 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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

SB 1288 / HB 1505
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aun-Drey Brown

Phone 904-208-5752

Address
Street

Email aundrey.brown@yahoo.com

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. 2020-2022JointRules.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

2:00
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lisa Lloyd

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name January Littlejohn

Phone

Address 3058 Dwight Davis Dr
Street

Email jas7854-9360

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pam Wessling

Phone 850-728-4800

Address 9204 Old Chemanie Rd.
Street

Email twess33@gmail.com

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. 2020-2022JointRules.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

4/21/25
Meeting Date

RULES
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Patti Sullivan

Phone 772 913 2375

Address 14041 N. Indian River Drive
Street

Email patti.parentalrightsflorida@pm.me

Sebastian FL 32958
City State Zip

Speaking: [X] For [ ] Against [ ] Information **OR** Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

4/21/25
Meeting Date

Committee

The Florida Senate
APPEARANCE RECORD

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

SJ288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Miriam Gurwitz Phone 850-273-1037

Address 125 Cadiz St Email witner.gurwitz@gmail.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:

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1280
Bill Number or Topic

Amendment Barcode (if applicable)

Name India Miller

Phone 612-401-1295

Address 645 Madison Ct
Street

Email IndiaSRQ@gmail.com

Sarasota FL 34236
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kylie Daum

Phone 850 224 1660

Address 106 E College Ave
Street

Email kyliedUA6@gmail.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:
League of Women Voters 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

4-21-25
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

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

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Yerimiah Evans - Rise Tallahassee Phone 321-315-0995

Address 1510 Althea Gibson Way Email Y.Ruiz.Evans@gmail.com
Street

Tallahassee, FL, 32307
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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kevonté Ford

Phone

Address 101 N Monroe St
Street

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:

☐ 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. 2020-2022JointRules.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 1288
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Lyric Phone N/A

Address N/A Email N/A

Street

Tallahassee FL 32031

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Taylor

Phone N/A

Address N/A
Street

Email N/A

Tallahassee FL 32307
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. 2020-2022JointRules.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 1288
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Tyrell Phone N/A

Address N/A Email N/A

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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name THOMAS KENNEDY

Phone 786 346 0819

Address 1351 NE 191 ST
Street

Email TKENNEDY191@GMAIL.COM

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1258
Bill Number or Topic

Amendment Barcode (if applicable)

Name YARELIZ MENDEZ-BAMONT Phone

Address 1511 SW 9th Ave Email
Street

Pembroke Pines 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: American Friends Service Committee

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. 2020-2022JointRules.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

04.21.2025
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Laura Munoz

Phone 3056806644

Address
Street

Email

Lake Worth FL 33460
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.
Street

Email fcfep@yahoo.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: National Latina Institute for Reproductive 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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara DeVane

Phone

Address

Email

Street

Tallahassee

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 NOW

☐ 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. 2020-2022JointRules.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

April 21, 2024
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tiffany Hankins

Phone 206 915 7426

Address 561 NE 79th St Suite 400
Street

Email tiffany@flic.org

Miami FL 33138
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: FLIC

☐ 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. 2020-2022JointRules.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

04/21/25
Meeting Date

Rules
Committee

SB 1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jackson Oberlin

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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

1288
Bill Number or Topic

Amendment Barcode (if applicable)

Name Michelle Grimsley Shindano

Phone

Address
Street

Email michelle.grimsley@ppsenfl.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: FL Alliance of Planned Parenthood Affiliates

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 1450
INTRODUCER:	Criminal Justice Committee and Senator Burgess
SUBJECT:	Arrest and Detention of Individuals with Significant Medical Conditions
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Fav/CS**
2.	Kolich	Harkness	ACJ	**Favorable**
3.	Vaughan	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1450 creates s. 901.1501, F.S., to provide that a law enforcement officer may use his or her discretion based on the totality of the circumstances in determining whether to make an immediate arrest of a person with a significant medical condition, including an arrest for an offense committed against an elderly person or disabled adult.

The bill defines a "person with a significant medical condition" as a person who is a patient or resident of a hospital, nursing home facility or an assisted living facility.

The bill specifies that a law enforcement officer may consider all lawful methods to make an arrest of such a person, including seeking an arrest warrant, but does not preclude the officer from making an immediate physical arrest of such a person.

This bill may have an indeterminate prison bed impact (unquantifiable increase or decrease on prison beds) on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Senior aggression and violence encountered in the long-term care service industry occurs when residents assault staff or each other.[1] Residents of a hospital, [2] nursing home facility[3] or an assisted living facility[4] may suffer from dementia or other cognitive impairments that can result in residential aggression and mistreatment of others in the facility.

Arrests

A law enforcement officer[5] is authorized to arrest a person who commits a criminal offense. A law enforcement officer may make such an arrest after first obtaining an arrest warrant or, in specified circumstances, he or she may make an immediate arrest without a warrant.

A law enforcement officer must request approval from a judge to obtain an arrest warrant. A judge is authorized to issue a warrant authorizing a person's arrest for committing any crime if he or she finds probable cause that the person committed a crime within his or her jurisdiction.[6] When a judge signs an arrest warrant, he or she also sets a bond amount for a defendant. which allows a defendant to be released from jail upon payment if a defendant is arrested under the warrant.[7]

An officer making an arrest by a warrant shall inform the person to be arrested of the cause of arrest and that a warrant has been issued, except when the person flees or forcibly resists before the officer has an opportunity to inform the person, or when giving the information will imperil the arrest. The warrant does not need to be in the officer's possession at the time of arrest, but available on request as soon as practicable.[8]

---

[1] International Association for Healthcare Security and Safety Foundation, *Violence and Security in Skilled Nursing/Assisted Care Facilities,* available at https://iahssf.org/assets/IAHSS-Foundation-Violence-and-Security-in-Skilled-Nursing-and-Assisted-Care-Facilities-181203.pdf (last visited April 9, 2025).

[2] Hospital" means any establishment that offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, except that a critical access hospital, as defined in s. 408.07, F.S., shall not be required to make available treatment facilities for surgery, obstetrical care, or similar services as long as it maintains its critical access hospital designation and shall be required to make such facilities available only if it ceases to be designated as a critical access hospital. However, the provisions of ch. 395, F.S., do not apply to any institution conducted by or for the adherents of any well-recognized church or religious denomination that depends exclusively upon prayer or spiritual means to heal, care for, or treat any person. For purposes of local zoning matters, the term "hospital" includes a medical office building located on the same premises as a hospital facility, provided the land on which the medical office building is constructed is zoned for use as a hospital; provided the premises were zoned for hospital purposes on January 1, 1992. Section 395.002(12), F.S.

[3] "Nursing home facility" means any facility which provides nursing services under part I, ch. 464, F.S., and which is licensed under part II, ch. 400, F.S. Section. 400.021(12), F.S.

[4] "Assisted living facility" means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Section 429.02(5), F.S.

[5] Section 943.10(1), F.S.

[6] Section 901.02, F.S.

[7] Section 901.02, F.S.

[8] Section 901.16, F.S.

A law enforcement officer may arrest a person without a warrant under certain statutorily enumerated circumstances, including when:

- The person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance shall be made immediately or in fresh pursuit.
- A felony has been committed and he or she reasonably believes that the person committed it.
- He or she reasonably believes that a felony has been or is being committed and that the person to be arrested has committed or is committing it.
- There is probable cause to believe a person has committed certain enumerated misdemeanor offenses for which a warrantless arrest has been explicitly authorized by statute, such as a battery, criminal mischief or graffiti, an act of domestic violence, an injunction violation, or sexual cyberharassment.[9]

Bail and Pretrial Detention

Except when previously released in a lawful manner, every arrested person must appear before a judge within 24 hours of arrest for a "first appearance.[10]" During first appearance, a judge advises a defendant of the charges for which he or she was arrested, and advises a defendant of specified rights.[11] If a judge determines that probable cause exists, the judge then determines whether a defendant is entitled to pretrial release. A judge may grant pretrial release either by setting a specified bail amount or releasing the defendant on his or her own recognizance.[12]

Pretrial Detention

Some offenses committed against an elderly person or disabled adult are classified as a "dangerous crime" and may require a person to post a bond in order to be released from jail. Section 907.041, F.S., creates a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a "dangerous crime."[13] A person may not be released on nonmonetary conditions to supervised pretrial release, unless the pretrial release service certifies to the court it has investigated or otherwise verified:

- The circumstances of the accused's family, employment, financial resources, character, mental condition, and length of residence in the community.
- The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings.
- Other facts necessary to assist the court in determining the accused indigency status and whether he or she should be released on supervised pretrial release.[14]

[9] Section 901.15, F.S.
[10] Fl. R. Crim. P. 3.130
[11] *Id.*
[12] Fl. R. Crim. P. 3.131
[13] Section 907.041(5)(a), F.S.
[14] Section 907.041(3)(b), F.S.

No Pretrial Detention

There are offenses for which a person may not be released prior to his or her first appearance hearing. Under s. 903.011(6), F.S., a defendant may not be released prior to his or her first appearance hearing if he or she:

- Was on pretrial release, probation, or community control in this state or any other state at the time of arrest for a felony;
- Was designated as a sexual offender or sexual predator in this state or any other state at the time of arrest;
- Was arrested for violating a protective injunction;
- Was, at the time of arrest, on release from supervision by the Department of Corrections under conditional release, control release, conditional medical release, or an addiction recovery supervision program;
- Has, at any time before the current arrest, been sentenced as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;
- Has been arrested three or more times in the six months immediately preceding his or her current arrest; or
- Was arrested for one or more of the following crimes:
  - A capital felony, life felony, first degree felony, or second degree felony;
  - A homicide under ch. 782, F.S.; or any attempt, solicitation, or conspiracy to commit a homicide;
  - Assault in furtherance of a riot or an aggravated riot; felony battery; domestic battery by strangulation; domestic violence, as defined in s. 741.28, F.S.; stalking; mob intimidation; assault or battery on a law enforcement officer; assault or battery on a juvenile probation officer or other staff of a detention center or commitment facility, or a staff member of a commitment facility or health services personnel; assault or battery on a person 65 years of age or older; robbery; burglary; carjacking; or resisting an officer with violence;
  - Kidnapping, false imprisonment, human trafficking, or human smuggling;
  - Possession of a firearm or ammunition by a felon, violent career criminal, or person subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking;
  - Sexual battery; indecent, lewd, or lascivious touching; exposure of sexual organs; incest; luring or enticing a child; or child pornography;
  - Abuse, neglect, or exploitation of an elderly person or disabled adult;
  - Child abuse or aggravated child abuse;
  - Arson; riot, aggravated riot, inciting a riot, or aggravated inciting a riot; or a burglary or theft during a riot;
  - Escape; tampering or retaliating against a witness, victim, or informant; destruction of evidence; or tampering with a jury;
  - Any offense committed for the purpose of benefitting, promoting, or furthering the interests of a criminal gang;
  - Trafficking in a controlled substance, including conspiracy to engage in trafficking in a controlled substance;
  - Racketeering; or
  - Failure to appear at required court proceedings while on bail.

III. Effect of Proposed Changes:

The bill creates s. 901.1501, F.S., to provide that a law enforcement officer may use his or her discretion based on the totality of the circumstances in determining whether to make an immediate arrest of a person with a significant medical condition, including an arrest for an offense committed against an elderly person or disabled adult.

The bill defines a "person with a significant medical condition" as a person who is a patient or resident of a hospital, nursing home facility or an assisted living facility.

The bill specifies that a law enforcement officer may consider all lawful methods to make an arrest of such a person, including seeking an arrest warrant, but does not preclude the officer from making an immediate physical arrest of such a person.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have an indeterminate prison bed impact on the Department of Corrections. However, the EDR noted that there is no data available on the number of offenders who would be impacted by this new language. Furthermore, it is not known how police officers would use their discretion in these situations.[15]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 901.1501

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 Criminal Justice on April 1, 2025:
The amendment defines "person with a significant medical condition," and adds "nursing home facility" to the list of facilities in which such person may reside. The amendment specifies that officers may use discretion when an offense is against an elderly persons or disabled adults and committed by a person with a significant medical condition.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

[15] Office of Economic and Demographic Research, *SB 1450 Arrest and Detention of Individuals with Significant Medical Conditions,* (on file with the Senate Committee on Criminal Justice)

By the Committee on Criminal Justice; and Senator Burgess

591-03148-25 20251450c1

A bill to be entitled

An act relating to arrest and detention of individuals with significant medical conditions; creating s. 901.1501, F.S.; defining the term "person with a significant medical condition"; providing that a law enforcement officer may use his or her discretion in determining whether to make an immediate arrest of such person; providing construction; providing an effective date.

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

Section 1. Section 901.1501, Florida Statutes, is created to read:

901.1501 Immediate arrest of a person with a significant medical condition.—

(1) As used in this section, the term "person with a significant medical condition" means a person who is a patient or resident of a hospital licensed under chapter 395, a nursing home facility licensed under part II of chapter 400, or an assisted living facility licensed under part I of chapter 429.

(2) In determining whether to make an immediate arrest of a person with a significant medical condition, including an arrest for an offense committed against an elderly person or a disabled adult, a law enforcement officer may use his or her discretion based on the totality of the circumstances, including consideration of whether the person is a current or continued threat to public safety or himself or herself or a flight risk, and may consider all available lawful methods of making an

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-03148-25 20251450c1

arrest, including seeking an arrest warrant under s. 901.02.

(3) This section does not prohibit a law enforcement officer from arresting a person without a warrant under s. 901.15, or making such an arrest by any lawful method.

Section 2. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

SB 1450
Bill Number or Topic

Amendment Barcode (if applicable)

Name David Shepp

Phone 863 581-4250

Address 123 S. Adams Street
Street

Email shepp@thesouthernygroup.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:
Polk County Sheriff's Office

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 1514
INTRODUCER:	Appropriations Committee on Pre-K - 12 Education; Education Pre-K - 12 Committee; Senator Smith and others
SUBJECT:	Anaphylaxis in Public and Charter Schools
DATE:	April 18, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	**Fav/CS**
2.	Gray	Elwell	AED	**Fav/CS**
3.	Jahnke	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1514 adds requirements to ensure schools that serve students in kindergarten through grade eight are equipped with the necessary plans and training to effectively respond to allergic reactions and anaphylaxis, particularly for students who require emergency interventions such as epinephrine. Specifically, the bill:

- Requires district school boards and charter school governing boards to ensure that a student's emergency action plan is in effect and accessible at all times when the student is on campus.
- Requires school personnel and contracted personnel to be provided training on preventing and responding to allergic reactions, including anaphylaxis.
- Specifies that the required training must include the administration of an FDA-approved epinephrine delivery device.
- Authorizes the State Board of Education, in consultation with the Department of Health, to adopt rules, including the identification of an approved training curriculum for the required training.

The bill has an indeterminate fiscal impact for school districts. **See Section V., Fiscal Impact Statement.**

The bill is effective July 1, 2025.

II. Present Situation:

Anaphylaxis

Anaphylaxis is a severe, life-threatening allergic reaction that can occur rapidly and can be fatal if not treated immediately. The condition is typically triggered by allergens such as foods, insect stings, medications, and latex. According to the American Academy of Family Physicians, anaphylaxis affects approximately one in 20 people at some point in their lives.[1]

Anaphylaxis involves a range of symptoms affecting multiple systems in the body. These can include one or more of the following:

- Hives or itching (of any body part);
- Flushed or pale skin, dizziness;
- Vomiting, diarrhea, or stomach cramps;
- Swelling (of any body part);
- Red, watery eyes, runny nose;
- Fainting or loss of consciousness;
- Wheezing, coughing, difficulty breathing, shortness of breath;
- Throat tightness or closing, difficulty swallowing, change of voice;
- A sense of doom;
- Change in mental status; and
- Itchy or scratchy lips, tongue, mouth or throat.[2]

Life-threatening allergies in students present significant challenges in schools. According to the Florida Department of Health's 2022-2023 Annual School Health Services Report, approximately 76,000 students in Florida have life-threatening allergies. Additionally, 112,680 students diagnosed with asthma may also experience severe allergic reactions if exposed to allergens.[3] For these students, the immediate administration of epinephrine through an auto-injector syringe may be life-saving.[4]

Epinephrine in Schools

Students who have experienced or are at risk for life-threatening allergic reactions may carry and self-administer epinephrine auto-injectors at school, during school-sponsored activities, or while traveling to and from these activities with proper parental and physician authorization. The State Board of Education, in collaboration with the Department of Health, must establish rules

---

[1] American Academy of Family Physicians, *Anaphylaxis: Guidelines From the Joint Task Force on Allergy-Immunology Practice Parameters*, https://www.aafp.org/pubs/afp/issues/2024/1100/practice-guidelines-anaphylaxis.html (last visited Mar. 27, 2025).

[2] Florida Department of Education, *Students with Life-Threatening Allergies* (2017), *available at* https://sss.usf.edu/resources/format/pdf/LifeThreateningAllergiesFinal.pdf, at 4 (last visited Mar. 27, 2025).

[3] Florida Department of Health, *2022-2023 Annual School Health Services Report*, at 1 (2024), *available at* https://www.floridahealth.gov/programs-and-services/childrens-health/school-health/_documents/2022-2023-school-health-data-summaries.pdf (last visited Mar. 31, 2025).

[4] Florida Department of Education, *Students with Life-Threatening Allergies*, at 3 (2017), *available at* https://sss.usf.edu/resources/format/pdf/LifeThreateningAllergiesFinal.pdf (last visited Mar. 31, 2025).

ensuring the safe use of epinephrine auto-injectors, including protections against misuse or abuse.

Schools may also maintain a supply of epinephrine auto-injectors secured in a designated location, accessible to trained school personnel or authorized students. Schools must adopt a physician-developed protocol for the administration of these auto-injectors by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection during emergencies. School districts, employees, agents, and the physician who provides the protocol are protected from liability related to injuries from administration, provided the trained personnel follow the protocol in response to a suspected anaphylactic reaction. School personnel and volunteers involved in administering epinephrine to students during an emergency are protected from liability, provided they adhere to established guidelines and procedures.[5]

Schools must establish clear protocols for effectively managing allergic reactions, including procedures for administering epinephrine either by trained school personnel or by authorized students themselves. Protocols require an annual Individual Health Care Plan (IHCP) developed by the school nurse in collaboration with the student, parents or guardians, healthcare provider, and school personnel. This plan must include an Emergency Action Plan (EAP) specifying immediate contact with emergency services (911) during an anaphylaxis event and detailing actions if the student cannot self-administer epinephrine.[6]

Schools are required to develop written policies, procedures, and protocols to manage health emergencies, including maintaining updated emergency information cards for each student, listing key health details and contacts. Schools must ensure emergency supplies and equipment are clearly identified and accessible, with locations and lists of staff certified in first aid and cardiopulmonary resuscitation (CPR) visibly posted in high-risk areas. Additionally, schools must have at least two staff members (excluding health room personnel) certified in first aid and CPR. The school nurse, in collaboration with school administration, assists in training staff to provide care during emergencies and ensures first aid supplies and emergency equipment are adequately stocked and maintained.[7]

Administration of Medication and Medical Services by District School Personnel

District school personnel may assist students with the administration of prescription medication at school, provided certain conditions are met, including:

- Providing training to designated school personnel by a registered nurse, licensed practical nurse, advanced practice registered nurse, physician, or physician assistant.
- Adopting formal policies and procedures to guide medication administration by school personnel.
- Obtaining written permission from the student's parent or guardian, clearly stating the necessity of medication administration during school hours or school-sponsored events.

[5] Section 1002.20(3), F.S.
[6] Rule 6A-6.0251, F.A.C.
[7] Rule 64F-6.004, F.A.C.

- Receiving, counting, and securely storing medication in its original container, accessible only to authorized personnel.[8]

Nonmedical district personnel may also perform specific health-related services following the successful completion of child-specific training and periodic monitoring by medical professionals.[9] However, nonmedical district personnel are prohibited from performing invasive medical procedures such as sterile catheterization, nasogastric tube feeding, and tracheostomy care requiring deep suctioning.[10]

District school personnel administering medication in compliance with established policies and procedures are protected from liability for civil damages, provided they act reasonably and prudently under similar circumstances.[11]

Schools must establish emergency procedures specifically designed for life-threatening emergencies as part of a school health services plan developed jointly with the county health department and local school health advisory committee.[12]

III. Effect of Proposed Changes:

This bill amends s. 1002.20, F.S., to require district school boards and charter school governing boards to ensure that each student in kindergarten through grade 8 who has an emergency action plan for anaphylaxis is in effect and accessible at all times when the student is on campus, including during extracurricular activities, athletics, school dances, and contracted before-and-after-school programs at the school.

District school boards and charter school governing boards are required to ensure that each school that serves students in kindergarten through grade eight provide training to an adequate number of school personnel and contracted personnel in preventing and responding to allergic reactions, including anaphylaxis. The bill specifies that the required training must include recognizing the signs of an anaphylactic reaction and administering an FDA-approved epinephrine delivery device that has a pre-measured, appropriate weight-based dose. The bill also requires the State Board of Education, in consultation with the Department of Health, to adopt rules for implementation, including the identification of an approved training curriculum for the required training by October 1, 2025.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[8] Section 1006.062(1), F.S.
[9] Section 1006.062(4), F.S.
[10] Section 1006.062(3), F.S.
[11] Section 1006.062(2), F.S.
[12] Section 1006.062(6), F.S. and Section 381.0056(4), F.S.

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:

This bill does not have a fiscal impact on state revenues or expenditures. The district school board and charter school governing board must provide training for school personnel and contracted personnel. The cost associated with this training is indeterminate, but likely insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.20 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/CS by Appropriations Committee on Pre-K - 12 Education on April 15, 2025:
The committee substitute maintains provisions from the bill and makes the following modifications:

- Places the anaphylaxis policy in s. 1002.20, F.S., a section that specifically addresses student and parental rights related to health and medical care.
- Expands applicability to charter school governing boards.
- Clarifies the training is required for an adequate number of school personnel and contracted personnel.
- Specifies that the training must include administering an FDA-approved epinephrine delivery device that has a pre-measured, appropriate weight-based dose.
- Clarifies that the emergency action plan for anaphylaxis must be in effect and accessible at all times when the student is on school grounds.
- Specifies that the State Board of Education must consult with the Department of Health in adopting rules, and requires such rules by October 1, 2025.
- Removes the requirement for a trained individual to be physically present on school grounds at all times.
- Removes epinephrine nasal sprays from the training requirement.

CS by Education Pre-K - 12 on March 25, 2025:
The committee substitute adds the requirement for at least one member of school personnel who has been trained in preventing and responding to an allergic reaction, including anaphylaxis, to be on school grounds to execute a student's emergency action plan.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Appropriations Committee on Pre-K - 12 Education; the Committee on Education Pre-K - 12; and Senators Smith, Arrington, and Davis

602-03586-25 20251514c2

A bill to be entitled

An act relating to anaphylaxis in public and charter schools; amending s. 1002.20, F.S.; requiring each district school board and charter school governing board to require that a school that serves students in kindergarten through grade 8 provide specified training to an adequate number of personnel; requiring that the training include recognizing the signs of an anaphylactic reaction and administering an epinephrine delivery device; requiring each district school board and charter school governing board to require that a student's emergency action plan remain effective at all times while the student is on school grounds; requiring the State Board of Education, in consultation with the Department of Health, to adopt rules by a specified date; providing an effective date.

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

Section 1. Paragraph (q) is added to subsection (3) of section 1002.20, Florida Statutes, to read:

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

(3) HEALTH ISSUES.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

602-03586-25 20251514c2

(q) *Anaphylaxis policy.*—

1. Each district school board and charter school governing board shall require each school that serves students in kindergarten through grade 8 to provide training to an adequate number of school personnel and contracted personnel in preventing and responding to allergic reactions, including anaphylaxis. This training must include recognizing the signs of an anaphylactic reaction and administering an FDA-approved epinephrine delivery device that has a pre-measured, appropriate weight-based dose. Each district school board and charter school governing board shall also require that, for each student in kindergarten through grade 8 who has an emergency action plan for anaphylaxis, such plan must be in effect and accessible at all times when the student is on school grounds during the school day or participating in school-sponsored activities. This includes extracurricular activities, athletics, school dances, and contracted before-school or after-school programs at the student's school.

2. The State Board of Education, in consultation with the Department of Health, shall adopt rules to implement this paragraph, including identifying an approved training curriculum, by October 1, 2025.

Section 2. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 15, 2025

I respectfully request that **Senate Bill #1514**, relating to Anaphylaxis in Public Schools, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senate Bill 1514 addresses the gap in personnel who may be available to assist K – 8 students with effectively completing their emergency action plan in response to anaphylaxis. Through staff training this bill will help prevent student deaths from allergic reactions and create a safer environment for students with allergies.

Thank you for your consideration of this bill, should you have any questions please do not hesitate to contact me.

Senator Carlos Guillermo Smith
Florida Senate, District 17

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/21/2025
Meeting Date

Rules
Committee

SB 1514
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sherry Ister

Phone 407-461-7688

Address 2633 Amsden Rd
Street

Email sherbear1986@yahoo.com

Winter Park FL 32792
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 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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules + Liberty
Committee

SB 1514
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lincoln Ister Phone 407-461-7688

Address 7633 Amsden Rd Email Sherbear1226@yahoo.com
Street

Winter Park FL 32792
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1514
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Mazzola

Phone 407-955-1604

Address FLPTA 1747 Orlando central PKWY
Street

Email vp.leadership@floridapta.org

Orlando FL 32809
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 PTA

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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 1568
INTRODUCER:	Appropriations Committee on Health and Human Services and Senator Brodeur
SUBJECT:	Electronic Prescribing
DATE:	April 18, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Favorable**
2.	Gerbrandt	McKnight	AHS	**Fav/CS**
3.	Smith	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1568 revises exceptions to Florida's electronic prescribing (e-prescribing) requirement. Authorized prescribers who prescribe a medicinal drug in their capacity as an owner, employee, or contractor of a health care facility or practice that maintains an electronic health records system must electronically transmit prescriptions instead of issuing written prescriptions, unless they meet an exception.

The bill lists exceptions for prescribers who:

- Prescribe fewer than 100 prescriptions annually.
- Are located in an area where a state of emergency has been declared.
- Have been issued a waiver by the Department of Health due to circumstances beyond their control.
- Determine that it would be impractical for the patient to obtain a medicinal drug prescribed by electronic prescription in a timely manner.
- Are experiencing a temporary technological or electrical failure.
- Are issuing a prescription to an individual receiving hospice care.
- Determine, or the patient determines for himself or herself, that it is in the best interest of the patient to compare prescription drug prices among area pharmacies.

The bill removes several exceptions from current law. Prescribers who no longer qualify for an exception would be required to establish compliance with the e-prescribing requirement upon their next scheduled license renewal or by July 1, 2026, whichever occurs first.

The bill purports to align Florida's exceptions to e-prescribing requirements for *all* prescription drugs with federal exceptions that apply only to controlled substances under Medicare Part D. [1] However, federal law includes additional provisions, such as a compliance threshold of 70 percent, which the federal Centers for Medicare & Medicaid Services (CMS) is expected to review and revise.[2]

A prescriber prescribing in a personal capacity and not as an owner, employee, or contractor of a facility or practice that maintains an electronic health records system remains exempt from e-prescribing requirements under the bill.

The bill has an insignificant, negative fiscal impact on state expenditures that can be absorbed within existing resources. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

E-prescribing

E-prescribing refers to the transmission of prescription information in electronic format from a prescriber at the point of care to a pharmacy. It is widely adopted as a method to improve the accuracy and legibility of prescriptions, reduce medication errors associated with handwritten or phoned-in orders, prevent prescription fraud and forgery, and streamline the medication dispensing process. In provider settings, e-prescribing integrates with electronic health records (EHRs), allowing prescribers to view patient medication histories, check for drug interactions, and access formulary information in real time. On the pharmacy side, electronic receipt of prescriptions reduces transcription errors, accelerates processing time, and facilitates more accurate patient counseling and verification procedures. The number of e-prescribers in Florida continues to increase annually.[3]

Federal Medicare E-Prescribing Requirements

The federal *Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act* (SUPPORT Act), enacted in 2018, mandated that prescriptions for controlled substances covered under Medicare Part D be transmitted electronically beginning

[1] Medicare Part D is the voluntary federal prescription drug benefit for seniors and individuals with disabilities.
[2] If a prescriber issues 70% or more of their Part D controlled substance prescriptions electronically, they are considered in compliance with the federal Electronic Prescribing of Controlled Substances (EPCS) requirement. CMS has not yet finalized a move to raise the threshold beyond 70 percent, but the language used in Federal Register notices and CMS guidance suggests that eventual increases are likely.
[3] *Agency for Health Care Administration, 2023 Electronic Prescribing Annual Report* (Jan. 2024); *available at* https://ahca.myflorida.com/content/download/25388/file/2023eRxAnnualReport_Final.pdf (last visited Mar. 23, 2025).

January 1, 2021.[4] Federal CMS is responsible for enforcing this mandate and has established the Electronic Prescribing for Controlled Substances (EPCS) Program to oversee compliance.[5]

The Secretary of the U.S. Department of Health and Human Services *may* waive the requirements for a Medicare Part D covered schedule II, III, IV, and V controlled substance to be electronically transmitted in the case of a prescription issued:

- When the practitioner and dispensing pharmacy are the same entity;
- That cannot be transmitted electronically under the most recently implemented version of the National Council for Prescription Drug Programs' Stanford Computerized Researcher Information Profile Technique (SCRIPT) Standard;
- By a practitioner who received a waiver or a renewal for a period of time, not to exceed one year, from the requirement to use electronic prescribing due to economic hardship, technological limitations outside the control of the practitioner, or other exceptional circumstances;
- By a practitioner under circumstances in which it would be impractical for the individual to obtain the substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the individual's medical condition;
- By a practitioner prescribing a drug under a research protocol;
- By a practitioner for a drug for which the Food and Drug Administration (FDA) requires a prescription to contain elements that are not able to be included in e-prescribing, such as a drug with risk evaluation and mitigation strategies that include elements to assure safe use;
- By a practitioner for an individual receiving hospice care that is not covered under the hospice Medicare benefit or a resident of a nursing facility dually eligible for Medicaid and Medicare.[6]

The Secretary has authority to revise these exceptions and generally does so annually through the Medicare physician fee schedules.[7]

Additionally, federal CMS established a 70 percent compliance threshold by rule. To be considered compliant, prescribers must electronically transmit at least 70 percent of their Schedule II through V controlled substance prescriptions under Medicare Part D during each measurement year.[8]

Florida E-Prescribing Requirements

Florida law generally requires prescriptions for *all* medicinal drugs, not just controlled substances, to be electronically transmitted, subject to specific exceptions. Section 456.42, F.S.,

---

[4] *Substance Use–Disorder Prevention That Promotes Opioid Recovery and Treatment for Patients and Communities Act,* Pub. L. No. 115-271, 132 Stat. 3894 (2018); *available at* https://www.congress.gov/115/plaws/publ271/PLAW-115publ271.pdf (last visited Mar. 23, 2025).

[5] *Centers for Medicare & Medicaid Services, Electronic Prescribing for Controlled Substances (EPCS) Program, available at* https://www.cms.gov/medicare/e-health/eprescribing/cms-eprescribing-for-controlled-substances-program (last visited Mar. 23, 2025).

[6] *42 U.S.C. § 1395w–104(e)(7)(B); available at* https://www.govinfo.gov/app/details/USCODE-2021-title42/USCODE-2021-title42-chap7-subchapXVIII-partD-subpart1-sec1395w-104 (last visited Mar. 23, 2025).

[7] *See* "Effect of Proposed Changes" to compare Florida's exceptions for all prescription drugs with the EPCS exceptions.

[8] *42 C.F.R. § 423.160(a)(5)(i); available at* https://www.ecfr.gov/current/title-42/section-423.160 (last visited Mar. 23, 2025).

governs written and electronic prescriptions for medicinal drugs. Under current law, a health care practitioner who is licensed to prescribe medicinal drugs and who maintains an electronic health record system or who is prescribing medicinal drugs in his or her capacity as an owner, an employee, or a contractor of a licensed health care facility or practice that maintains such a system, must electronically transmit prescriptions. This requirement also applies to practitioners prescribing on behalf of a licensed facility or practice that maintains such a system.

However, several exceptions exist in Florida law that allow prescribers to write paper prescriptions. For example, the requirement for e-prescribing does not apply if the practitioner issues fewer than 100 prescriptions annually, is located in an area under a declared state of emergency, or determines it is in the best interest of the patient to compare prescription drug prices among area pharmacies. Additional exceptions include prescribing under research protocols, for patients in hospice or nursing home care, or when a prescription cannot be electronically transmitted under the current SCRIPT standard. These exceptions are not uniformly defined in federal laws mandating the e-prescribing of controlled substances, and some have been eliminated at the federal level.

Section 456.43, F.S., authorizes the Department of Health (DOH) to issue waivers from the electronic prescribing requirement for up to one year, based on demonstrated economic hardship, technological limitations, or other exceptional circumstances. It also authorizes the DOH to adopt rules and coordinate with professional boards to implement and enforce the e-prescribing requirements. Electronic prescribing may not interfere with a patient's freedom to choose a pharmacy.[9]

III. Effect of Proposed Changes:

Section 1 amends s. 456.42, F.S., to require health care practitioners who are licensed by law to prescribe a medicinal drug and who are prescribing medicinal drugs in their capacity as an owner, an employee, or a contractor of a licensed health care facility or practice that maintains a system of electronic health records[10] to electronically transmit prescriptions for such drugs. The bill creates, retains in current law, and removes exceptions to this requirement, as follows.

The bill creates the following three exceptions:

- *(a) The practitioner prescribes fewer than 100 such prescriptions annually;*
  This is intended to mirror the "Small Prescriber Exception" from Electronic Prescribing for Controlled Substances (EPCS) requirements which federal Centers for Medicare and Medicaid Services (CMS) automatically provides to prescribers who issue 100 or fewer qualifying Medicare Part D controlled substance prescriptions in the measurement year.[11]

- *(b) The practitioner is located in an area for which a state of emergency is declared pursuant to s. 252.36, F.S.;*

[9] Section 456.43, F.S.
[10] "Electronic health record" means a record of a person's medical treatment which is created by a licensed health care provider and stored in an interoperable and accessible digital format. Section 408.051, F.S.
[11] *Centers for Medicare & Medicaid Services, Electronic Prescribing for Controlled Substances (EPCS) Program, available at* https://www.cms.gov/medicare/e-health/eprescribing/cms-eprescribing-for-controlled-substances-program (last visited Mar. 23, 2025).

This is intended to mirror the "Declared Disaster Exception" from EPCS requirements which CMS automatically provides to prescribers located in the geographic area of an emergency or disaster declared by a federal, state, or local government entity.[12]

- *(e) The prescription is not able to be electronically prescribed due to a temporary technological or electrical failure that is not in the control of the prescribing practitioner and such failure is documented in the patient record;*
  This exception would be unique to Florida law and does not mirror any federal exception from EPCS requirements.

The bill retains the following four exceptions in current law:

- *(c) The practitioner has been issued a waiver by the department, not to exceed one year in duration, from the requirement to use electronic prescribing due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the practitioner, or another exceptional circumstance demonstrated by the practitioner;*
  This is similar to the "CMS-Approved Waiver" exception. Federal CMS provides this exception to prescribers who submit and receive a federal CMS-approved waiver because the prescriber is unable to meet the federal CMS EPCS Program requirement due to circumstances beyond the prescriber's control.[13]

- *(d) The practitioner reasonably determines that it would be impractical for the patient in question to obtain a medicinal drug prescribed by electronic prescription in a timely manner and such delay would adversely impact the patient's medical condition;*
  This was intended to mirror a similar federal requirement which has since been removed. On November 18, 2022, federal CMS published the 2023 Physician Fee Schedule final rule (CMS 1770 F)[14], which removed the exception to the EPCS requirement for prescriptions issued when it would be impractical for the patient to obtain the prescribed substance electronically and a delay would adversely impact the patient's medical condition.

- *(f) The prescription is issued to an individual receiving hospice care. The bill removes the exception for residents of nursing home facilities.*
  The bill retains part of this exception, for individuals receiving hospice care and deletes the exception for residents of nursing home facilities. The exemption for individuals receiving hospice care from the federal electronic prescribing requirements for controlled substances under Medicare Part D was removed with the publication of the 2024 Physician Fee Schedule final rule (CMS-1784-F) by federal CMS on November 16, 2023.[15]

---

[12] *Id.*
[13] *Centers for Medicare & Medicaid Services, Electronic Prescribing for Controlled Substances (EPCS) Program, available at* https://www.cms.gov/medicare/e-health/eprescribing/cms-eprescribing-for-controlled-substances-program (last visited Mar. 23, 2025).
[14] Medicare and Medicaid Programs; CY 2023 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies, Final Rule, 87 Fed. Reg. 69404 (Nov. 18, 2022); available at https://www.govinfo.gov/content/pkg/FR-2022-11-18/pdf/2022-23873.pdf. (last visited Mar. 23, 2025).
[15] *Centers for Medicare & Medicaid Services, Medicare Program: CY 2024 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment and Coverage Policies; Final Rule,* 88 Fed. Reg. 81280, 82539 (Nov. 16, 2023) (to be codified at 42 C.F.R. pt. 423).

- *(g) The practitioner determines that it is in the best interest of the patient, or the patient determines that it is in his or her own best interest, to compare prescription drug prices among area pharmacies. The practitioner must document such determination in the patient's medical record.*
  This exception is unique to Florida law and is consistent with s. 456.24, F.S., which establishes that electronic prescribing may not interfere with a patient's freedom to choose a pharmacy.

The bill deletes four exceptions listed in current law, and one in part, including all of the following:

- *(a) The practitioner and the dispenser are the same entity;*
  This was intended to mirror a similar federal requirement which has since been removed. On November 16, 2023, federal CMS published the 2024 Physician Fee Schedule final rule (CMS-1784-F)[16] which removed the exception to the EPCS requirement for prescriptions where the prescriber and dispensing pharmacy are the same legal entity. Effective January 1, 2025, all prescriptions for controlled substances under Medicare Part D must be transmitted electronically, regardless of whether the prescriber and dispenser are part of the same legal entity.

- (*b) The prescription cannot be transmitted electronically under the most recently implemented version of the National Council for Prescription Drug Programs SCRIPT Standard;*
  This was intended to mirror federal authority given to the Secretary of U.S. Department of Health and Human Services that was never exercised. The 2021 Physician Fee Schedule final rule (CMS-1734-F),[17] published on December 28, 2020, mandated that prescribers use the NCPDP National Council for Prescription Drug Programs' Stanford Computerized Researcher Information Profile Technique (SCRIPT) Standard Version 2017071 for EPCS transmissions. By adopting this standard, federal CMS did not include exceptions for prescriptions that could not be transmitted electronically under the most recent SCRIPT standard, thereby eliminating any previous allowances for such limitations.

- *(e) The practitioner is prescribing a drug under a research protocol;*
  This was intended to mirror a similar federal requirement which has since been removed. The exception permitting practitioners to issue non-electronic prescriptions for controlled substances when prescribing under a research protocol was removed in the Calendar Year (CY) 2022 Medicare Physician Fee Schedule final rule (CMS-1751-F),[18] which was published on November 19, 2021. In this rule, federal CMS finalized specific exceptions to

[16] *Medicare and Medicaid Programs; CY 2024 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment and Coverage Policies; Final Rule*, 88 Fed. Reg. 81280 (Nov. 16, 2023), *available at* https://www.federalregister.gov/documents/2023/11/16/2023-24184/medicare-and-medicaid-programs-cy-2024-payment-policies-under-the-physician-fee-schedule-and-other (last visited Mar. 23, 2025).
[17] *Medicare Program; CY 2021 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies, Final Rule*, 85 Fed. Reg. 84472 (Dec. 28, 2020); *available at* https://www.govinfo.gov/content/pkg/FR-2020-12-28/pdf/2020-26815.pdf. (last visited Mar. 23, 2025).
[18] *Medicare Program; CY 2022 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies, Final Rule*, 86 Fed. Reg. 64996 (Nov. 19, 2021); *available at* https://www.govinfo.gov/content/pkg/FR-2021-11-19/pdf/2021-23972.pdf. (last visited Mar. 23, 2025).

the EPCS requirement, and the exception for prescriptions under a research protocol was not included among them, effectively removing it.

- *(f) The prescription is for a drug for which the federal Food and Drug Administration requires the prescription to contain elements that may not be included in electronic prescribing;*
  This was intended to mirror a similar federal requirement which has since been removed. The exception allowing practitioners to issue non-electronic prescriptions for drugs requiring specific elements by the Food and Drug Administration (FDA) that could not be included in electronic prescriptions was also removed in the Calendar Year (CY) 2022 Medicare Physician Fee Schedule final rule (CMS-1751-F).[19] In this rule, CMS finalized specific exceptions to the Electronic Prescribing for Controlled Substances (EPCS) requirement, and the exception for prescriptions requiring FDA-mandated elements not supported by electronic prescribing was not included among them, effectively removing it.

- *(g) The prescription is issued to an individual… who is a resident of a nursing home facility;*
  The bill deletes part of this exception, for residents of nursing home facilities and retains the exception for individuals receiving hospice care. The exception for residents of long-term care (LTC) facilities (which generally include nursing home facilities in Florida law) from the federal electronic prescribing requirements for controlled substances under Medicare Part D has been extended by three years, from 2025 to 2028.[20] The CMS finalized a policy to delay compliance actions against prescribers who do not meet the EPCS requirement for prescriptions written for beneficiaries in LTC facilities until January 1, 2028.[21] This extension aligns the timeline for EPCS compliance in LTC facilities with the adoption of updated electronic prescribing standards that include improved communication functionalities between pharmacies and LTC facilities.[22]

Prescribers who no longer qualify for an exception would be required to establish compliance with the bill's e-prescribing requirement upon their next scheduled license renewal or by July 1, 2026, whichever occurs first.

The Department of Health (DOH), in consultation with the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, the Board of Dentistry, the Board of Nursing, and the Board of Optometry, is authorized, but not required to, adopt rules to implement this subsection encompassing the e-prescribing requirement. With this rulemaking authority, the DOH has incorporated a Request for Waiver form by reference, which would need to be updated to conform with changes made by the bill in its introductory paragraph.[23]

---

[19] *Medicare Program; CY 2022 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies, Final Rule,* 86 Fed. Reg. 64996 (Nov. 19, 2021); *available at* https://www.govinfo.gov/content/pkg/FR-2021-11-19/pdf/2021-23972.pdf. (last visited Mar. 23, 2025).
[20] *American Medical Association, Summary of Final CY 2025 Medicare Physician Fee Schedule (PFS) Rule,* at 8 (2023); available at https://www.ama-assn.org/system/files/ama-2025-mpfs-summary.pdf (last visited Mar. 23, 2025).
[21] *Centers for Medicare & Medicaid Services, Electronic Prescribing for Controlled Substances (EPCS) Program,* available at https://www.cms.gov/medicare/e-health/eprescribing/cms-eprescribing-for-controlled-substances-program (last visited Mar. 23, 2025).
[22] *American Medical Association, Summary of Final CY 2025 Medicare Physician Fee Schedule (PFS) Rule,* at 8 (2023); available at https://www.ama-assn.org/system/files/ama-2025-mpfs-summary.pdf (last visited Mar. 23, 2025).
[23] Rule 64B-3.009, F.A.C. (2025).

The bill also clarifies that Florida's e-prescribing requirement does not prohibit a pharmacist licensed in this state from filling or refilling a valid prescription submitted electronically or in writing, or require or authorize a change in prescription drug claims adjudication and review procedures by payors related to filling or refilling a valid prescription submitted electronically or in writing; nor does it prohibit a pharmacist licensed in this state from filling or refilling a valid prescription that is issued in writing by a prescriber located in another state or that is transcribed by the pharmacy when a prescription is called in by telephone.

Section 2 republishes s. 456.43, F.S., to reaffirm that the use of e-prescribing may not interfere with a patient's freedom to choose a pharmacy.

Sections 3 and 4 amend ss. 458.347 and 459.022, F.S., respectively, to conform a cross-reference to subsection (1) of s. 456.42, F.S., which is redesignated as subsection (2) in section 1 of the bill.

The bill takes effect July 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill would require both the Department of Health (DOH) and the Board of Pharmacy to update rules that reference subsections of statute that are renumbered by the bill. [24] Additionally, all prescribing practitioners would need to be notified of the new requirements through the customer contact center virtual agent (ELI), board websites, and email notifications. The DOH indicates that current resources and budget authority are sufficient to absorb these nonrecurring costs and the temporary increase in workload. [25]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 456.42, 458.347, and 459.022.

The bill republishes section 456.43 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 Appropriations Committee on Health and Human Services on April 10, 2025:
The committee substitute (CS) restores several exceptions to Florida's electronic prescribing requirement that are provided in current law but were removed by the underlying bill. Specifically, the CS retains exceptions for:

- When the practitioner reasonably determines that it would be impractical for the patient in question to obtain a medicinal drug prescribed by electronic prescription in a timely manner and such delay would adversely impact the patient's medical condition;
- Prescriptions issued to individuals receiving hospice care. Under current law this exception is extended to individuals in nursing home facilities. The CS excludes residents of nursing home facilities from this exception; and
- For circumstances in which it is in the best interest of the patient to compare prescription drug prices among area pharmacies.

[24] Rules 64B-3.009 and 64B16-27.831(5), F.A.C. (2025).
[25] Department of Health, Senate Bill 1568, Legislative Analysis (Mar. 11, 2025) (on file with the Senate Committee on Health Policy).

The CS creates a new exception for prescriptions that cannot be electronically prescribed due to temporary technological or electrical failure that are out of the control of the prescribing practitioner.

The CS also clarifies that the electronic prescribing requirement does not prohibit a pharmacist from filling or refilling valid prescriptions.

The CS republishes a provision to reaffirm that the use of electronic prescribing may not interfere with a patient's freedom to choose a pharmacy.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Appropriations Committee on Health and Human Services; and Senator Brodeur

603-03457-25 20251568c1

A bill to be entitled

An act relating to electronic prescribing; amending s. 456.42, F.S.; revising health care practitioners who may only electronically transmit prescriptions for certain drugs; revising exceptions; providing construction; republishing s. 456.43(1), F.S., relating to electronic prescribing for medicinal drugs; amending ss. 458.347 and 459.022, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (1) and (2) of section 456.42, Florida Statutes, are redesignated as subsections (2) and (3), respectively, and present subsection (3) of that section is redesignated as subsection (1) and amended, to read:

456.42 ~~Written~~ Prescriptions for medicinal drugs.—

(1)~~(3)~~ A health care practitioner licensed by law to prescribe a medicinal drug who ~~maintains a system of electronic health records as defined in s. 408.051(2)(c), or who~~ prescribes medicinal drugs as an owner, an employee, or a contractor of a licensed health care facility or practice that maintains ~~such~~ a system of electronic health records as defined in s. 408.051(2)(c) and who is prescribing in his or her capacity as such an owner, an employee, or a contractor~~,~~ may only electronically transmit prescriptions for such drugs. This requirement applies to such a health care practitioner upon renewal of the health care practitioner's license or by July 1,

603-03457-25 20251568c1

2026 ~~2021~~, whichever is earlier, but does not apply if:

(a) The practitioner prescribes fewer than 100 such prescriptions annually;

(b) The practitioner is located in an area for which a state of emergency is declared pursuant to s. 252.36;

~~(a) The practitioner and the dispenser are the same entity;~~

~~(b) The prescription cannot be transmitted electronically under the most recently implemented version of the National Council for Prescription Drug Programs SCRIPT Standard;~~

(c) The practitioner has been issued a waiver by the department, not to exceed 1 year in duration, from the requirement to use electronic prescribing due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the practitioner, or another exceptional circumstance demonstrated by the practitioner;

(d) The practitioner reasonably determines that it would be impractical for the patient in question to obtain a medicinal drug prescribed by electronic prescription in a timely manner and such delay would adversely impact the patient's medical condition;

(e) The prescription cannot be electronically prescribed due to a temporary technological or electrical failure that is not in the control of the prescribing practitioner, and such failure is documented in the patient record ~~The practitioner is prescribing a drug under a research protocol~~;

(f) ~~The prescription is for a drug for which the federal Food and Drug Administration requires the prescription to contain elements that may not be included in electronic prescribing;~~

~~(g)~~ The prescription is issued to an individual receiving hospice care ~~or who is a resident of a nursing home facility~~; or

(g)~~(h)~~ The practitioner determines that it is in the best interest of the patient, or the patient determines that it is in his or her own best interest, to compare prescription drug prices among area pharmacies. The practitioner must document such determination in the patient's medical record.

The department, in consultation with the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, the Board of Dentistry, the Board of Nursing, and the Board of Optometry, may adopt rules to implement this subsection. This subsection does not prohibit a pharmacist licensed in this state from filling or refilling a valid prescription submitted electronically or in writing, or require or authorize a change in prescription drug claims adjudication and review procedures by payors related to filling or refilling a valid prescription submitted electronically or in writing. This subsection does not prohibit a pharmacist licensed in this state from filling or refilling a valid prescription that is issued in writing by a prescriber located in another state or that is transcribed by the pharmacy when a prescription is called in by telephone.

Section 2. Subsection (1) of section 456.43, Florida Statutes, is republished to read:

456.43 Electronic prescribing for medicinal drugs.—

(1) Electronic prescribing may not interfere with a patient's freedom to choose a pharmacy.

Section 3. Paragraph (e) of subsection (4) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervising physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervising physician's practice unless such medication is listed on the formulary created pursuant to paragraph (f). A fully licensed physician assistant may only prescribe or dispense such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he or she is a physician assistant.

2. The supervising physician must notify the department of his or her intent to delegate, on a department-approved form, before delegating such authority and of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only by a supervising physician who is registered as a dispensing practitioner in compliance with s. 465.0276.

3. A fully licensed physician assistant may procure medical devices and drugs unless the medication is listed on the formulary created pursuant to paragraph (f).

4. The physician assistant must complete a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal. Three of the 10 hours must consist of a continuing education course on the safe and effective prescribing of controlled substance medications which is offered by a statewide professional association of physicians in this state accredited to provide educational activities designated

for the American Medical Association Physician's Recognition Award Category 1 credit, designated by the American Academy of Physician Assistants as a Category 1 credit, or designated by the American Osteopathic Association as a Category 1-A credit.

5. The prescription may be in paper or electronic form but must comply with ss. 456.0392(1) and 456.42(2) ~~456.42(1)~~ and chapter 499 and must contain the physician assistant's name, address, and telephone number and the name of each of his or her supervising physicians. Unless it is a drug or drug sample dispensed by the physician assistant, the prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465.

6. The physician assistant must note the prescription or dispensing of medication in the appropriate medical record.

Section 4. Paragraph (e) of subsection (4) of section 459.022, Florida Statutes, is amended to read:

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervising physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervising physician's practice unless such medication is listed on the formulary created pursuant to s. 458.347. A fully licensed physician assistant may only prescribe or dispense such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that she or he is a physician assistant.

2. The supervising physician must notify the department of

her or his intent to delegate, on a department-approved form, before delegating such authority and of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only by a supervising physician who is registered as a dispensing practitioner in compliance with s. 465.0276.

3. A fully licensed physician assistant may procure medical devices and drugs unless the medication is listed on the formulary created pursuant to s. 458.347(4)(f).

4. The physician assistant must complete a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal. Three of the 10 hours must consist of a continuing education course on the safe and effective prescribing of controlled substance medications which is offered by a provider that has been approved by the American Academy of Physician Assistants and which is designated for the American Medical Association Physician's Recognition Award Category 1 credit, designated by the American Academy of Physician Assistants as a Category 1 credit, or designated by the American Osteopathic Association as a Category 1-A credit.

5. The prescription may be in paper or electronic form but must comply with ss. 456.0392(1) and 456.42(2) ~~456.42(1)~~ and chapter 499 and must contain the physician assistant's name, address, and telephone number and the name of each of his or her supervising physicians. Unless it is a drug or drug sample dispensed by the physician assistant, the prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under

chapter 465.

6. The physician assistant must note the prescription or dispensing of medication in the appropriate medical record.

Section 5. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

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

4-21-25
Meeting Date

Rules
Committee

SB 1568
Bill Number or Topic

Amendment Barcode (if applicable)

Name Paul Ledford

Phone 850 878-2632

Address 817 N. Gadsden Street
Street

Email paul@floridahospices.org

Tallahassee FL 32303
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:
FL Hospice & Palliative Care 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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 1580
INTRODUCER:	Environment and Natural Resources Committee and Senator Rodriguez
SUBJECT:	Infrastructure and Resiliency
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Fav/CS**
2.	Reagan	Betta	AEG	**Favorable**
3.	Barriero	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1580 provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships. The bill provides that, to encourage investment from the private sector in such projects, the DEP may:

- Enter into long-term revenue-sharing agreements.
- Provide expedited permitting for construction.
- Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.
- Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

The bill requires the DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership. The DEP must also create and maintain on its website an online dashboard for real-time updates on project execution.

The DEP may incur indeterminate costs related to publishing biennial progress reports and maintaining an online dashboard with real-time updates on project execution. These costs can be absorbed within existing resources. See Section V., Fiscal Impact Statement.

The bill provides that the bill takes effect upon becoming law.

II. Present Situation:

Statewide Resilience Programs

The Legislature has established several statewide resilience programs, including:

- The Resilient Florida Grant Program, which provides grants to local governments and water management districts for community resilience planning, including feasibility studies, vulnerability assessments, and adaptation planning.[1]
- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment, which provides an inventory of critical assets and information necessary to determine the risks to inland and coastal communities such as elevation, tidal levels, and precipitation.[2]
- The Statewide Flooding and Sea Level Rise Resilience Plan, which consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.[3]

Statewide Flooding and Sea Level Rise Resilience Plan

By December 1 of each year, the DEP must develop a Statewide Flooding and Sea Level Rise Resilience Plan with a three-year planning horizon and submit it to the Governor and Legislature.[4] The plan must consist of ranked projects that address flooding and sea level rise risks for coastal and inland communities.[5] All eligible projects submitted must be ranked and included in the plan.[6] The DEP ranks the projects using a four-tiered scoring system.[7] Examples of projects include construction of living shorelines, seawalls, and pump stations, elevation projects, and infrastructure hardening.[8]

Each plan must include, among other things, a detailed description of the methodology used by the DEP to rank projects, details on the submitted project applications, and total funding requested, including for ineligible projects.[9] In addition, each plan must include the following information for each recommended project:

- A description of the project;
- The location of the project;
- An estimate of how long the project will take to complete;
- An estimate of the cost of the project;
- The cost-share percentage available for the project;
- A summary of the priority score assigned to the project; and
- The project sponsor.[10]

---

[1] Section 380.093(3), F.S.
[2] Section 380.093(4), F.S.
[3] Section 380.093(5), F.S.
[4] Section 380.093(5)(a), F.S.
[5] *Id.*
[6] *Id.*
[7] Section 380.093(5)(g), F.S.
[8] *See* DEP, *Statewide Resilience Plan: Fiscal Year 2024-25*, 8-12 (2023), *available at* https://floridadep.gov/sites/default/files/2024-2025%20Statewide%20Resilience%20Plan-FINAL_0.pdf.
[9] Section 380.093(5)(g), F.S.
[10] Section 380.093(5)(c), F.S.

Counties, municipalities, special districts, and regional resilience entities may submit a list of proposed projects that address risks identified in statewide or local vulnerability assessments.[11] Water management districts, drainage districts, erosion control districts, flood control districts, and regional water supply authorities may also submit projects that mitigate flooding and sea level rise impacts on water supplies or water resources.[12]

Each project must have a 50 percent cost share unless the project assists or is within a community eligible for a reduced cost share.[13] The annual funding for the plan must be at least $100 million.[14] Multiyear projects must continue receiving funding until completion if contractual obligations are met and funds remain available.[15]

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities[16] that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects. These agreements enable the collaboration of skills and assets from both public and private sectors to provide services or facilities for the benefit of the general public. Several statutes promote and offer direction for P3 projects, including those for services and facilities related to transportation,[17] housing,[18] and education.[19]

Current law allows responsible public entities (RPEs)[20] to engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or

[11] Section 380.093(5)(d)1., F.S.
[12] Section 380.093(5)(d)2., F.S.
[13] Section 380.093(5)(e)., F.S. "Community eligible for reduced cost share" means (1) a municipality that has a population of 10,000 or fewer and a per capita annual income that is less than the state's per capita annual income; (2) a county that has a population of 50,000 or fewer and a per capita annual income that is less than the state's per capita annual; or (3) a municipality or county that has a per capita annual income that is equal to or less than 75 percent of the state's per capita annual income. Populations are determined by the most recent April 1 population estimates posed on the Office of Economic and Demographic Research's website. The state's per capita income is based on the most recent release from the Bureau of the Census of the U.S. Department of Commerce. *Id.*
[14] Section 380.093(5)(h), F.S.
[15] *Id.*
[16] "Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. Section 255.065(1)(g), F.S.
[17] *See* section 334.30, F.S., relating to public-private transportation facilities.
[18] *See* section 420.0003(2)(b), F.S., relating to state housing strategy.
[19] *See* section 1013.35, F.S., relating to school district educational facilities plans.
[20] "Responsible public entity" means 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. Section 255.065(1)(j), F.S. "Develop" means to plan, design, finance, lease, acquire, install, construct, or expand. Section 255.065(1)(b), F.S. "Operate" means to finance, maintain, improve, equip, modify, or repair. Section 255.065(1)(f), F.S.

city halls.[21] Current law outlines specific requirements to which the RPEs must adhere, including protocols for reviewing and approving proposals.[22]

Procurement Procedures

Current law allows an RPE to receive unsolicited proposals or may solicit proposals for a qualifying P3 project and thereafter enter into a comprehensive agreement for the building, upgrading, operating, ownership, or financing of facilities.[23] An unsolicited proposal from a private entity for approval of a qualifying project must be accompanied by the following materials and information, unless waived by the RPE:

- A description of the project and the method proposed by the private entity to secure the necessary property interests required for the project.
- A description of the private entity's general plans for financing the project.
- The name and address of a designated contact person who can provide additional information about the proposal.
- The proposed user fees,[24] lease payments,[25] or other service payments throughout the term of the comprehensive agreement, along with the methodology for and circumstances allowing adjustments to these payments over time.
- Any additional material or information requested by the RPE.[26]

If the RPE intends to execute a comprehensive agreement for a project arising from an unsolicited proposal, the RPE must publish notice in the Florida Administrative Register and a newspaper of general circulation and mail a copy of the notice to each local government in the affected area.[27] The notice must be published at least once a week for two weeks stating the RPE has received a proposal and will accept other proposals for the same project.[28]

---

[21] "Qualifying project" means a facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; a water, wastewater, or surface water management facility or other related infrastructure; or notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section. Section 255.065(1)(i), F.S.

[22] "Proposal" means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined. Section 255.065(1)(h), F.S.

[23] Section 255.065(3), F.S.

[24] "Fees" means charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to a comprehensive agreement. Section 255.065(1)(c), F.S.

[25] "Lease payment" means any form of payment, including a land lease, by a public entity to the private entity of a qualifying project for the use of the project. Section 255.065(1)(d), F.S.

[26] Section 255.065(4), F.S. Any pricing or financial terms included in an unsolicited proposal must be specific as to when the pricing or terms expire.

[27] Section 255.065(3)(b), F.S. "Affected local jurisdiction" means a county, municipality, or special district in which all or a portion of a qualifying project is located. Section 255.065(1)(a), F.S.

[28] Section 255.065(3)(b)1., F.S.

The RPE may proceed with an unsolicited proposal for a qualifying project without engaging in a public bidding process if the RPE 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.[29] If the RPE decides to proceed with an unsolicited proposal without engaging in a public bidding process, the RPE must publish in the Florida Administrative Register for at least seven days a report that includes:

- The public interest determination;
- The factors considered in making such public interest determination; and
- The RPE's findings based on each considered factor.[30]

Project Qualification and Approval

After the public notification period has expired for an unsolicited proposal that is submitted and noticed for public hearing, the RPE ranks the proposals received in order of preference.[31] The RPE may then begin negotiations for a comprehensive agreement with the highest-ranked firm.[32]

Before approving a comprehensive agreement, the RPE must determine the proposed project:

- Is in the public's best interest.
- Is for a facility owned by the RPE or for which ownership will be conveyed to the RPE.
- Has adequate safeguards to prevent additional costs or service disruptions for the public in case of material default[33] or cancellation of the comprehensive agreement by the RPE.
- Includes measures to allow the RPE or the private entity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
- Will be owned by the RPE upon completion, expiration, or termination of the comprehensive agreement and upon payment of the financed amounts.[34]

Comprehensive Agreement

The RPE and the private entity must enter into a comprehensive agreement before developing or operating a qualifying project.[35] The comprehensive agreement must provide for:

- Delivery of performance and payment bonds, letters of credit, or other security related to the project's development or operation.
- Review of the project design by the RPE. This does not require the private entity to complete the project's design before executing the comprehensive agreement.
- Inspection of the project by the RPE.
- Maintenance of a public liability insurance policy, a copy of which together with proofs of coverage are filed with the RPE, or satisfactory proof of self-insurance.
- Monitoring the maintenance practices of the private entity by the RPE to ensure proper upkeep of the project.

[29] Section 255.065(3)(c), F.S.
[30] Section 255.065(3)(d), F.S.
[31] Section 255.065(5)(c), F.S.
[32] *Id.*
[33] "Material default" means a nonperformance of its duties by the private entity of a qualifying project which jeopardizes adequate service to the public from the project. Section 255.065(1)(e), F.S.
[34] Section 255.065(3)(f), F.S.
[35] Section 255.065(7)(a), F.S.

- Periodic filing of financial statements pertaining to the project by the private entity.
- Procedures governing the rights and responsibilities of both parties in the event of a termination of the comprehensive agreement or a material default by the private entity.
- User fees, lease payments, or service payments that do not discourage use of the project, as may be established in the agreement.
- Duties of the private entity, including the terms and conditions that the RPE determines serve the public purpose of the project.[36]

III. Effect of Proposed Changes:

Section 1 amends s. 255.065, F.S., regarding public-private partnerships. The bill adds coastal resiliency projects as defined in s. 380.0934, F.S., (created by this bill) to the definition of "qualifying projects."

Section 2 creates s. 380.0934, F.S., regarding public-private partnerships for coastal resiliency projects. The bill provides that "coastal resiliency project" means:

- The planning, contracting, and execution of a project to address flooding and sea level rise in a coastal or inland community in this state pursuant to the Statewide Flooding and Sea Level Rise Resilience Plan;
- Public infrastructure repair and upgrades to seawalls and stormwater drainage; and
- Resiliency measures designed to withstand extreme weather, mitigate flooding, and prevent coastal erosion, including:
  - Acquisition of at-risk coastal and flood-prone properties;
  - Acquisition of properties in areas at high risk of flooding;
  - Infrastructure hardening and development of natural barriers;
  - Construction of large-scale seawalls, levees, and elevated flood barriers; or
  - Expansion and restoration of natural protective systems.

The bill provides that the DEP has the exclusive authority to execute coastal resiliency projects through public-private partnerships. The bill defines "public-private partnerships" as a coastal resiliency project entered into by the DEP under s. 255.065, F.S.

The bill provides that, to encourage investment from the private sector in coastal resiliency projects, the DEP may:

- Enter into long-term revenue-sharing agreements.
- Provide expedited permitting for construction.
- Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.
- Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

The bill requires the DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership, including project milestones, expenditures, and public benefits, on the DEP's website. The DEP must also create and maintain on its website an online dashboard for real-time updates on project execution.

[36] *Id.*

Section 3 provides that the bill takes effect upon becoming a law.

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:

The DEP may incur costs related to publishing biennial progress reports and maintaining an online dashboard with real-time updates on project execution. These costs can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 255.065 of the Florida Statutes.

This bill creates section 380.0934 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 March 25, 2025:
The committee substitute deletes the underlying bill and:

- Provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships.
- Allows DEP to encourage private sector investment in coastal resiliency projects through revenue-sharing agreements, expedited permitting, public engagement, and workforce training initiatives.
- Requires DEP to publish biennial progress reports and maintain an online dashboard with real-time updates on project execution.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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

592-02839-25 20251580c1

A bill to be entitled

An act relating to infrastructure and resiliency; amending s. 255.065, F.S.; revising the definition of the term "qualifying project"; creating s. 380.0934, F.S.; defining terms; granting the Department of Environmental Protection the exclusive authority to execute coastal resiliency projects through public-private partnerships; authorizing the department to take certain actions to encourage investment from the private sector in coastal resiliency projects; requiring the department to publish certain information on its website; providing an effective date.

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

Section 1. Paragraph (i) of subsection (1) of section 255.065, Florida Statutes, is amended to read:

255.065 Public-private partnerships.—

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

(i) "Qualifying project" means:

1. A facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-02839-25 20251580c1

infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;

2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;

3. A water, wastewater, or surface water management facility or other related infrastructure;

4. A coastal resiliency project as defined in s. 380.0934; or

5.~~4.~~ Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section.

Section 2. Section 380.0934, Florida Statutes, is created to read:

380.0934 Public-private partnerships for coastal resiliency projects.—

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

(a) "Coastal resiliency project" means:

1. The planning, contracting, and execution of a project to address flooding and sea level rise in a coastal or inland community in this state pursuant to s. 380.093(5);

2. Public infrastructure repair and upgrades to seawalls and stormwater drainage; and

3. Resiliency measures designed to withstand extreme

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

weather, mitigate flooding, and prevent coastal erosion, including:

a. Acquisition of at-risk coastal and flood-prone properties;

b. Acquisition of properties in areas at high risk of flooding;

c. Infrastructure hardening and development of natural barriers;

d. Construction of large-scale seawalls, levees, and elevated flood barriers; or

e. Expansion and restoration of natural protective systems.

(b) "Department" means the Department of Environmental Protection.

(c) "Public-private partnership" means a coastal resiliency project entered into by the department under s. 255.065.

(2) The department shall have the exclusive authority to execute coastal resiliency projects through public-private partnerships under s. 255.065.

(3) To encourage investment from the private sector in coastal resiliency projects, the department may:

(a) Enter into long-term revenue-sharing agreements.

(b) Provide expedited permitting for construction.

(c) Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.

(d) Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

(4) The department shall publish biennial progress reports

for each coastal resiliency project funded through a public-private partnership, including project milestones, expenditures, and public benefits, on the department's website. The department shall also create and maintain on its website an online dashboard for real-time updates on project execution.

Section 3. This act shall take effect upon becoming a law.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 15, 2025

I respectfully request that **CS/SB 1580**, relating to Infrastructure and Resiliency, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

The bill authorizes the DEP to procure coastal resiliency projects through public-private partnerships.

The bill allows DEP to incentivize private sector investment in coastal resiliency projects through revenue-sharing agreements, expedited permitting, public engagement, and workforce training initiatives.

Finally, it requires DEP to publish biennial progress reports and maintain an online dashboard with real-time updates on project execution.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/21/2025
Meeting Date

Rules
Committee

1580
Bill Number or Topic

Amendment Barcode (if applicable)

Name Slater Bayliss

Phone 850-222-8900

Address 204 South Monroe Street
Street

Email slater@tapfla.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 Environmental Defense 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 1606
INTRODUCER:	Rules Committee; Health Policy Committee; Senators Grall and Bradley
SUBJECT:	Patient Access to Records
DATE:	April 23, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Favorable**
3.	Smith	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1606 standardizes timeframes and procedures for responding to health record requests made by patients and their legal representatives. Current Florida law generally requires hospitals, ambulatory surgical centers, and health care practitioners to provide requested health records in a "timely" manner. In the absence of specific statutory deadlines, the federal Health Insurance Portability and Accountability Act (HIPAA) imposes a 30-calendar-day standard. For electronic health information, the federal Information Blocking Rule also applies, requiring access without unreasonable delay.

The bill creates s. 408.833, F.S., within the Health Care Licensing Procedures Act, to establish uniform standards for record access and delivery by health care providers (including facilities) that are licensed, registered, or certified by the Agency for Health Care Administration (AHCA), unless otherwise governed by specific statutes. It also amends s. 456.057, F.S., to apply these standards to licensed health care practitioners regulated by the Department of Health (DOH). Specifically:

- A health care practitioner or provider must furnish requested records within a patient's designated record set within 14 business days of receiving a written request from a patient or his or her legal representative. The bill defines "designated record set," consistent with federal HIPAA, as a group of records used to make decisions about an individual's health care, coverage, or benefits.

- Additional records requested by the patient or his or her legal representative, including medical records, care and treatment records, and interdisciplinary records, must be furnished within 28 business days.
- The provider or practitioner may extend these timeframes by up to 14 additional business days if the requester is notified in writing within the initial 14-day period and is provided with a new delivery date.
- A health care practitioner or provider must allow the patient or his or her legal representative access to inspect original records, or suitable reproductions such as microforms, within 10 business days of receiving a written request. Reasonable conditions may be imposed to protect the integrity of the records.
- Requested records must be provided in the form and format specified by the requester *if readily producible*. If not, the records must be furnished in another agreed-upon electronic format or in a readable hard copy. Permissible forms of access include, but are not limited to, secure web portals, email, physical media such as discs or USB drives, mail, or printed paper.

The bill also amends:

- s. 394.4615, F.S., to require mental health service providers to furnish clinical records within the same standardized timeframes, when authorized by the patient or guardian, required by legal representation, or ordered by a court.
- s. 397.501, F.S., to require substance abuse service providers to furnish individual records within the same timeframes and to allow inspection access within 10 business days.
- s. 400.145, F.S., to align nursing home record access requirements with federal Medicare and Medicaid Conditions of Participation. Under the bill, access to current resident records must be provided within 24 hours (excluding weekends and holidays), and copies must be furnished within two business days. The 30-business-day deadline for former resident records remains unchanged.

The bill has no fiscal impact on state expenditures or revenues**. See Section V., Fiscal Impact Statement**.

The bill provides an effective date of January 1, 2026.

II. Present Situation:

Federal Right of Access to Records Under HIPAA

The federal Health Insurance Portability and Accountability Act (HIPAA) establishes national standards for the protection of individually identifiable health information. The HIPAA Privacy Rule[1], implements these protections and sets forth the individual right of access to medical records.[2] The U.S. Department of Health and Human Services' Office for Civil Rights (OCR) is responsible for implementing and enforcing the HIPAA Privacy Rule.[3]

[1] 45 C.F.R. Part 160 and Subparts A and E of Part 164.
[2] 45 C.F.R. § 164.524.
[3] U.S. Department of Health and Human Services, Office for Civil Rights, *Summary of the HIPAA Privacy Rule*, *available at:* https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html (last visited Mar. 22, 2025).

Under the HIPPA Privacy Rule, individuals have the right to inspect or obtain a copy of their *protected health information* (PHI) maintained by a *covered entity*. Covered entities include:

- Health care providers who transmit health information electronically in connection with certain administrative transactions,
- Health plans such as insurers and health maintenance organizations (HMOs), and
- Health care clearinghouses.[4]

Most licensed health care providers and health care practitioners in Florida qualify as covered entities under these definitions. Business associates of covered entities, such as third-party billing companies or cloud storage providers, must also comply with HIPAA's access provisions when they handle protected health information on behalf of the covered entity.[5]

The HIPPA Privacy Rule requires covered entities to provide access to PHI contained in what is known as a *designated record set*. A designated record set is defined[6] as a group of records maintained by or for a covered entity that is used, in whole or in part, to make decisions about individuals. These records include:

- Medical and billing records maintained by or for a health care provider,
- Enrollment, payment, claims adjudication, and case or medical management records maintained by or for a health plan, and
- Any other records used to make decisions about the individual. [7]

Records not used to make treatment or coverage decisions—such as peer review files or internal administrative documents—are not considered to be included in the designated record set.

The Privacy Rule requires covered entities to respond to a request for access within *30 calendar days*.[8] One 30-day extension is permitted if the individual is notified in writing of the delay and the expected response date.[9] If PHI is maintained electronically, and the individual requests an electronic copy, the entity must provide it in the requested form and format if it is readily producible.[10]

Covered entities may charge only a *reasonable, cost-based fee* for access. This fee may include the cost of labor for copying, supplies, and postage, if applicable, but may not include retrieval fees or other administrative charges.[11] In guidance issued by the OCR, covered entities are

[4] 45 C.F.R. § 160.103.
[5] 45 C.F.R. §§ 160.103, 164.502(e).
[6] 45 C.F.R. § 164.501.
[7] 45 C.F.R. § 164.501.
[8] The OCR has recently considered reducing this time frame to 15 days in a proposed rule modification, but the rule was not finalized. U.S. Department of Health and Human Services, *Modifications to the HIPAA Privacy Rule to Support, and Remove Barriers to, Coordinated Care and Individual Engagement*, 86 Fed. Reg. 6446 (Jan. 21, 2021), *available at* https://www.govinfo.gov/content/pkg/FR-2021-01-21/pdf/2020-27157.pdf.
[9] 45 C.F.R. § 164.524(b)(2).
[10] 45 C.F.R. § 164.524(c)(2).
[11] 45 C.F.R. § 164.524(c)(4).

prohibited from imposing barriers to access, such as requiring patients to submit requests in person or through proprietary forms when such requirements are not necessary.[12]

Interaction of HIPAA with State Law[13]

HIPAA establishes a national baseline for the privacy and security of health information but permits states to enact laws that provide greater protections or access rights. A state law is only preempted by HIPAA if it is contrary to HIPAA—that is, if it is impossible to comply with both the state and federal requirements, or if the state law stands as an obstacle to the full purposes and objectives of HIPAA.

However, if a state law is more protective of patient privacy or provides greater access to health information than HIPAA, it is not preempted and remains enforceable. In practice, this means states may adopt laws that expand individual rights of access, shorten response times, or add safeguards, so long as they do not authorize disclosures or impose barriers that conflict with HIPAA's requirements.

Federal Information Blocking Prohibition

The 21st Century Cures Act[14] prohibits certain actors from engaging in "*information blocking*," which is broadly defined as any practice that is likely to interfere with access, exchange, or use of *electronic health information* (EHI), unless the practice is required by law or covered by a regulatory exception.[15] The Office of the National Coordinator for Health Information Technology (ONC) is responsible for implementing the rule,[16] and the U.S. Department of Health and Human Services Office of Inspector General (OIG) is charged with enforcement.[17]

The federal Information Blocking Rule[18], adopted by ONC in 2020, applies to three categories of actors:

- Health care providers,
- Developers of certified health information technology (health information technology), and
- Health information networks or health information exchanges.[19]

---

[12] U.S. Department of Health and Human Services, Office for Civil Rights, *Individuals' Right under HIPAA to Access their Health Information 45 CFR § 164.524*, *available at*: https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access/index.html (last visited Mar. 22, 2025).
[13] U.S. Department of Health and Human Services, Office of the National Coordinator for Health Information Technology, When a state or federal law or regulation (such as the HIPAA Privacy Rule) requires that EHI be released, is it ever information blocking not to release it?, *available at*: https://www.healthit.gov/faq/when-state-or-federal-law-or-regulation-such-hipaa-privacy-rule-requires-ehi-be-released-no (last visited Mar. 22, 2025).
[14] Pub. L. No. 114-255.
[15] 42 U.S.C. § 300jj-52.
[16] U.S. Department of Health and Human Services, Office of the National Coordinator for Health Information Technology, *Information Blocking Overview*, *available at:* https://www.healthit.gov/topic/information-blocking (last visited Mar. 22, 2025).
[17] U.S. Department of Health and Human Services, Office of Inspector General, *Information Blocking Enforcement*, *available at*: https://oig.hhs.gov/reports/featured/information-blocking/ (last visited Mar. 22, 2025).
[18] 45 C.F.R. Part 171.
[19] 45 C.F.R. § 171.102.

Most licensed health care providers and health care practitioners in Florida fall within the rule's definition of a "health care provider."[20]

The rule prohibits these actors from engaging in practices that are "likely to interfere" with access, exchange, or use of EHI, unless one of eight specified exceptions applies.[21] EHI is defined to include all electronic protected health information (ePHI) that would be part of a designated record set under HIPAA.[22] Examples of information blocking may include imposing unnecessary delays, refusing to provide records in electronic format, charging unreasonable fees, or using technology in a way that restricts access or interoperability.

Unlike HIPAA, which allows covered entities to respond to access requests within 30 calendar days, the Information Blocking Rule requires that access to EHI be provided *without unreasonable delay*, subject to specified exceptions where the EHI is protected.[23] These include exceptions for preventing harm, protecting privacy, ensuring security, managing infeasible requests, maintaining health information technology performance, complying with licensing restrictions, and limiting the manner of access.[24]

Enforcement of the Information Blocking Rule is governed by 42 U.S.C. § 300jj-52(b). The OIG may impose civil monetary penalties of up to $1 million per violation on health IT developers and health information networks or exchanges. While ONC and OIG have finalized enforcement regulations for non-provider actors, enforcement policies for health care providers are still forthcoming as of early 2025.

Interaction of the Information Blocking Rule with State Law

The federal law preempts state law only to the extent of a direct conflict.

> *"The information blocking provisions of the Cures Act establish a floor for permissible practices and do not preempt State laws that are more stringent."*
> — 85 Fed. Reg. 25810 (May 1, 2020).

The Information Blocking Rule does not prohibit state laws that impose stricter or faster access obligations but does preempt state laws that would require or permit practices that interfere with access to EHI in ways that federal law would otherwise prohibit.

The ONC has clarified that compliance with state law is not a defense to information blocking if the delay or interference is not required by the state law. This is central to understanding how federal and state requirements interact:

> *"The fact that an actor covered by the information blocking regulations meets its obligations under another law applicable to them or its circumstances (such as the*

[20] "Health care provider" for purposes of the Information Blocking Rule has the same meaning as "health care provider" in 42 U.S.C. § 300jj.
[21] 45 C.F.R. § 171.103.
[22] *See* 45 C.F.R. § 171.102, referencing 45 C.F.R. § 164.501.
[23] 45 C.F.R. §§ 171.200–171.303.
[24] 45 C.F.R. §§ 171.200–171.303.

> *maximum allowed time an actor has under that law to respond to a patient's request) will not automatically demonstrate that the actor's practice does not implicate the information blocking definition."*
> — ONC Information Blocking FAQ.[25]

This means that a state statute may impose a 14-day deadline, but if a provider routinely waits 14 days to respond when it could have provided access sooner, that practice may still constitute information blocking.

Due to the many provider types affected by changes made by the bill, pertinent background information regarding Florida law is provided within the Effect of Proposed Changes section of this analysis for the reader's convenience.

III. Effect of Proposed Changes:

Section 1 amends s. 394.4615, F.S., to require a **mental health service provider**[26] to furnish copies of clinical records[27] within 14 business days of receiving a request, if:

- The patient or the patient's guardian[28] or legal custodian authorizes the release;
- The patient is represented by counsel and the records are needed by the patient's counsel for adequate representation; or
- The court orders the release.

A service provider may extend the timeframe for furnishing requested clinical records by up to 14 additional business days if the provider notifies the requester of the delay in writing within the first 14 business days after receiving the request and provides the expected date when the records will be made available, which must be no later than 14 business days after the original deadline for providing the records.

Records must be provided in the form and format requested by the requester *if the records are readily producible in that form and format*. If not readily producible, the service provider must furnish the records in another electronic format agreed upon by the requester and provider, or in a readable hard copy format. Permissible forms of access include, but are not limited to, a web-based application or patient portal, secure download, electronic copy by email, physical media such as a disc or USB drive, United States mail, or printed paper records.

---

[25] U.S. Department of Health and Human Services, Office of the National Coordinator for Health Information Technology, *When a state or federal law or regulation (such as the HIPAA Privacy Rule) requires that EHI be released, is it ever information blocking not to release it?, available at*: https://www.healthit.gov/faq/when-state-or-federal-law-or-regulation-such-hipaa-privacy-rule-requires-ehi-be-released-no (last visited Mar. 22, 2025).

[26] "Service provider" means a receiving facility, a facility licensed under ch. 397, F.S., a treatment facility, an entity under contract with the Department of Children and Families to provide mental health or substance abuse services, a community mental health center or clinic, a psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatrist, an advanced practice registered nurse, a psychiatric nurse, or a qualified professional as defined in s. 39.01, F.S. Section 394.455(45), F.S.

[27] "Clinical record" means all parts of the record required to be maintained and includes all medical records, progress notes, charts, and admission and discharge data, and all other information recorded by facility staff which pertains to the patient's hospitalization or treatment. Section 394.455(6), F.S.

[28] "Guardian" means the natural guardian of a minor, or a person appointed by a court to act on behalf of a ward's person if the ward is a minor or has been adjudicated incapacitated. Section 394.455(18), F.S.

Section 2 amends s. 395.3025, F.S., to remove the requirement that **licensed hospitals and ambulatory surgical centers** timely provide patient records only after a patient's discharge, thereby aligning state law with federal access rights under HIPAA.

The bill changes the term "agency" (as in the Agency for Health Care Administration) to "Department of Health" (DOH) and "department" to clarify[29] and correct[30] that the DOH has the authority to issue subpoenas for patient records from entities regulated under ch. 395, F.S., for the purposes of investigating a health care practitioner.

To conform to changes made by the bill, this section also deletes language requiring a licensed hospital or ambulatory surgical center to allow a person to examine original records in its possession, or microforms or other suitable reproductions of the records. The requirements in the deleted text would instead be applied to licensed hospitals and ambulatory surgical centers in s. 408.833, F.S., as created in section 6 of the bill.

As a federal condition of a hospital's participation in Medicare or Medicaid, a hospital must provide access to requested patient records "within a reasonable time frame" and to "seek to fulfill requests as quickly as their recordkeeping system permits."[31] This requirement exists in conjunction with Florida law and would continue to apply under the bill.

Section 3 amends s. 397.501, F.S., to require **substance abuse service providers** to furnish copies of individual records within 14 business days after receiving a written request from an individual or the individual's legal representative, as that term is defined in s. 456.057(6)(a), F.S., as amended in section 7 of the bill.[32] A service provider may extend the timeframe for furnishing records by up to 14 additional business days if the requester is notified in writing within the initial 14 business days and is provided with an expected date of availability. The records must be made available no later than 14 business days after the original deadline.

Records must be provided in the form and format requested by the individual or legal representative *if the records are readily producible in that form and format.* If not readily producible, the provider must furnish the records in another electronic format agreed upon by the requester and provider, or in a readable hard copy format. Permissible forms of access include, but are not limited to, a web-based application or patient portal, secure download, electronic copy by email, physical media such as a disc or USB drive, United States mail, or printed paper records.

The service provider must, within 10 business days after receiving such a written request from an individual or his or her legal representative, provide access to examine the original records in the

[29] Department of Health, Senate Bill 1606 Legislative Analysis (Mar. 20, 2025) (on file with the Senate Committee on Health Policy).
[30] Agency for Health Care Administration, Senate Bill 1606 Legislative Analysis (Mar. 19, 2025) (on file with the Senate Committee on Health Policy).
[31] *See* 42 CFR § 482.24(b)(3) and 42 C.F.R. § 482.13(d)(2).
[32] For purposes of this section, the term "legal representative" has the same meaning as in s. 456.057(6)(a), F.S., as defined in section 6 of the bill.

service provider's possession, or microforms, or other suitable reproductions of the records. The provider may impose reasonable conditions to ensure that the records are not damaged, destroyed, or altered.

Section 4 amends s. 400.145, F.S., to revise the timeframe within which **nursing home facilities** must provide access to and copies of resident records upon written request.[33] Current law requires a nursing home facility to provide the requested records within 14 working days after receiving a written request relating to a current resident. Under the bill, for current residents, access must be provided within 24 hours (excluding weekends and holidays), and copies must be provided within two business days, of receipt of the written request. This change would align Florida law with federal law for nursing home facilities that receive Medicare or Medicaid funding.[34]

For former residents, copies must be provided within 30 business days. The bill does not make changes to the timeline for requests from former residents.

Section 5 republishes s. 408.803(6), F.S., the existing definition of the term "client" for purposes of the Health Care Licensing Procedures Act, which includes s. 408.833, F.S., as created in section 6 of the bill. The term "client" means any person receiving services from a provider listed in s. 408.802, F.S.[35]

Section 6 creates s. 408.833, F.S., within the Health Care Licensing Procedures Act,[36] to establish uniform standards for record access by clients of **health care providers**,[37] including facilities, that are licensed, registered, or certified by the Agency for Healthcare Administration (AHCA) and not otherwise addressed in statute. Records maintained by psychiatric hospitals, substance abuse treatment providers, or nursing homes are exempt from this section under the bill.

The bill defines the term "designated record set" consistent with the term's usage under federal HIPAA regulations. The term refers to a group of records maintained by or for a provider that includes medical and billing records about a client and other records used, in whole or in part, to make decisions about the client's care, coverage, or benefits.

---

[33] Note that access to assisted living facility resident records is also governed by this section in current law. *See* changes made to s. 429.294, F.S., in section 11 of the bill.

[34] 42 C.F.R. § 483.10(g)(2)(ii) requires Medicare- or Medicaid-certified long-term care facilities to provide residents or their legal representatives the opportunity to inspect all records, including clinical records, within 24 hours (excluding weekends and holidays) of an oral or written request.

[35] See note 37.

[36] Chapter 408, Part II, F.S. *See also* s. 408.801(1), F.S.

[37] The Act applies to all of the following facilities: Laboratories authorized to perform testing under the Drug-Free Workplace Act; birth centers; abortion clinics; crisis stabilization units; short-term residential treatment facilities; residential treatment facilities; residential treatment centers for children and adolescents; hospitals; ambulatory surgical centers; nursing homes; assisted living facilities; home health agencies; nurse registries; companion services or homemaker services providers; adult day care centers; hospices; adult family-care homes; homes for special services; transitional living facilities; prescribed pediatric extended care centers; home medical equipment providers; intermediate care facilities for persons with developmental disabilities; health care services pools; health care clinics; and organ, tissue, and eye procurement organizations. Section 408.802, F.S. *See also* s. 408.803(12), F.S.

The bill defines the term "legal representative" to mean:

- A legally recognized guardian of the client;
- A court-appointed representative of the client;
- A person designated by the client or by a court of competent jurisdiction to receive copies of the client's medical records, care and treatment records, or interdisciplinary records; or
- An attorney who has been designated by a client to receive copies of the client's medical records, care and treatment records, or interdisciplinary records.

Under the bill, a provider must furnish records from the designated record set within 14 business days after receiving a written request from the client or the client's legal representative. If additional records, including medical records, care and treatment records, and interdisciplinary records, are requested, the provider must provide them within 28 business days. The provider may extend the timeframe for furnishing records by up to 14 additional business days if the provider notifies the client or legal representative in writing within the initial 14 business days and provides the expected date of availability. The records must be made available no later than 14 business days after the original deadline.

A provider must allow access for the inspection of original records, or suitable reproductions such as microforms, within 10 business days of receiving a request. Providers may impose reasonable conditions to protect the integrity of the records.

Requested records must be furnished in the form and format specified by the client or legal representative *if the records are readily producible in that form and format*. If not, the provider must furnish the records in another electronic format agreed upon by the requester and provider, or in a readable hard copy format. Permissible forms of access include, but are not limited to, a web-based application or patient portal, secure download, electronic copy by email, physical media such as a disc or USB drive, United States mail, or printed paper records.

A hospice would be required to follow this section of law. However, pursuant to s. 400.611(4), F.S., a hospice may not release a patient's interdisciplinary record or any portion of it, unless the person requesting the information provides a patient authorization or other satisfactory documentation in compliance with that section.

Section 7 amends s. 456.057, F.S., to require a **health care practitioner**[38] licensed by the DOH who is not exempt[39] to furnish copies of requested records within specific timeframes after

[38] Acupuncturists; allopathic physicians, physician assistants, anesthesiologist assistants, and medical assistants; osteopathic physicians, physician assistants, and anesthesiologist assistants; chiropractic physicians and physician assistants; podiatric physicians; naturopathic physicians; optometrists; autonomous advanced practice registered nurses, advanced practice registered nurses, registered nurses, licensed practical nurses, and certified nursing assistants; pharmacists, pharmacy interns, and pharmacy technicians; dentists, dental hygienists, and dental laboratories; midwives; speech and language pathologists; audiologists; occupational therapists and occupational therapy assistants; respiratory therapists; dieticians and nutritionists; athletic trainers; orthotists, prosthetists, and pedorthists; electrologists; massage therapists; clinical laboratory personnel; medical physicists; genetic counselors; opticians; hearing aid specialists; physical therapists; psychologists and school psychologists; and clinical social workers, mental health counselors, and marriage and family therapists.

[39] Section 456.057(2), F.S., exempts the following persons: certified nursing assistants, pharmacists and pharmacies, dental hygienists, nursing home administrators, respiratory therapists, athletic trainers, electrologists, clinical laboratory personnel, medical physicists, opticians and optical establishments, and persons or entities practicing under s. 627.736(7), F.S.

receiving a written request from a patient or his or her legal representative. This replaces the current requirement to provide records "in a timely manner, without delays for legal review."

The bill defines the term "designated record set" consistent with its usage in federal HIPAA regulations. The term refers to a group of records maintained by or for the health care practitioner that includes medical and billing records about a patient and other records used, in whole or in part, to make decisions about the patient's care, coverage, or benefits.

The bill also defines the term "legal representative" to mean:
- A legally recognized guardian of the patient;
- A court-appointed representative of the patient;
- A person designated by the patient or by a court of competent jurisdiction to receive copies of the patient's medical records, care and treatment records, or interdisciplinary records; or
- An attorney who has been designated by a patient to receive copies of the patient's medical records, care and treatment records, or interdisciplinary records.

Under the bill, a health care practitioner must furnish requested records from the designated record set within 14 business days after receiving a written request. If additional records, including medical records, care and treatment records, and interdisciplinary records, are requested, the practitioner must provide them within 28 business days. The practitioner may extend the timeframe for furnishing records up to 14 additional business days if the requester is notified in writing within the initial 14 business days and is provided with a new deadline, which must be no later than 14 business days after the original due date.

The bill also requires health care practitioners to allow inspection of original records, or suitable reproductions such as microforms, within 10 business days of receiving a request. Practitioners may impose reasonable conditions to safeguard the integrity of the records.

Requested records must be furnished in the form and format requested by the patient or legal representative *if they are readily producible in that format*. If not, the practitioner must provide the records in another electronic format agreed upon by the requester and the practitioner, or in a readable hard copy format. Permissible forms of access include, but are not limited to, web-based applications or patient portals, secure downloads, electronic copies via email, physical media such as discs or USB drives, U.S. mail, or printed paper records.

Sections 8, 9, 10, 13, and 14 of amend ss. 316.1932, 316.1933, 395.4025, 440.185, and 456.47, F.S., respectively, to revise cross-references to conform to the renumbering of subsections within s. 395.3025, F.S., in section 2 of the bill.

Section 11 amends s. 397.702, F.S., to revise a cross-reference to conform to the renumbering of subsections within s. 397.501, F.S., in section 3 of the bill.

Section 12 amends s. 429.294, F.S., to conform a cross-reference to changes made in the bill so that access to assisted living facility resident records is governed by s. 408.833, F.S., as created in section 6 of the bill, rather than s. 400.145, F.S.

Section 15 provides an effective date of January 1, 2026.

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:

While a 14-day deadline for responding to records requests is not in conflict with the federal Information Blocking Rule, compliance with that statutory deadline alone may not be enough to shield a provider from liability under federal law if a delay is otherwise unreasonable.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state expenditures or revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.1932, 316.1933, 394.4615, 395.3025, 395.4025, 397.501, 397.702, 400.145, 429.294, 440.185, 456.047, and 456.057.

This bill creates section 408.833 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/CS by Rules on April 21, 2025:
The committee substitute defines the term "designated record set," consistent with federal HIPAA, to mean a group of records used to make decisions regarding a patient's health care, coverage, or benefits. Under the amendment, specified health care practitioners and providers must furnish records requested by a patient or his or her legal representative within the designated record set within 14 business days of a request. A health care practitioner or provider must furnish additional requested records, including medical records, care and treatment records, and interdisciplinary records, requested by a patient or his or her legal representative within 28 business days of a request. A health care practitioner or provider may extend the time for furnishing requested records by up to 14 additional business days. The amendment requires records to be provided in the form and format requested by the patient or legal representative if the requested records are readily producible in that form and format. If not readily producible, the health care practitioner or provider must produce the records in another electronic form and format agreed to by the requester and the practitioner or in a readable hard copy format. Forms of access to records may include, but are not limited to: patient portals, secure downloads, emails, on CDs, or USBs, US mail, or printed paper records.

CS by Health Policy on March 25, 2025:
The CS revises the requirement for health care providers and practitioners furnishing records pursuant to a request in the manner chosen by the requester. Under the CS, this includes, but is not limited to, an electronic format, submission through a patient's electronic personal health record, or access through a web-based patient portal if the provider maintains a patient portal. This clarifies that providers and practitioners that do not maintain a patient portal are not required to implement a patient portal to comply with the requirements of the bill.

The CS deletes a cross-reference within s. 400.0234, F.S., which was mistakenly included in the underlying bill. The CS also changes the effective date of the bill from July 1, 2025, to January 1, 2026.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

667108

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (3) through (12) of section 394.4615, Florida Statutes, are redesignated as subsections (4) through (13), respectively, a new subsection (3) is added to that section, and paragraphs (a), (b), and (c) of subsection (2) of that section are republished, to read:

394.4615 Clinical records; confidentiality.—

(2) The clinical record shall be released when:

667108

(a) The patient or the patient's guardian or legal custodian authorizes the release. The guardian, guardian advocate, or legal custodian shall be provided access to the appropriate clinical records of the patient. The patient or the patient's guardian, guardian advocate, or legal custodian may authorize the release of information and clinical records to appropriate persons to ensure the continuity of the patient's health care or mental health care. A receiving facility must document that, within 24 hours of admission, individuals admitted on a voluntary basis have been provided with the option to authorize the release of information from their clinical record to the individual's health care surrogate or proxy, attorney, representative, or other known emergency contact.

(b) The patient is represented by counsel and the records are needed by the patient's counsel for adequate representation.

(c) The court orders such release. In determining whether there is good cause for disclosure, the court shall weigh the need for the information to be disclosed against the possible harm of disclosure to the person to whom such information pertains.

(3) For requests made in writing and in accordance with paragraphs (2)(a), (b), and (c), a service provider shall furnish the requested clinical records in the provider's possession within 14 business days after receiving the request. A service provider may extend the time for furnishing the requested records by up to 14 business days if the provider notifies the requester of the delay in writing within the first 14 business days after receiving the request and provides the expected date when the records will be made available, which

667108

must be no later than 14 business days after the original deadline for providing the records. The records must be provided in the form and format requested by the service provider or requester if the requested records are readily producible in that form and format. If the requested records are not readily producible in the requested form or format, the service provider must produce the records in another electronic form and format agreed to by the provider and requester or in a readable hard copy format. Forms of access to records may include, but are not limited to: through a web-based application or patient portal, by secure download, via electronic copy delivered by email, on physical media such as a disc or USB drive, by United States mail, or as printed paper records.

Section 2. Subsections (1), (2), and (3), paragraph (e) of subsection (4), paragraph (a) of subsection (7), and subsection (8) of section 395.3025, Florida Statutes, are amended to read:

395.3025 Patient and personnel records; copy costs ~~copies~~; examination.—

(1) ~~Any licensed facility shall, upon written request, and only after discharge of the patient, furnish, in a timely manner, without delays for legal review, to any person admitted therein for care and treatment or treated thereat, or to any such person's guardian, curator, or personal representative, or in the absence of one of those persons, to the next of kin of a decedent or the parent of a minor, or to anyone designated by such person in writing, a true and correct copy of all patient records, including X rays, and insurance information concerning such person, which records are in the possession of the licensed facility, provided the person requesting such records agrees to~~

667108

~~pay a charge.~~ The exclusive charge for copies of patient records may include sales tax and actual postage, and, except for nonpaper records that are subject to a charge not to exceed $2, may not exceed $1 per page. A fee of up to $1 may be charged for each year of records requested. These charges shall apply to all records furnished, whether directly from the facility or from a copy service providing these services on behalf of the facility. However, a patient whose records are copied or searched for the purpose of continuing to receive medical care is not required to pay a charge for copying or for the search. ~~The licensed facility shall further allow any such person to examine the original records in its possession, or microforms or other suitable reproductions of the records, upon such reasonable terms as shall be imposed to assure that the records will not be damaged, destroyed, or altered.~~

~~(2) This section does not apply to records maintained at any licensed facility the primary function of which is to provide psychiatric care to its patients, or to records of treatment for any mental or emotional condition at any other licensed facility which are governed by the provisions of s. 394.4615.~~

~~(3) This section does not apply to records of substance abuse impaired persons, which are governed by s. 397.501.~~

(2)~~(4)~~ Patient records are confidential and must not be disclosed without the consent of the patient or his or her legal representative, but appropriate disclosure may be made without such consent to:

(e) The Department of Health ~~agency~~ upon subpoena issued pursuant to s. 456.071, but the records obtained thereby must be

667108

used solely for the purpose of the department ~~agency~~ and the appropriate professional board in its investigation, prosecution, and appeal of disciplinary proceedings. If the department ~~agency~~ requests copies of the records, the facility shall charge no more than its actual copying costs, including reasonable staff time. The records must be sealed and must not be available to the public pursuant to s. 119.07(1) or any other statute providing access to records, nor may they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department ~~agency~~ or the appropriate regulatory board. However, the department ~~agency~~ must make available, upon written request by a practitioner against whom probable cause has been found, any such records that form the basis of the determination of probable cause.

(5)(a) ~~(7)(a)~~ If the content of any record of patient treatment is provided under this section, the recipient~~, if other than the patient or the patient's representative,~~ may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(6) ~~(8)~~ Patient records at hospitals and ambulatory surgical centers are exempt from disclosure under s. 119.07(1), except as provided by subsections (2) and (3) ~~(1)-(5)~~.

667108

Section 3. Present subsections (8), (9), and (10) of section 397.501, Florida Statutes, are redesignated as subsections (9), (10), and (11), respectively, a new subsection (8) is added to that section, and paragraph (d) of subsection (7) of that section is republished, to read:

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

(7) RIGHT TO CONFIDENTIALITY OF INDIVIDUAL RECORDS.—

(d) Any answer to a request for a disclosure of individual records which is not permissible under this section or under the appropriate federal regulations must be made in a way that will not affirmatively reveal that an identified individual has been, or is being diagnosed or treated for substance abuse. The regulations do not restrict a disclosure that an identified individual is not and has never received services.

(8) RIGHT TO ACCESS INDIVIDUAL RECORDS.—

(a) For requests from an individual, or from an individual's legal representative as that term is defined in s. 456.057(6)(a), made in writing and in accordance with subsection (7), a service provider shall furnish the requested individual records in the provider's possession within 14 business days after receiving the request. A service provider may extend the time for furnishing the requested records by up to 14 business days if the provider notifies the requester of the delay in writing within the first 14 business days after receiving the request and provides the expected date when the records will be

667108

made available, which must be no later than 14 business days after the original deadline for providing the records. The records must be provided in the form and format requested by the service provider or requester if the requested records are readily producible in that form and format. If the requested records are not readily producible in the requested form or format, the service provider must produce the records in another electronic form and format agreed to by the provider and requester or in a readable hard copy format. Forms of access to records may include, but are not limited to: through a web-based application or patient portal, by secure download, via electronic copy delivered by email, on physical media such as a disc or USB drive, by United States mail, or as printed paper records.

(b) Within 10 business days after receiving such a written request, a service provider shall provide access to examine the original records in its possession, or microforms or other suitable reproductions of the records in accordance with subsection (7). The service provider may impose any reasonable terms necessary to ensure that the records will not be damaged, destroyed, or altered.

Section 4. Subsection (1) of section 400.145, Florida Statutes, is amended to read:

400.145 Copies of records of care and treatment of resident.—

(1) Upon receipt of a written request that complies with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and this section, a nursing home facility shall furnish to a competent resident, or to a representative of that

667108

resident who is authorized to make requests for the resident's records under HIPAA or subsection (2), copies of the resident's paper and electronic records that are in possession of the facility. Such records must include any medical records and records concerning the care and treatment of the resident performed by the facility, except for progress notes and consultation report sections of a psychiatric nature. The facility shall provide a resident with access to the requested records within 24 hours, excluding weekends and holidays, and provide copies of the requested records within 2 business ~~14 working~~ days after receipt of a request relating to a current resident or within 30 business ~~working~~ days after receipt of a request relating to a former resident.

Section 5. Subsection (6) of section 408.803, Florida Statutes, is republished to read:

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

(6) "Client" means any person receiving services from a provider listed in s. 408.802.

Section 6. Section 408.833, Florida Statutes, is created to read:

408.833 Client access to medical records.—

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

(a) "Designated record set" means a group of records maintained by or for a provider which:

1. Includes the medical records and billing records about a client maintained by or for the provider; or

2. Is used, in whole or in part, to make decisions regarding a client's care, coverage, or benefits.

(b) "Legal representative" means:

667108

1. A legally recognized guardian of the client;

2. A court-appointed representative of the client;

3. A person designated by the client or by a court of competent jurisdiction to receive copies of the client's medical records, care and treatment records, or interdisciplinary records; or

4. An attorney who has been designated by a client to receive copies of the client's medical records, care and treatment records, or interdisciplinary records.

(2)(a) Within 14 business days after receiving a written request from a client or a client's legal representative, a provider shall furnish a true and correct copy of the requested records within the designated record set which are in the provider's possession.

(b) Within 28 business days after receiving a written request from a client or a client's legal representative, a provider shall furnish a true and correct copy of additional requested records, including medical records, care and treatment records, and interdisciplinary records, as applicable, that are in the provider's possession.

(c) Within 10 business days after receiving a request from a client or a client's legal representative, a provider shall provide access to examine the original records in its possession, or microforms or other suitable reproductions of the records. A provider may impose any reasonable terms necessary to ensure that the records will not be damaged, destroyed, or altered.

(3) A provider may extend the time for furnishing the requested records by up to 14 business days if the provider:

667108

(a) Notifies the client or legal representative of the delay in writing within the first 14 business days after receiving the request; and

(b) Provides the expected date when the records will be made available, which must be no later than 14 business days after the original deadline for providing the records.

(4) The records must be provided in the form and format requested by the client or legal representative if the requested records are readily producible in that form and format. If the requested records are not readily producible in the requested form or format, the provider must produce the records in another electronic form and format agreed to by the requester and the provider or in a readable hard copy format. Forms of access to records may include, but are not limited to: through a web-based application or patient portal, by secure download, via electronic copy delivered by email, on physical media such as a disc or USB drive, by United States mail, or as printed paper records.

(5) This section does not apply to:

(a) Records maintained at a licensed facility as defined in s. 395.002, the primary function of which is to provide psychiatric care to its patients, or to records of treatment for any mental or emotional condition at any other licensed facility which are governed by s. 394.4615;

(b) Records of substance abuse impaired persons which are governed by s. 397.501; or

(c) Records of a resident of a nursing home facility which are governed by s. 400.145.

Section 7. Subsection (6) of section 456.057, Florida

667108

Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(6)(a) As used in this subsection, the term:

1. "Designated record set" means a group of records maintained by or for the health care practitioner which:

a. Includes the medical records and billing records about a patient maintained by or for a practitioner; or

b. Is used, in whole or in part, to make decisions regarding the patient's care, coverage, or benefits.

2. "Legal representative" means:

a. A legally recognized guardian of the patient;

b. A court-appointed representative of the patient;

c. A person designated by the patient or by a court of competent jurisdiction to receive copies of the patient's medical records, care and treatment records, or interdisciplinary records; or

d. An attorney who has been designated by a patient to receive copies of the client's medical records, care and treatment records, or interdisciplinary records.

(b)1. Within 14 business days after receiving a written ~~Any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon~~ request from a patient ~~of such person~~ or the patient's ~~person's~~ legal representative, a health care practitioner shall furnish a true and correct copy of the requested records within the designated record set which are in the provider's possession.

667108

2. Within 28 business days after receiving a written request from a client or a client's legal representative, a health care practitioner shall furnish a true and correct copy of additional requested records, including medical records, care and treatment records, and interdisciplinary records, as applicable, that are in the practitioner's possession.

3. Within 10 business days after receiving a request from a client or a client's legal representative, a health care practitioner shall provide access to examine the original records in its possession, or microforms or other suitable reproductions of the records. A health care practitioner may impose any reasonable terms necessary to ensure that the records will not be damaged, destroyed, or altered~~, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information~~.

However, when a patient's psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient's legal representative, the health care practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies may ~~shall~~ not be conditioned upon payment of a fee for services rendered.

(c) A health care practitioner may extend the time for furnishing the requested records by up to 14 business days if the health care practitioner:

667108

1. Notifies the patient or legal representative of the delay in writing within the first 14 business days after receiving the request; and

2. Provides the expected date when the records will be made available, which must be no later than 14 business days after the original deadline for providing the records.

(d) The records must be provided in the form and format requested by the patient or legal representative if the requested records are readily producible in that form and format. If the requested records are not readily producible in the requested form or format, the health care practitioner must produce the records in another electronic form and format agreed to by the requester and the practitioner or in a readable hard copy format. Forms of access to records may include, but are not limited to: through a web-based application or patient portal, by secure download, via electronic copy delivered by email, on physical media such as a disc or USB drive, by United States mail, or as printed paper records.

Section 8. Paragraph (f) of subsection (1) of section 316.1932, Florida Statutes, is amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)

(f)1. The tests determining the weight of alcohol in the defendant’s blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. Such rules must specify precisely the test or tests that are approved by the Department of Law Enforcement for reliability of result and ease


667108

of administration, and must provide an approved method of administration which must be followed in all such tests given under this section. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2.a. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

b. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person’s blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

667108

c. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

d. Nothing contained in s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person under s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or fail to provide notice.

e. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other


667108

person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the results of the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney. Full information is limited to the following:

a. The type of test administered and the procedures followed.

b. The time of the collection of the blood or breath sample analyzed.

c. The numerical results of the test indicating the alcohol content of the blood and breath.

d. The type and status of any permit issued by the Department of Law Enforcement which was held by the person who performed the test.

667108

e. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required inspection of such instrument.

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 9. Paragraph (a) of subsection (2) of section 316.1933, Florida Statutes, is amended to read:

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(2)(a) Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory


667108

director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood shall not affect the admissibility of a test of blood withdrawn for medical purposes.

1. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

2. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

3. Nothing contained in s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person

667108

under s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or fail to provide notice.

4. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

Section 10. Subsection (13) of section 395.4025, Florida Statutes, is amended to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(13) Patient care, transport, or treatment records or reports, or patient care quality assurance proceedings, records, or reports obtained or made pursuant to this section, s. 395.3025(2)(f) ~~s. 395.3025(4)(f)~~, s. 395.401, s. 395.4015, s. 395.402, s. 395.403, s. 395.404, s. 395.4045, s. 395.405, s. 395.50, or s. 395.51 must be held confidential by the department or its agent and are exempt from the provisions of s. 119.07(1). Patient care quality assurance proceedings, records, or reports

667108

obtained or made pursuant to these sections are not subject to discovery or introduction into evidence in any civil or administrative action.

Section 11. Paragraph (c) of subsection (2) of section 397.702, Florida Statutes, is amended to read:

397.702 Authorization of local ordinances for treatment of habitual abusers in licensed secure facilities.—

(2) Ordinances for the treatment of habitual abusers must provide:

(c) That the court with jurisdiction to make the determination authorized by this section shall hear the petition on an emergency basis as soon as practicable but not later than 10 days after the date the petition was filed. If the allegations of the petition indicate that the respondent has requested the appointment of an attorney, or otherwise indicate the absence of any competent person to speak at the hearing on behalf of the respondent, the court shall immediately appoint an attorney to represent the respondent pursuant to s. 397.501(9) ~~s. 397.501(8)~~, and shall provide notice of the hearing to the attorney. When the court sets a hearing date the petitioner shall provide notice of the hearing and a copy of the petition to all of the persons named in the petition pursuant to subparagraph (b)2., and to such other persons as may be ordered by the court to receive notice.

Section 12. Subsection (1) of section 429.294, Florida Statutes, is amended to read:

429.294 Availability of facility records for investigation of resident’s rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident’s

667108

records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility in accordance with s. 408.833 ~~s. 400.145~~, shall constitute evidence of failure of that party to comply with good faith discovery requirements and shall waive the good faith certificate and presuit notice requirements under this part by the requesting party.

Section 13. Subsection (4) of section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(4) Additional reports with respect to such injury and of the condition of such employee, including copies of medical reports, funeral expenses, and wage statements, shall be filed by the employer or carrier to the department at such times and in such manner as the department may prescribe by rule. In carrying out its responsibilities under this chapter, the department or agency may by rule provide for the obtaining of any medical records relating to medical treatment provided pursuant to this chapter, notwithstanding the provisions of ss. 90.503 and 395.3025(2) ~~395.3025(4)~~.

Section 14. Subsection (3) of section 456.47, Florida Statutes, is amended to read:

456.47 Use of telehealth to provide services.—

(3) RECORDS.—A telehealth provider shall document in the patient's medical record the health care services rendered using telehealth according to the same standard as used for in-person services. Medical records, including video, audio, electronic, or other records generated as a result of providing such


667108

services, are confidential pursuant to ss. 395.3025(2) and 456.057 ~~ss. 395.3025(4) and 456.057~~.

Section 15. This act shall take effect January 1, 2026.

========== 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 patient access to records; amending s. 394.4615, F.S.; requiring a mental health service provider to furnish records within a specified timeframe after receiving a request for such records; authorizing an extension of the timeframe under certain circumstances; requiring such providers to furnish records in the form and format chosen by the requester, if readily producible; amending s. 395.3025, F.S.; deleting provisions requiring hospitals and ambulatory surgical centers to furnish patient records only after discharge, to conform to changes made by the act; establishing that the Department of Health, rather than the Agency for Health Care Administration, has the authority to issue subpoenas for patient records from hospitals and ambulatory surgical centers in certain circumstances; amending s. 397.501, F.S.; requiring a substance abuse service provider to furnish and provide access to records within a specified timeframe after receiving a written request from an individual or the individual's


667108

legal representative; authorizing an extension of the timeframe under certain circumstances; requiring such service providers to furnish records in the manner chosen by the requester, if readily producible; amending s. 400.145, F.S.; revising the timeframe within which a nursing home facility must provide access to, and copies of, resident records after receiving a request for such records; republishing s. 408.803(6), F.S., relating to the definition of the term "client" used in part II of ch. 408, F.S.; creating s. 408.833, F.S.; defining the terms "designated record set" and "legal representative"; requiring a provider to furnish and provide access to records within a specified timeframe after receiving a written request from a client or the client's legal representative; authorizing an extension of the timeframe under certain circumstances; requiring providers to furnish records in the form and format chosen by the requester, if readily producible; providing exceptions for providers governed by specified provisions; amending s. 456.057, F.S.; defining the terms "designated record set" and "legal representative"; requiring certain health care practitioners to furnish and provide access to records within a specified timeframe after receiving a written request from a patient or the patient's legal representative; authorizing an extension of the timeframe under certain circumstances; requiring health care practitioners to furnish records in the

667108

form and format chosen by the requester, if readily producible; amending ss. 316.1932, 316.1933, 395.4025, 397.702, 429.294, 440.185, and 456.47, F.S.; conforming cross-references; providing an effective date.

By the Committee on Health Policy; and Senator Grall

588-03143-25 20251606c1

A bill to be entitled

An act relating to patient access to records; amending s. 394.4615, F.S.; requiring a service provider to furnish and provide access to records within a specified timeframe after receiving a request for such records; requiring that certain service providers furnish such records in the manner chosen by the requester; amending s. 395.3025, F.S.; removing provisions requiring a licensed facility to furnish patient records only after discharge to conform to changes made by the act; revising provisions relating to the appropriate disclosure of patient records without consent; amending s. 397.501, F.S.; requiring a service provider to furnish and provide access to records within a specified timeframe after receiving a request from an individual or the individual's legal representative; requiring that certain service providers furnish such records in the manner chosen by the requester; amending s. 400.145, F.S.; revising the timeframe within which a nursing home facility must provide access to and copies of resident records after receiving a request for such records; creating s. 408.833, F.S.; defining the term "legal representative"; requiring a provider to furnish and provide access to records within a specified timeframe after receiving a request from a client or the client's legal representative; requiring that certain providers furnish such records in the manner chosen by the requester; authorizing a provider to impose

588-03143-25 20251606c1

reasonable terms necessary to preserve such records; providing exceptions; amending s. 456.057, F.S.; requiring certain licensed health care practitioners to furnish and provide access to copies of reports and records within a specified timeframe after receiving a request from a patient or the patient's legal representative; requiring that certain licensed health care practitioners furnish such reports and records in the manner chosen by the requester; defining the term "legal representative"; authorizing such licensed health care practitioners to impose reasonable terms necessary to preserve such reports and records; amending ss. 316.1932, 316.1933, 395.4025, 429.294, 440.185, and 456.47, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (3) through (12) of section 394.4615, Florida Statutes, are renumbered as subsections (4) through (13), respectively, and a new subsection (3) is added to that section, to read:

394.4615 Clinical records; confidentiality.—

(3) Within 14 working days after receiving a request made in accordance with paragraphs (2)(a)-(c), a service provider must furnish clinical records in its possession. A service provider may furnish the requested records in paper form or, upon request, in an electronic format. A service provider who maintains an electronic health record system shall furnish the

requested records in the manner chosen by the requester, including, but not limited to, an electronic format, submission through a patient's electronic personal health record, or access through a web-based patient portal if the service provider maintains a patient portal.

Section 2. Subsections (1), (2), and (3), paragraph (e) of subsection (4), paragraph (a) of subsection (7), and subsection (8) of section 395.3025, Florida Statutes, are amended to read:

395.3025 Patient and personnel records; copy costs ~~copies~~; examination.—

(1) ~~Any licensed facility shall, upon written request, and only after discharge of the patient, furnish, in a timely manner, without delays for legal review, to any person admitted therein for care and treatment or treated thereat, or to any such person's guardian, curator, or personal representative, or in the absence of one of those persons, to the next of kin of a decedent or the parent of a minor, or to anyone designated by such person in writing, a true and correct copy of all patient records, including X rays, and insurance information concerning such person, which records are in the possession of the licensed facility, provided the person requesting such records agrees to pay a charge.~~ The exclusive charge for copies of patient records may include sales tax and actual postage, and, except for nonpaper records that are subject to a charge not to exceed $2, may not exceed $1 per page. A fee of up to $1 may be charged for each year of records requested. These charges shall apply to all records furnished, whether directly from the facility or from a copy service providing these services on behalf of the facility. However, a patient whose records are copied or searched for the

purpose of continuing to receive medical care is not required to pay a charge for copying or for the search. ~~The licensed facility shall further allow any such person to examine the original records in its possession, or microforms or other suitable reproductions of the records, upon such reasonable terms as shall be imposed to assure that the records will not be damaged, destroyed, or altered.~~

~~(2) This section does not apply to records maintained at any licensed facility the primary function of which is to provide psychiatric care to its patients, or to records of treatment for any mental or emotional condition at any other licensed facility which are governed by the provisions of s. 394.4615.~~

~~(3) This section does not apply to records of substance abuse impaired persons, which are governed by s. 397.501.~~

(2)~~(4)~~ Patient records are confidential and must not be disclosed without the consent of the patient or his or her legal representative, but appropriate disclosure may be made without such consent to:

(e) The Department of Health ~~agency~~ upon subpoena issued pursuant to s. 456.071, but the records obtained thereby must be used solely for the purpose of the department ~~agency~~ and the appropriate professional board in its investigation, prosecution, and appeal of disciplinary proceedings. If the department ~~agency~~ requests copies of the records, the facility shall charge no more than its actual copying costs, including reasonable staff time. The records must be sealed and must not be available to the public pursuant to s. 119.07(1) or any other statute providing access to records, nor may they be available

to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department ~~agency~~ or the appropriate regulatory board. However, the department ~~agency~~ must make available, upon written request by a practitioner against whom probable cause has been found, any such records that form the basis of the determination of probable cause.

(5)(a) ~~(7)(a)~~ If the content of any record of patient treatment is provided under this section, the recipient~~, if other than the patient or the patient's representative,~~ may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(6) ~~(8)~~ Patient records at hospitals and ambulatory surgical centers are exempt from disclosure under s. 119.07(1), except as provided by subsections (2) and (3) ~~(1)-(5)~~.

Section 3. Present paragraphs (a) through (j) of subsection (7) of section 397.501, Florida Statutes, are redesignated as paragraphs (c) through (l), respectively, and new paragraphs (a) and (b) are added to that subsection, to read:

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

ensure the protection of such rights.

(7) RIGHT TO ACCESS AND CONFIDENTIALITY OF INDIVIDUAL RECORDS.—

(a) Within 14 working days after receiving a written request from an individual or an individual's legal representative, a service provider shall furnish a true and correct copy of all records in the possession of the service provider. The service provider may furnish the requested records in paper form or, upon request, in an electronic format. A service provider that maintains an electronic health record system shall furnish the requested records in the manner chosen by the requester, including, but not limited to, an electronic format, submission through a patient's electronic personal health record, or access through a web-based patient portal if the service provider maintains a patient portal. For purposes of this section, the term "legal representative" has the same meaning as provided in s. 408.833(1).

(b) Within 10 working days after receiving such a request from an individual or an individual's legal representative, a service provider shall provide access to examine the original records in its possession, or microforms or other suitable reproductions of the records. The service provider may impose any reasonable terms necessary to ensure that the records will not be damaged, destroyed, or altered.

Section 4. Subsection (1) of section 400.145, Florida Statutes, is amended to read:

400.145 Copies of records of care and treatment of resident.—

(1) Upon receipt of a written request that complies with

the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and this section, a nursing home facility shall furnish to a competent resident, or to a representative of that resident who is authorized to make requests for the resident's records under HIPAA or subsection (2), copies of the resident's paper and electronic records that are in possession of the facility. Such records must include any medical records and records concerning the care and treatment of the resident performed by the facility, except for progress notes and consultation report sections of a psychiatric nature. The facility shall provide a resident with access to the requested records within 24 hours, excluding weekends and holidays, and provide copies of the requested records within 2 ~~14~~ working days after receipt of a request relating to a current resident or within 30 working days after receipt of a request relating to a former resident.

Section 5. Section 408.833, Florida Statutes, is created to read:

408.833 Client access to medical records.—

(1) For purposes of this section, the term "legal representative" means an attorney who has been designated by a client to receive copies of the client's medical, care and treatment, or interdisciplinary records; a legally recognized guardian of the client; a court-appointed representative of the client; or a person designated by the client or by a court of competent jurisdiction to receive copies of the client's medical, care and treatment, or interdisciplinary records.

(2) Within 14 working days after receiving a written request from a client or client's legal representative, a

provider shall furnish a true and correct copy of all records, including medical, care and treatment, and interdisciplinary records, as applicable, in the possession of the provider. A provider may furnish the requested records in paper form or, upon request, in an electronic format. A provider that maintains an electronic health record system shall furnish the requested records in the manner chosen by the requester, including, but not limited to, an electronic format, submission through a patient's electronic personal health record, or access through a web-based patient portal if the provider maintains a patient portal.

(3) Within 10 working days after receiving a request from a client or a client's legal representative, a provider shall provide access to examine the original records in its possession, or microforms or other suitable reproductions of the records. A provider may impose any reasonable terms necessary to ensure that the records will not be damaged, destroyed, or altered.

(4) This section does not apply to:

(a) Records maintained at a licensed facility, as defined in s. 395.002, the primary function of which is to provide psychiatric care to its patients, or to records of treatment for any mental or emotional condition at any other licensed facility which are governed by s. 394.4615;

(b) Records of substance abuse impaired persons which are governed by s. 397.501; or

(c) Records of a resident of a nursing home facility.

Section 6. Subsection (6) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(6)(a) Any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any patient ~~person~~ shall, upon request of such patient ~~person~~ or the patient's ~~person's~~ legal representative, furnish, within 14 working days after such request ~~in a timely manner, without delays for legal review~~, copies of all reports and records relating to such examination or treatment, including X rays and insurance information. A health care practitioner may furnish the requested reports and records in paper form or, upon request, in an electronic format. A health care practitioner who maintains an electronic health record system shall furnish the requested reports and records in the manner chosen by the requester, including, but not limited to, an electronic format, submission through a patient's electronic personal health record, or access through a web-based patient portal if the practitioner maintains a patient portal. For purposes of this section, the term "legal representative" means a patient's attorney who has been designated by the patient to receive copies of the patient's medical records, a legally recognized guardian of the patient, a court-appointed representative of the patient, or any other person designated by the patient or by a court of competent jurisdiction to receive copies of the patient's medical records.

(b) Within 10 working days after receiving a written request by a patient or a patient's legal representative, a healthcare practitioner must provide access to examine the

original reports and records, or microforms or other suitable reproductions of the reports and records in the healthcare practitioner's possession. The healthcare practitioner may impose any reasonable terms necessary to ensure that the reports and records will not be damaged, destroyed, or altered.

(c) ~~However,~~ When a patient's psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient's legal representative, the health care practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies may ~~shall~~ not be conditioned upon payment of a fee for services rendered.

Section 7. Paragraph (f) of subsection (1) of section 316.1932, Florida Statutes, is amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)

(f)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. Such rules must specify precisely the test or tests that are approved by the Department of Law Enforcement for reliability of result and ease of administration, and must provide an approved method of administration which must be followed in all such tests given under this section. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the

admissibility of a test of blood withdrawn for medical purposes.

2.a. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

b. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

c. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

d. Nothing contained in s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person under s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or fail to provide notice.

e. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of

chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the results of the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney. Full information is limited to the following:

a. The type of test administered and the procedures followed.

b. The time of the collection of the blood or breath sample analyzed.

c. The numerical results of the test indicating the alcohol content of the blood and breath.

d. The type and status of any permit issued by the Department of Law Enforcement which was held by the person who performed the test.

e. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required inspection of such instrument.

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 8. Paragraph (a) of subsection (2) of section 316.1933, Florida Statutes, is amended to read:

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(2)(a) Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances or controlled substances

therein. However, the failure of a law enforcement officer to request the withdrawal of blood shall not affect the admissibility of a test of blood withdrawn for medical purposes.

1. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

2. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

3. Nothing contained in s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person under s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or

fail to provide notice.

4. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

Section 9. Subsection (13) of section 395.4025, Florida Statutes, is amended to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(13) Patient care, transport, or treatment records or reports, or patient care quality assurance proceedings, records, or reports obtained or made pursuant to this section, s. 395.3025(2)(f) ~~s. 395.3025(4)(f)~~, s. 395.401, s. 395.4015, s. 395.402, s. 395.403, s. 395.404, s. 395.4045, s. 395.405, s. 395.50, or s. 395.51 must be held confidential by the department or its agent and are exempt from the provisions of s. 119.07(1). Patient care quality assurance proceedings, records, or reports obtained or made pursuant to these sections are not subject to discovery or introduction into evidence in any civil or administrative action.

Section 10. Subsection (1) of section 429.294, Florida

Statutes, is amended to read:

429.294 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility in accordance with s. 408.833 ~~s. 400.145~~, shall constitute evidence of failure of that party to comply with good faith discovery requirements and shall waive the good faith certificate and presuit notice requirements under this part by the requesting party.

Section 11. Subsection (4) of section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(4) Additional reports with respect to such injury and of the condition of such employee, including copies of medical reports, funeral expenses, and wage statements, shall be filed by the employer or carrier to the department at such times and in such manner as the department may prescribe by rule. In carrying out its responsibilities under this chapter, the department or agency may by rule provide for the obtaining of any medical records relating to medical treatment provided pursuant to this chapter, notwithstanding the provisions of ss. 90.503 and 395.3025(2) ~~395.3025(4)~~.

Section 12. Subsection (3) of section 456.47, Florida Statutes, is amended to read:

456.47 Use of telehealth to provide services.—

(3) RECORDS.—A telehealth provider shall document in the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

patient's medical record the health care services rendered using telehealth according to the same standard as used for in-person services. Medical records, including video, audio, electronic, or other records generated as a result of providing such services, are confidential pursuant to ss. 395.3025(2) and 456.057 ~~ss. 395.3025(4) and 456.057~~.

Section 13. This act shall take effect January 1, 2026.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10, 2025

I respectfully request that **Senate Bill #1606**, relating to Patient Access to Records, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

1606
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cynthia Henderson

Phone 850 559 0855

Address 300 W Pensacola
Street

Email cyhenderson@me.com

Tall 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:
AHIOS

☐ 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

(1)

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

1606
Bill Number or Topic

~~0671~~ 08
Amendment Barcode (if applicable)

Name Geri Neuman

Phone 3523012106

Director, Florida Health Information Mangmt Assn

Address 26922 NW 186th Ln
Street

Email geri.neuman@yahoo.com

High Springs FL 32643
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. 2020-2022JointRules.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)

4/21/25
Meeting Date

RULES
Committee

1606
Bill Number or Topic

~~SB 1108~~
Amendment Barcode (if applicable)

Name GUILLERMO VARGAS

Phone 415-573-5327

Address 151 N Nob Hill Rd Ste 148
Street

Email i@guillermovargas.com

PLANTATION FL 33324
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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

(3)

The Florida Senate

APPEARANCE RECORD

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

4/21/2025
Meeting Date

Rules
Committee

SB1606
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kelly Cooper

Phone 352-316-4507

Address 2112 SW 34th St #344
Street

Email Cooper.KellyF@gmail.com

Gainesville FL 32608
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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

4

The Florida Senate

APPEARANCE RECORD

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

4/21/2025
Meeting Date

RULES
Committee

SB 1606
Bill Number or Topic

~~667108~~
Amendment Barcode (if applicable)

Name MARJORIE McNEILL

Phone (850)567-1321

Address 1540 COPPERFIELD CIRCLE
Street

Email mhmcneill@aol.com

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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 1622
INTRODUCER:	Rules Committee; Senator Trumbull and others
SUBJECT:	Beaches
DATE:	April 23, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Favorable**
2.	Hackett	Fleming	CA	**Favorable**
3.	Collazo	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1622 repeals s. 163.035, F.S., which establishes procedures that a governmental entity must follow when attempting to establish a "recreational customary use of property," and bypasses certain statutory procedures to declare the mean high water line to be the erosion control line (ECL) in certain specified counties.

The customary use doctrine gives the public a right to use a portion of the dry sand area of a privately-owned beach. The statutory procedures in s. 163.035, F.S., include:

- A public hearing to adopt a formal notice of intent to affected property owners, which notice alleges the existence of a recreational customary use on their properties.
- A judicial proceeding to consider whether the alleged customary use has been ancient, reasonable, without interruption, and free from dispute.

Repeal of the statute means a return to how customary use rights were determined prior to enactment of the statute:

- A governmental entity may declare the existence of a customary use and adopt a local customary use ordinance without following the procedures in s. 163.035, F.S.
- Property owners must file a lawsuit challenging the ordinance and demonstrate in court that the public does not enjoy customary use rights over their privately-owned beaches.
- Courts will apply the common law doctrine of customary use when ascertaining, on a case-by-case basis, whether the public enjoys customary use rights over privately-owned beaches.

The bill also declares the mean high water line to be the ECL in certain counties. Specifically, with respect to those counties adjacent to the Gulf of America having at least 3 municipalities and an estimated population of less than 275,000, the bill:

- Bypasses certain existing statutory procedures for establishing the erosion control line (ECL) on critically eroded beaches and declares the mean high water line to be the ECL.
- Directs the Board of the Internal Improvement Trust Fund to prepare and record, in the official and platting records of the counties subject to the bill, certain documents confirming the ECL's location on critically eroded shorelines, but only if an ECL has not already been established.
- Authorizes the Department of Environmental Protection to proceed with beach restoration projects for areas it has designated as critically eroded, and provides that notwithstanding existing law, such projects do not require public easements.
- Includes legislative declarations that the state does not intend to extend its ownership claims beyond what it already owns, and that beach restoration projects for critically eroded beaches are in the public interest.

The bill takes effect upon becoming a law.

II. Present Situation:

Customary Use

Establishment of the Customary Use Doctrine

In Florida, the public enjoys the right to access shorelines and beaches that are located below what is called the "mean high tide line." The State Constitution provides that "title to the lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people."[1] This is known as the common law public trust doctrine.

However, the beaches of the state also include land beyond what is described in the public trust doctrine. The dry sand beach located *above* the mean high water line may be owned privately, as recognized by statute.[2] In fact, the part of the beach falling landward of the mean high water line is usually owned by the owner of the adjacent lot. The only publicly-owned part of the beach is that part falling between the mean high and low water lines, which is called the foreshore region.[3]

In the subsection of the State Comprehensive Plan addressing coastal and marine resources, the Legislature seeks to "[e]nsure the public's right to reasonable access to beaches."[4] Like other lands, the privately-owned portion of the beach may be subject to explicit or implied easements,

[1] FLA. CONST. art X, s. 11.
[2] *See* s. 177.28, F.S. (providing, with emphasis added, that the "[m]ean high-water line along the shores of land immediately bordering on navigable waters is recognized and declared to be the boundary between the foreshore owned by the state in its sovereign capacity *and upland subject to private ownership*").
[3] Erika Kranz, *Sand for the People: The Continuing Controversy Over Public Access to Florida's Beaches,* 83 FLA. BAR. J. 10, 11 (Jun. 2009), available at https://www.floridabar.org/the-florida-bar-journal/sand-for-the-peoplethe-continuing-controversy-over-public-access-to-floridas-beaches/ (last visited Mar. 26, 2025).
[4] Section 187.201(8)(b)2., F.S.

limitations based on traditional rights of use, or common law prohibitions considered nuisances.[5] Courts have also recognized the public's ability to access and use the dry sand areas of privately-owned beaches for recreational purposes.

In 1974, the Florida Supreme Court established what has become known as the customary use doctrine in Florida in *City of Daytona Beach v. Tona-Rama, Inc.*[6] In *Tona-Rama*, the Court concluded that "[i]f the recreational use of the sandy area adjacent to the mean high tide has been ancient, reasonable, without interruption and free from dispute, such use as a matter of custom, should not be interfered with by the owner." The Court also recognized, however, that "the owner may make any use of his property which is consistent with such public use and not calculated to interfere with the exercise of the right of the public to enjoy the dry sand area as a recreational adjunct of the wet sand or foreshore area."[7]

In 2007, the Fifth District Court of Appeal issued its opinion in *Trepanier v. County of Volusia*,[8] which qualified the customary use doctrine as articulated by the Florida Supreme Court in *Tona-Rama.* In *Trepanier*, the appellate court said:

> While some may find it preferable that proof of these elements of custom be established for the entire state by judicial fiat in order to protect the right of public access to Florida's beaches, it appears to us that the acquisition of a right to use private property by custom is intensely local and anything but theoretical. "Custom" is inherently a source of law that emanates from long-term, open, obvious, and widely-accepted and widely-exercised practice. It is accordingly impossible precisely to define the geographic area of the beach for which evidence of a specific customary use must be shown, because it will depend on the particular geography and the particular custom at issue.[9]

The appellate court also held that a determination of customary use "requires the courts to ascertain *in each case* the degree of customary and ancient use the beach has been subject to …."[10]

Regulation of Beaches by Local Governments

The Florida Attorney General issued an opinion in 2002 addressing the regulation of the dry sand portion of beaches. The City of Destin adopted a beach management ordinance to provide for the regulation of public use and conduct on the beach. The Sheriff of Okaloosa County and the city mayor inquired about the regulation.[11]

The Attorney General issued three findings in its opinion:

- The city may regulate the beach in a reasonable manner within its corporate limits to protect the public health, safety, and welfare. This regulation must have a rational relation to, and be

[5] *Id.*
[6] 294 So. 2d 73 (1974).
[7] *City of Daytona Beach v. Tona-Rama, Inc*., 294 So. 2d 73, 78 (1974).
[8] 965 So. 2d 276 (Fla. 5th DCA 2007).
[9] *Id*. at 289.
[10] *Id*. at 288 (quoting, with emphasis added, *Reynolds v. County of Volusia*, 659 So. 2d 1186, 1190-91 (Fla. 5th DCA 1995)).
[11] Op. Att'y Gen. Fla. 2002-38 (2002).

reasonably designed to accomplish, a purpose necessary for the protection of the public. The city may not exercise its police power in an arbitrary, capricious, or unreasonable manner. Such regulation may be accomplished regardless of the ownership of this area, with the exception of state ownership, and without regard to whether the public has been expressly or impliedly allowed to use that area of the beach by a private property owner who may hold title to the property.

- The right of a municipality to regulate and control dry sand beach property within its municipal boundaries is not dependent on the finding of the Florida Supreme Court in *City of Daytona Beach v. Tona-Rama, Inc*.
- Private property owners who hold title to dry sand areas of the beach falling within the jurisdictional limits of the city may use local law enforcement agencies for purposes of reporting incidents of trespass as they occur.[12]

In 2016, Walton County enacted an ordinance (the "Customary Use Ordinance") which declared that "[t]he public's long-standing customary use of the dry sand areas of all of the beaches in the County for recreational purposes is hereby protected."[13]

Except for the buffer zone described below, the ordinance prohibited any individual, group, or entity from "imped[ing] or interfer[ing] with the right of the public at large, including the residents and visitors of the County, [from] utiliz[ing] the dry sand areas of the beach that are owned by private entities" for certain specified uses, including:

- Traversing the beach.
- Sitting on the sand, in a beach chair, or on a beach towel or blanket.
- Using a beach umbrella that is 7 feet or less in diameter.
- Sunbathing.
- Picknicking.
- Fishing.
- Swimming or surfing off the beach.
- Staging surfing or fishing equipment.
- Building sand creations.[14]

However, the ordinance prohibited the public at large, including the residents and visitors of the county, from using a 15-foot buffer zone located "seaward from the toe of the dune or from any permanent habitable structure owned by a private entity that is located on, or adjacent to, the dry sand areas of the beach, whichever is more seaward, except as necessary to utilize an existing or future public beach access point for ingress and egress to the beach."[15] It also prohibited the use

[12] *Id*.
[13] Walton County, Fla., Ord. No. 2017-10, ss. 1, 4 (adopted Mar. 28, 2017) (amending earlier Ord. No. 2016-23), available at https://waltonclerk.com/vertical/sites/%7BA6BED226-E1BB-4A16-9632-BB8E6515F4E0%7D/uploads/2017-10.pdf; *see also* Walton County, Fla., Ord. No. 2016-23, s. 1 (adopted Oct. 25, 2016) (the original customary use ordinance), available at https://waltonclerk.com/vertical/sites/%7BA6BED226-E1BB-4A16-9632-BB8E6515F4E0%7D/uploads/2016-23.pdf.
[14] *Id.* The ordinance defined the "dry sand area of the beach" as "the zone of unconsolidated material that extends landward from the mean high-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves, whichever is more seaward." Ord. No. 2017-10, s. 2, *supra* note 13.
[15] Ord. No. 2017-10, s. 3, *supra* note 13.

of tobacco, possession of animals, or erection or use of tents by members of the public on the privately-owned dry sand areas of the beach.[16]

The county's Customary Use Ordinance was not popular with beachfront homeowners because it interfered with their "ability to keep their private beachfront property just that, private."[17] Lionel and Tammy Alford, owners of beachfront property in the county, sued the county in federal district court seeking, among other things, a declaration that the ordinance was "*void ab initio* on grounds that customary use is a common law doctrine reserved to the courts for determination on a case-by-case basis, and therefore, the County exceeded its authority and acted *ultra vires* by legislating customary use on a county-wide basis."[18]

The district court sided with the county and upheld the Customary Use Ordinance. Based on its analysis of *Tona-Rama* and *Trepanier,* the district court concluded that the county did not act outside its authority in adopting the ordinance.[19] The district court did note, however, that "property owners have a right under Florida law to *de novo* as-applied judicial review and a determination of the existence of customary use rights."[20] The decision was appealed to the U.S. Eleventh Circuit Court of Appeals, which directed, without explanation, that the district court vacate the judgment, apparently in response to arguments that the legislative invalidation of the ordinance by HB 631 (2018 Reg. Session) mooted the claim.[21]

HB 631 (2018 Reg. Session)

While the Alfords' case was pending in the U.S. Eleventh Circuit Court of Appeals, the Legislature enacted a new law, HB 631, which it codified as s. 163.035, F.S., entitled the "establishment of recreational customary use." The statute establishes a process by which a governmental entity may seek a judicial determination of the recreational customary use of private beach property.[22]

Under the statute, a governmental entity[23] may not adopt or keep in effect an ordinance or rule that is based upon the customary use of any portion of a beach above the mean high water line, unless the ordinance or rule is based upon a judicial declaration affirming recreational customary use of the beach.[24] The governmental entity may seek a judicial determination of a recreational customary use of private beach property by following the process outlined in the statute.[25]

---

[16] Ord. No. 2017-10, s. 5, *supra* note 13.
[17] Amelia Ulmer, *Ancient and Reasonable: The Customary Use Doctrine and Its Applicability to Private Beaches in Florida,* 36 J. LAND USE & ENVTL. L. 145, 159 (2020) [hereinafter "*Ancient and Reasonable*"].
[18] *Alford, et al., v. Walton County*, 2017 WL 8785115, at **1-2 (N.D. Fla. 2017).
[19] *Id*. at *16.
[20] *Id*.
[21] *Alford v. Walton County*, 0:17-prici-15741 (11th Cir. June 27, 2018) (reflecting on the docket that the Court granted appellants' motion to vacate the district court's order and judgment concerning customary use ordinance claim); Alyson Flournoy et al., *Recreational Rights to the Dry Sand Beach in Florida: Property, Custom and Controversy,* 25 OCEAN & COASTAL L.J. 1, 33 fn. 110 (2020) [hereinafter *"Recreational Rights"*].
[22] Chapter 2018-94, s. 10, Laws of Fla. (enacting CS/HB 631 (2018 Reg. Session)).
[23] The term "governmental entity" includes an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority. Section 163.035(1), F.S.
[24] Section 163.035(2), F.S.
[25] Section 163.035(3), F.S.

First, the governmental entity must adopt, at a public hearing, a formal notice of intent to affirm the existence of a recreational customary use on private property. The notice must specifically identify:

- The parcels of property, or the specific portions of the property, for which the customary use affirmation is sought.
- The detailed, specific, and individual use or uses of the parcels to which the customary use affirmation is sought.
- Each source of evidence the governmental entity will rely upon to prove that the recreational customary use has been ancient, reasonable, without interruption, and free from dispute.[26]

The governmental entity must provide notice of the public hearing to the owner of each parcel of property at the address recorded in the county property appraiser's records. The notice must be:

- Provided at least 30 days before the public meeting by certified mail with return receipt requested.
- Published in a newspaper of general circulation in the area where the parcels of property are located.
- Posted on the governmental entity's website.[27]

Second, within 60 days after adopting the notice of intent, the governmental entity must file a Complaint for Declaration of Recreational Customary Use with the circuit court in the county where the subject property is located. This cause of action is similar to a declaratory judgment.[28] The governmental entity must provide notice of filing the complaint to the owner of each parcel as required above for the notice of intent. The notice must allow the owner to intervene in the proceeding within 45 days after receiving the notice. The governmental entity must also provide verification that the notice has been served to the property owners so that the court may establish a schedule for the proceedings.[29]

Proceedings under the statute are conducted *de novo,* which means anew. The court must determine whether the evidence presented by the governmental entity demonstrates that the recreational customary use or uses identified in the notice of intent have been ancient, reasonable, without interruption, and free from dispute. No presumption exists regarding the existence of a recreational customary use of the property in question. The governmental entity bears the burden of proof to demonstrate that the recreational customary use exists. A parcel owner who is subject to the complaint may intervene in the proceeding as a party defendant in the proceeding.[30]

These customary use provisions do not apply to a governmental entity having an ordinance or rule that was adopted and in effect on or before January 1, 2016. Additionally, the provisions do

[26] Section 163.035(3)(a), F.S.
[27] *Id.*
[28] A declaratory judgment is a binding adjudication in which a court establishes the rights of the parties without requiring enforcement of its decision. It is generally used to resolve legal uncertainties for the parties. BLACK'S LAW DICTIONARY (12th ed. 2024).
[29] Section 163.035(3)(b)1., F.S.
[30] Section 163.035(3)(b)2., F.S.

not deprive a governmental entity from raising customary use as an affirmative defense in any proceeding that challenges an ordinance or rule that was adopted before July 1, 2018.[31]

Executive Order 18-202

Governor Rick Scott signed Executive Order 18-202 (Jul. 12, 2018) only about two weeks after HB 631 took effect.[32] In his executive order, Governor Scott directed state agencies to not adopt any rule restricting public access to any state beach having an established recreational customary use.[33] He also directed the Secretary of the Department of Environmental Protection and the Director of the Florida State Parks System to engage in "appropriate efforts" to ensure access to Florida's public beaches.[34]

To assist with implementing the executive order, Governor Scott also directed the Secretary and Director to:

- Establish an online reporting tool for members of the public to report any violations of their right to public beach access; identify and allocate staff to coordinate with the public in reviewing complaints; and refer any such complaints to appropriate local authorities.
- Submit a report to the Legislature, on or before December 31, 2018, regarding comments received through the public hotline.
- Serve as a liaison between local government entities and members of the public regarding the appropriate implementation of HB 631 by county and municipal governments.[35]

The Governor also urged all governmental entities not headed by an official serving at the pleasure of the Governor, including county and municipal governments, to refrain from adopting any ordinance or rule that would restrict or eliminate access to public beaches.[36]

Following the executive order, not much changed for local governments. They still had to follow the procedures in s. 163.035, F.S., to enact new customary use ordinances. And now they were "urged" to not further restrict beach access.[37]

Walton County Lawsuit

In 2018, consistent with the procedures outlined in s. 163.035, F.S., Walton County filed a complaint in circuit court seeking a declaration affirming the existence of customary uses on 1,194 private properties in the county.[38] Specifically, the complaint sought a judgment declaring that:

---

[31] Section 163.035(4), F.S.
[32] Fla. Exec. Order No. 18-202 (Jul. 12, 2018), available at https://clarkpartington.com/wp-content/uploads/2024/04/EO-18-202.pdf.
[33] Fla. Exec. Order No. 18-202, *supra* note 32, s. 1.
[34] Fla. Exec. Order No. 18-202, *supra* note 32, s. 2.
[35] *Id.*
[36] Fla. Exec. Order No. 18-202, *supra* note 32, s. 3.
[37] *Ancient and Reasonable*, *supra* note 17, at 161.
[38] *In re: Affirming Existence of Recreational Customary Use on 1,194 Private Properties Located in Walton County, Florida,* Case No. 2018-CA-000547 (Fla. 1st Cir. Ct. Dec. 11, 2018) (Complaint for Declaration of Recreational Customary Use) available at http://publicfiles.surfrider.org/Legal/Complaint_for_Declaration_of_Recreational_Customary_Use_12-11-18.pdf [hereinafter "Section 163.035, F.S., Complaint"]; *see also* s. 163.035(3)(b)1., F.S. (requiring governmental entities to file a "Complaint for Declaration of Recreational Customary Use").

- The uses identified in the county's 2017 Customary Use Ordinance were recreational customary uses on each of the specific parcels listed in the complaint.
- The recreational customary uses identified in the formal notice of intent were ancient, reasonable, without interruption, and free from dispute.[39]

Litigating the case took almost 5 years. It was set to proceed with a 7-week bench trial beginning on May 22, 2023, but never did. Ultimately, the property owners who were represented by counsel and objected to the establishment of customary uses on their privately-owned beaches either:

- Obtained a dismissal with prejudice and a finding that customary uses do not exist on their beaches; or
- Negotiated a settlement agreement allowing the public a 20-foot transitory area for walking and sitting, and a finding that customary uses do not exist on their beaches.[40]

Out of the initial 1,194 properties at issue, the court only had to decide whether the public had customary use rights over 95 unrepresented properties that never objected to the litigation. Because there had been no opposition to the evidence presented by the county, the court effectively had no choice but to conclude that the public had established customary use rights over the 95 properties.[41]

Coastal Management

Background

The 825 miles of sandy coastline fronting the Atlantic Ocean, the Gulf of America, and the Straits of Florida are one of Florida's most valuable natural resources.[42] Wide beaches provide foraging and nesting habitat for shorebirds, and sea turtles use the beaches during summer months to come ashore to nest. In all, there are more than 30 plants and animals considered rare within the state that inhabit beaches and the adjacent habitats.[43]

Florida's beaches are also a primary attraction for almost 19 million tourists each year. Tourists and residents alike visit the beaches for relaxation, boating, fishing, diving, and other recreational activities. These factors make Florida's beaches an integral part of the state's economy.[44]

Beaches also provide a barrier against storms. The beach and dune system act as a buffer between storm waves and coastal development or infrastructure. During storms, waves reach the

[39] Section 163.035, F.S., Complaint, *supra* note 38, at 44-45.
[40] *In re: Affirming Existence of Recreational Customary Use on 1,194 Private Properties Located in Walton County, Florida*, Case No. 2018-CA-000547 (Fla. 1st Cir. Ct. Feb. 14, 2024) (Final Summary Judgment on Remaining Parcels attaching Settlement Agreement), available at https://clarkpartington.com/wp-content/uploads/2024/04/Final-Judgment-on-Remaining-Parcels-A5288243xA3759.pdf; *see also* Will Dunaway, Clark Partington, Attorneys at Law, *Customary Use Litigation in Walton County, Part II* (Dec. 5, 2023), https://clarkpartington.com/2023/12/05/customary-use-litigation-in-walton-county-part-ii/ (last visited Mar. 28, 2025).
[41] *Id.*
[42] Florida Department of Environmental Protection (DEP), *Beaches*, https://floridadep.gov/rcp/beaches (last visited Apr. 18, 2025).
[43] *Id.*
[44] *Id.*

beach and dunes before they get to upland property. Beach and dune systems absorb the wave energy, thereby greatly reducing damage to upland structures.[45]

Unfortunately, erosion is a constant threat to this valuable resource. Beach erosion is caused by coastal storms, imprudent constructions, sea level rise, and coastal inlets that interrupt sand movement. Only nourishment, which is the placement of additional sand on the beach seaward of the mean high tide line, makes it possible to reset the "erosion clock" and push back the tide.[46]

Federal Shore Protection Program

In the late 1960s, Congress passed the Water Resources Development Act (WRDA), which authorized the U.S. Army Corps of Engineers (USACE) to conduct studies, construct projects, and research activities that will improve the rivers and harbors of the U.S. As a result, USACE became the leading environmental preservation and restoration agency to carry out natural and cultural resource management programs through its water resources projects.[47]

The Shore Protection Program works directly with local governments to construct beach restoration projects for the primary purpose of protecting upland developed properties.[48] As part of this program, USACE performs nourishment to control beach erosion and to protect the shoreline and related infrastructure. After detailed feasibility studies are conducted, projects are individually authorized by Congress for construction and long-term maintenance. Authorized projects usually have an authorization period of 50 years, during which time periodic beach nourishment is conducted to maintain designed storm protection values. Under the program, the federal government can fund the majority of the total project costs. The remaining non-federal cost is the responsibility of the local sponsor and the state as cost-sharing partners.[49]

USACE's Jacksonville District is the entity responsible for constructing and maintaining 1,300 miles of Florida's 1,800 miles of coastline.[50]

Florida's Beach and Inlet Management Program

Recognizing that beach erosion is a statewide problem, the Legislature has created a comprehensive statewide beach and inlet management program. It includes a required long-term management plan and dedicated funding to partner with coastal communities for beach restoration.[51]

---

[45] *Id*.
[46] *Recreational Rights*, *supra* note 21, at 11.
[47] U.S. Army Corp of Engineers (USACE), *The U.S. Army Corps of Engineers: A Brief History*, https://www.usace.army.mil/About/History/Brief-History-of-the-Corps/Introduction/ (last visited Apr.18, 2025).
[48] DEP, Office of Resilience and Coastal Protection, *Hurricanes Ian and Nicole Recovery Plan for Florida's Beach and Dune System*, 5 (Dec. 9, 2022), available at https://floridadep.gov/sites/default/files/2022-Hurricanes-Ian-and-Nicole-Recovery-Plan_12-9-22%283%29.pdf.
[49] *Id*.
[50] USACE, Jacksonville District, *Shore Protection*, https://www.saj.usace.army.mil/Missions/Civil-Works/Shore-Protection/ (last visited Apr. 18, 2025).
[51] Florida Shore and Beach Preservation Association, *Beaches 2017 and Beyond: A Funding Initiative for Statewide Beach Management*, 1 (Oct. 3, 2016), https://www.fsbpa.com/Beaches2017.pdf [hereinafter "*Beaches 2017*"].

The Legislature adopted the Dennis L. Jones Beach and Shore Preservation Act[52] to protect, preserve, and manage the state's beaches and adjacent coastal systems. The Department of Environmental Protection's Beaches Programs, within the Office of Resilience and Coastal Protection, has the primary mission of protecting, restoring, and managing Florida's coastal systems.[53]

The act established three interrelated programs that the department administers to protect the state's beaches:

- The Coastal Construction Control Line Program.[54]
- Beach Management Funding Assistance.[55]
- The Beaches, Inlets and Ports Program.[56]

These programs have been successful in generating state and local benefits. The department has partnered with communities in the restoration or maintenance of at least 227 miles of eroding shoreline.[57]

Public Use

While some nourished beach miles are already in public ownership as parks and protected areas, most are not. This is because a key impetus for nourishment is the protection of upland structures, which are not typically located in parks and other protected areas.[58] When a beach is nourished using federal or state dollars, the newly emergent dry sand beach that is created from the submerged lands seaward of the mean high tide line belongs to the state up to the former mean high tide line, which is re-designated as the erosion control line (ECL).[59]

The beach that is landward of the ECL remains privately owned, while the new beach created by nourishment remains in public ownership.[60] While the private property owner retains riparian

---

[52] Parts I and II, ch. 161, F.S.; *see also* s. 161.011, F.S. (providing the short title). The act is also commonly referred to as the "The Beach and Shore Preservation Act." 42 FLA. JUR. 2D s. 50, *Beach management plan under Beach and Shore Preservation Act.*

[53] DEP, *Beaches*, https://floridadep.gov/rcp/beaches (last visited Apr. 18, 2025).

[54] The Coastal Construction Control Line (CCCL) Program regulates structures and activities that can cause beach erosion, destabilize dunes, damage upland properties or interfere with public access. CCCL permits also protect sea turtles and dune plants. DEP, *Coastal Construction Control Line Program*, https://floridadep.gov/CCCL (last visited Apr. 18, 2025).

[55] The Beach Management Funding Assistance Program is responsible for managing funding for critically eroded beaches. The program provides and manages grants to local governments (up to 75 percent of project costs) for planning and implementing beach and inlet management projects. DEP, *Beaches Funding Program*, https://floridadep.gov/rcp/beaches-funding-program (last visited Apr. 18, 2025).

[56] The Beaches, Inlets and Ports Program processes Joint Coastal Permit applications as well as Environmental Resource Permit applications for navigational dredging of deepwater ports and inlets. These projects are reviewed to make sure that any potential adverse impacts have been avoided or minimized, and that the projects meet the criteria for issuance that are specified in statutes and rules. DEP, *Beaches, Inlets and Ports Program*, https://floridadep.gov/rcp/beaches-inlets-ports (last visited Apr. 18, 2025); DEP, *Beaches*, https://floridadep.gov/rcp/beaches (last visited Apr. 18, 2025).

[57] *Beaches 2017*, *supra* note 53, at 1.

[58] *See id*.

[59] Section 161.141, F.S.; *see also* s. 161.151(3), F.S. (defining the ECL).

[60] Being open to public use does not necessarily mean that it is easily accessible. For example, many areas lack facilities for parking or easy public transit access, thus, as a practical matter, their use is limited unless an individual lives or stays in the immediate vicinity.

rights[61] over the newly created public beach, the public owns and has the right to use the newly emergent dry sand beach.[62] This bifurcation of dry sand beach ownership remains until the nourished public beach erodes back to the established ECL. Once this occurs, there is no longer a publicly owned dry sand beach, and the common law boundary is reinstated.[63]

As of 2020, new, publicly-owned dry sand beaches have been created along more than 229 miles of Florida's coastline under the department's beach management program. Federal cost-share represents a significant percentage of the funding for beach nourishment. Once a beach has been nourished, it is eligible to be renourished at regular intervals.[64]

III. Effect of Proposed Changes:

The bill repeals s. 163.035, F.S., which establishes procedures that a governmental entity must follow when attempting to establish a "recreational customary use of property," and bypasses certain statutory procedures to declare the mean high water line to be the erosion control line (ECL) in certain specified counties.

Repeal of s. 163.035, F.S.

Section 1 of the bill repeals s. 163.035, F.S., which establishes procedures that a governmental entity must follow when attempting to establish a "recreational customary use of property."

As detailed above, the repealed statutory procedures include:
- A public hearing to adopt a formal notice of intent to affected property owners, which notice alleges the existence of a recreational customary use on their properties.
- A judicial proceeding to consider whether the alleged customary use has been ancient, reasonable, without interruption, and free from dispute.

Repeal of the statute means a return to how customary use rights were determined prior to enactment of the statute:
- A governmental entity may declare the existence of a customary use and adopt a local customary use ordinance without following the procedures in s. 163.035, F.S.
- Property owners must file a lawsuit challenging the ordinance and demonstrate in court that the public does not enjoy customary use rights over their privately-owned beaches.
- Courts will apply the common law doctrine of customary use when ascertaining, on a case-by-case basis, whether the public enjoys customary use rights over privately-owned beaches.

[61] "Riparian rights" are certain rights incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law. Such rights are not of a proprietary nature. They are rights inuring to the owner of the riparian land but are not owned by him or her. They are appurtenant to and are inseparable from the riparian land. The land to which the owner holds title must extend to the ordinary high watermark of the navigable water in order that riparian rights may attach. Conveyance of title to or lease of the riparian land entitles the grantee to the riparian rights running therewith whether or not mentioned in the deed or lease of the upland. Section 253.141(1), F.S.
[62] *Recreational Rights, supra* note 21, at 12.
[63] *Id.*
[64] *Id.*

Critically Eroded Beaches

In **Section 2** of the bill, the Legislature declares the ECL to be the mean high water line as determined by a survey conducted by the Board of Trustees of the Internal Improvement Trust Fund. The Legislature makes this declaration notwithstanding the procedures in s. 161.161(5)-(6), F.S., which would otherwise apply to projects intended to restore and maintain critically eroded beaches.

The bill also provides that if an ECL has not been established for a critically eroded shoreline, the board must adopt the ECL by resolution and file:

- In the official records of the respective county, a copy of the resolution establishing the location of the ECL; and
- In the book of plats of the respective county, a survey showing the area of beach to be restored and the location of the ECL.

The bill also authorizes the Department of Environmental Protection to proceed with beach restoration projects for any area designated by the department as critically eroded in the Critically Eroded Beaches in Florida report dated August 2024.[65] Beach restoration projects conducted pursuant to Section 2 of the bill do not require a public easement, notwithstanding s. 161.141, F.S., which would otherwise require one. Any additions to property seaward of the ECL which result from the restoration project remain state sovereignty lands.

Section 2 of the bill only applies in those counties adjacent to the Gulf of America having:

- At least 3 municipalities.
- An estimated population of less than 275,000, according to the most recent population estimate prepared pursuant to s. 186.901, F.S.,[66] excluding the inmate population.

The Legislature declares that there is no intention on the part of the state to extend its claims to lands not already held by it, or to deprive any upland or submerged landowner of the legitimate and constitutional use and enjoyment of his or her property. The Legislature also declares that undertaking beach restoration projects for beaches that have been designated by the department to be critically eroded is in the public interest.

Effective Date

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[65] DEP, Office of Resilience and Coastal Protection, *Critically Eroded Beaches in Florida* (Aug. 2024), available at https://floridadep.gov/sites/default/files/FDEP_Critically%20Eroded%20Beaches_08-2024_0.pdf.

[66] This statute requires the Office of Economic and Demographic Research to annually provide the Executive Office of the Governor population estimates of local governmental units as of April 1 of each year using accepted statistical practices.

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 repeal of s. 163.035, F.S., means the upland owners of privately-owned beaches will either have to acquiesce to governmental entities' customary use ordinances or incur the legal costs associated with opposing customary uses on their particular beaches. Accordingly, the bill may have a negative fiscal impact on the upland owners of privately-owned beaches.

C. Government Sector Impact:

Under the bill, governmental entities will no longer have to follow the procedures of s. 163.035, F.S., to establish customary use rights over privately-owned beaches, which could save them the legal costs associated with litigating the issue in court. Accordingly, the bill may have a positive fiscal impact on governmental entities.

Because the bill directs the Board of the Internal Improvement Trust Fund to prepare and record certain resolutions and surveys confirming the ECL's location on certain critically eroded shorelines, the Department of Environmental Protection (acting as staff to the board) may incur costs associated with preparing and recording such documents. However, it is anticipated that these costs will be minimal and covered using the department's existing budget allocations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 163.035 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 Rules on April 21, 2025:

With respect to those counties adjacent to the Gulf of America having at least 3 municipalities and an estimated population of less than 275,000, the committee substitute revises the underlying bill to:

- Bypass certain existing statutory procedures for establishing the erosion control line (ECL) on critically eroded beaches and declare the mean high water line to be the ECL.
- Direct the Board of the Internal Improvement Trust Fund to prepare and record, in the official and platting records of the counties subject to the bill, certain documents confirming the ECL's location on critically eroded shorelines, but only if an ECL has not already been established.
- Authorize the Department of Environmental Protection to proceed with beach restoration projects for areas it has designated as critically eroded, and provide that notwithstanding existing law, such projects do not require public easements.
- Include legislative declarations that the state does not intend to extend its ownership claims beyond what it already owns, and that beach restoration projects for critically eroded beaches are in the public interest.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

642792

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Between lines 9 and 10

insert:

Section 2. (1) Notwithstanding s. 161.161(5) and (6), Florida Statutes, for the counties identified in subsection (4), the Legislature declares the erosion control line shall be the mean high-water line as determined by a survey conducted by the Board of Trustees of the Internal Improvement Trust Fund. The Legislature further declares that there is no intention on the part of the state to deprive any upland or submerged land owner

642792

of the legitimate and constitutional use and enjoyment of his or her property.

(2) If an erosion control line has not been established for a critically eroded shoreline, the Board of Trustees of the Internal Improvement Trust Fund must adopt the erosion control line by resolution and file:

(a) In the official records of the respective county, a copy of the resolution establishing the location of the erosion control line; and

(b) In the book of plats of the respective county, a survey showing the area of beach to be restored and the location of the erosion control line.

(3) The Department of Environmental Protection may proceed with beach restoration projects for any area designated by the department as critically eroded in the Critically Eroded Beaches in Florida report dated August 2024. Notwithstanding s. 161.141, Florida Statutes, beach restoration projects conducted pursuant to this section do not require a public easement. Any additions to property seaward of the erosion control line which result from the restoration project remain state sovereignty lands. The Legislature declares that such projects are in the public interest.

(4) This section applies to counties located adjacent to the Gulf of America with:

(a) At least three municipalities; and

(b) An estimated population of less than 275,000, according to the most recent population estimate prepared pursuant to s. 186.901, Florida Statutes, excluding the inmate population.

642792

41 ================ T I T L E A M E N D M E N T ================
42 And the title is amended as follows:
43 Delete lines 2 - 5
44 and insert:
45 An act relating to beaches; repealing s. 163.035,
46 F.S., relating to the establishment of recreational
47 customary use of beaches; providing a legislative
48 declaration establishing the erosion control line for
49 certain counties; providing a declaration of intent;
50 requiring the Board of Trustees of the Internal
51 Improvement Trust Fund to adopt the erosion control
52 line by resolution in certain circumstances;
53 authorizing the Department of Environmental Protection
54 to proceed with certain beach restoration projects;
55 providing that such projects do not require a public
56 easement; providing a legislative declaration of
57 public interest; providing applicability; providing an
58 effective date.

By Senator Trumbull

2-01664A-25 20251622__

A bill to be entitled

An act relating to recreational customary use of beaches; repealing s. 163.035, F.S., relating to the establishment of recreational customary use of beaches; providing an effective date.

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

Section 1. Section 163.035, Florida Statutes, is repealed.

Section 2. This act shall take effect upon becoming a law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Health and Human Services, *Chair*
Appropriations
Appropriations Committee on Higher Education
Community Affairs
Health Policy
Judiciary
Rules

SENATOR JAY TRUMBULL
2nd District

April 1, 2025

Re: SB 1622

Dear Chair Passidomo,

I respectfully request that Senate Bill 1622, relating to the Recreational Customary use of Beaches, be placed on the agenda for the next meeting of the Rules Committee.

I appreciate your time and consideration of this request. If you have any questions or concerns, please do not hesitate to contact my office at (850) 487-5002.

Thank you,

Senator Jay Trumbull
District 2

REPLY TO:
❒ 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
❒ 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

1622
Bill Number or Topic

642792
Amendment Barcode (if applicable)

Name Tony Anderson, Commissioner WALTON CO. Phone 850-830-2059

Address 1285 J.D. Miller Rd D 102 Email TSA81649@yahoo.com
Street

Santa Ros Beach FL 32459
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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

SB 1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Christine Boubs

Phone 850-228 8444

Address 943 Gentian ct
Street

Email cb2676@gmail.com

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:

Walton County homeowner

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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tony Anderson, Walton Co. Comm

Phone 850-830-2059

Address 1285 J.D. Miller Rd D102
Street

Email TSA81649@yahoo.com

Santa Rosa Beach 32459
City State Zip

Speaking: [X] For [ ] Against [ ] Information **OR** 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. 2020-2022JointRules.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

4.21.25
Meeting Date

Rules
Committee

1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Dodge

Phone 850.346.7701

Address 900 Bay Dr. #42
Street

Email Karen@premierfl.com

Niceville FL 32578
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. 2020-2022JointRules.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

4/21/25
Meeting Date

HB1622
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Sara Day

Phone 940-447-7065

Address 160 River Circle
Street

Email thedaylygrind@gmail.com

Santa Rosa Beach FL 32459
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pepper Uchino

Phone (850) 906-9227

Address PO Box 13146
Street

Email pepper@fsbpa.com

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:
FL Shore & Beach Preservation 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. 2020-2022JointRules.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

04/21/2025
Meeting Date

1622
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name BARBARA BREERWOOD Phone 910 684-4301

Address 198 SOMERSET BRIDGE RD Email bebbfl@yahoo.com
Street

SANTA ROSA BEACH FL 32459
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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

SB 1622
Bill Number or Topic

SB Amended
Amendment Barcode (if applicable)

Name John Dillard

Phone 770 814 9304

Address 215 Prairie Pass
Street

Email hiscpa@yahoo.com

Santa Rosa Beach FL 32459
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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Senate / Rules
Committee

SB 1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Clark

Phone 850-585-5651

Address 364 W. Pt. Washington
Street

Santa Rosa Beach FL 32459
City State Zip

Email KimClarkArt@Yahoo

Speaking: ☑ For ☐ Against ☐ Information **OR** 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Stacy Slavichak

Phone 352-328-9903

Address 1805 Fernando Dr.
Street

Email 5Slavichak@gmail.com

Tallahassee FL 32303
City State Zip

Speaking: [X] For [ ] Against [ ] Information **OR** Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] 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. 2020-2022JointRules.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

4-21-2025
Meeting Date

1622
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Carol Wynn

Phone 850-524-9301

Address Walton Rose Lane
Street

Email carol50wynn@gmail.com

~~Delta~~ Inlet Bch. FLORIDA
City State Zip

Speaking: [X] For [ ] Against [ ] Information **OR** Waive Speaking: [X] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] 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. 2020-2022JointRules.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

April 21 2024
Meeting Date

1622
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Donna R Hardin Phone

Address 198 Somerset Bridge Rd #134 Email
Street

Santa Rosa Beach FL 32459
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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara DeVane Phone

Address Email

Street

Tallahassee

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: FLNOW
But this is personal!

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1622
Bill Number or Topic

As amended
Amendment Barcode (if applicable)

Name Tami Dillard

Phone 678-613-6473

Address 215 Prairie Pass
Street

Email dillardtami@gmail.com

Santa Rosa Beach FL 32459
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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Gary Hunter

Phone 850-567-5763

Address 119 S. Monroe St. Suite 500
Street

Email ghunter@holtzmanvogel.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:
Walton County Beach Front Owners

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.
Street

Email fcfep@yahoo.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: 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. 2020-2022JointRules.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

4/21/2025
Meeting Date

Rules
Committee

1622
Bill Number or Topic

#1
Amendment Barcode (if applicable)

Name William Haun

Phone 850-566-6176

Address 285 S. Gulf Drive, Seagrove
Street

Email billydafish@hotmail.com

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. 2020-2022JointRules.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

21 April 2025
Meeting Date

Senate Rules
Committee

SB 1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mike Duffey

Phone (502) 418-7606

Address 421 Flatwoods Forest Loop
Street

Email mcduffone@gmail.com

Santa Rosa Beach FL 32459
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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

SB1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alyssa Fjeran

Phone (904) 793-3538

Address

Email ALYSSAFjeran@gmail.com

Street

Jacksonville 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 162
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dillon Welde

Phone (850) 865-8875

Address 134 windward Cir
Street

Email dillon@weldemail.com

Niceville, FL 32578
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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

SB1622
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Samuel Welde

Phone 850-830-5939

Address 1341 windward cir
Street

Email sam@weldemail.com

Niceville FL 32578
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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules Committee
Committee

SB 1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Andra Welde

Phone 850-502-6752

Address 395 Lakeview Dr
Street

Email andra@weldemail.com

Santa Rosa Beach FL 32578
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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

Not Called for Amendment
was in cards for the bill

The Florida Senate

APPEARANCE RECORD

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

4.21.25
Meeting Date

Rules
Committee

1622
Bill Number or Topic

642792
Amendment Barcode (if applicable)

Name Karen Doyle

Phone (850) 346-7701

Address 900 Bay Dr. #42
Street

Email karen@premierfl.com

Niceville, FL 32578
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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

By Senator Truenow

13-01806-25 20251672__

A bill to be entitled

An act relating to the Labor Pool Act; repealing ss. 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, F.S., relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively; amending ss. 443.101 and 448.111, F.S.; 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. Sections 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, Florida Statutes, are repealed.

Section 2. Subsection (10) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(10) Subject to the requirements of this subsection, if the claim is made based on the loss of employment as a leased employee for an employee leasing company or as a temporary employee for a temporary help firm.

(a) As used in this subsection, the term:

1. "Temporary help firm" means a firm that hires its own employees and assigns them to clients to support or supplement the client's workforce in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects~~, and includes a labor pool as defined in s. 448.22~~. The term also includes a firm created by

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

13-01806-25 20251672__

an entity licensed under s. 125.012(6), which hires employees assigned by a union for the purpose of supplementing or supporting the workforce of the temporary help firm's clients. The term does not include employee leasing companies regulated under part XI of chapter 468.

2. "Temporary employee" means an employee assigned to work for the clients of a temporary help firm. ~~The term also includes a day laborer performing day labor, as defined in s. 448.22, who is employed by a labor pool as defined in s. 448.22.~~

3. "Leased employee" means an employee assigned to work for the clients of an employee leasing company regulated under part XI of chapter 468.

(b) A temporary or leased employee is deemed to have voluntarily quit employment and is disqualified for benefits under subparagraph (1)(a)1. if, upon conclusion of his or her latest assignment, the temporary or leased employee, without good cause, failed to contact the temporary help or employee-leasing firm for reassignment, if the employer advised the temporary or leased employee at the time of hire and that the leased employee is notified also at the time of separation that he or she must report for reassignment upon conclusion of each assignment, regardless of the duration of the assignment, and that reemployment assistance benefits may be denied for failure to report. ~~For purposes of this section, the time of hire for a day laborer is upon his or her acceptance of the first assignment following completion of an employment application with the labor pool. The labor pool as defined in s. 448.22(1) must provide notice to the temporary employee upon conclusion of the latest assignment that work is available the next business~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~day and that the temporary employee must report for reassignment the next business day. The notice must be given by means of a notice printed on the paycheck, written notice included in the pay envelope, or other written notification at the conclusion of the current assignment.~~

Section 3. Subsection (2) of section 448.111, Florida Statutes, is amended to read:

448.111 Evidentiary standards for actions of a business during an emergency.—

(2) Notwithstanding any other law, the following actions of a business, if taken during a public health emergency declared by the State Health Officer under s. 381.00315 or a state of emergency declared by the Governor under s. 252.36, may not be used as evidence in a civil cause of action brought under s. 440.10, s. 440.192, s. 440.38, s. 440.381, s. 448.103, s. 448.110, ~~s. 448.25,~~ chapter 532, or s. 717.115, or in a civil cause of action, as provided for under general law, to recover lost wages, salary, employment benefits, or other compensation, because an individual has not been properly classified as an employee:

(a) Providing financial assistance to previously engaged individuals who are unable to work because of health and safety concerns.

(b) Directly providing benefits that are related to the health and safety of engaged individuals, including medical or cleaning supplies, personal protective equipment, health checks, or medical testing.

(c) Providing training or information related to the health and safety of engaged individuals or the public.

(d) Taking any action, including action required or suggested by any federal, state, or local law, ordinance, order, or directive which is intended to protect public health and safety.

Section 4. This act shall take effect July 1, 2025.

BILL NOT RECEIVED
BY COMMITTEE

The Florida Senate

APPEARANCE RECORD

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

4-21-2025
Meeting Date

SB 1672
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Former County Commissioner James Calkins Phone

Address 45 Bay Side Park Email
Street

Miramar Beach FL 32550
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. 2020-2022JointRules.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

April 21, 2024
Meeting Date

Rules
Committee

SB 1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tiffany Hankins

Phone 206 915 7426

Address 561 NE 79th St Suite 400
Street

Email tiffany@flic.org

Miami FL 33138
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:
FLIC

☐ 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

DUPLICATE

The Florida Senate

APPEARANCE RECORD

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

April 21, 2025
Meeting Date

Rules
Committee

1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Phone 850-425-1344

Address 104 S. Monroe Street
Street

Email TcgLobby@aol.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:
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. 2020-2022JointRules.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

4.21.25
Meeting Date

Senate Rules
Committee

1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kara Gross

Phone 786-363-4436

Address 4343 West Flagler Rd
Street

Email kgross@aclufl.org

Tallahassee 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:

American Civil Liberties Union 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. 2020-2022JointRules.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

4-21-25
Meeting Date

Rules
Committee

1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara DeLane

Phone

Address
Street

Email

Tallahassee
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 NOW

☐ 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. 2020-2022JointRules.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

April 21, 2025
Meeting Date

Rules
Committee

1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Phone 850-425-1344

Address 104 S. Monroe Street
Street

Email TcgLobby@aol.com

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. 2020-2022JointRules.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 Rules

BILL:	CS/SB 1674
INTRODUCER:	Community Affairs Committee; Senator Calatayud and others
SUBJECT:	Unrated Bonds
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Fav/CS**
2.	Shuler	Siples	FP	**Favorable**
3.	Shuler	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1674 prohibits a local government's investment policy from requiring a minimum bond rating for investments in rated or unrated bonds issued by the Israeli government.

The bill takes effect on July 1, 2025.

II. Present Situation:

Local Government Investment Policies

Known as the "Investment of Local Government Surplus Funds Act,"[1] part IV of chapter 218, F.S., (ss. 218.40-218.415, F.S.) provides the framework by which local governments may maximize "net interest earnings on invested surplus funds of local units of government, based on the principles of investor protection, mandated transparency, and proper governance, with the goal of reducing the need for imposing additional taxes."[2]

Each unit of local government[3] in the state may invest any surplus funds either according to a written investment policy adopted by the governing body or principal officer of the local

[1] Section 218.40, F.S.

[2] Section 218.401, F.S.

[3] A "unit of local government" is defined under the act as any governmental entity within the state that is not part of state government and includes, but is not limited to, the following and the officers of: any county, municipality, school district,

government, or they may choose to invest according to alternative guidelines that authorize a more limited range of investment types.[4]

If a local government has not adopted a written investment policy, its ability to invest surplus funds in their control or possession is limited to:

- The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969.
- Money market funds registered with the Securities and Exchange Commission with the highest credit quality rating from a nationally recognized rating agency.
- Interest-bearing time deposits, such as certificates of deposit, or savings accounts in qualified public depositories.
- Direct obligations of the United States Treasury.[5]

If the unit of local government has chosen to invest pursuant to a written investment policy, the investment policy applies to funds under the control of the unit of local government in excess of those required to meet current expenses, but does not apply to any pension funds of the local government, including any firefighter or municipal police pensions, or to any funds related to debt issuance where there are other policies or indentures governing such funds.[6]

The local government's written investment policy must be structured to place the highest priority on the safety of principal and liquidity of funds, with maximizing investment returns as a secondary consideration.[7] The investment portfolio must be structured so that the local government has sufficient liquidity to pay obligations as they come due.[8] The policy must describe investment objectives, specify performance measures appropriate for the nature and size of the funds held by the local government, and describe the level of prudence and ethical standards followed by the local government in investing.[9] The policy must also include guidelines for investments, limits on security issues, issuers, and maturities the funds will be deposited in, and provide for appropriate diversification.[10]

A local government's written investment policy must include a list of investments authorized by the governing body of the unit of local government selected from a list of investments provided in statute.[11] Any investments not listed in the investment policy are expressly prohibited.[12] Section 218.415(16), F.S. lists the following authorized investments:

- The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969.[13]

special district, clerk of the circuit court, sheriff, property appraiser, tax collector, supervisor of elections, authority, board, public corporations, or any other political subdivision of the state. S. 218.403(11), F.S.

[4] Section 218.415, F.S.

[5] Section 218.415(17), F.S.

[6] Section 218.415(1), F.S.

[7] Section 218.415, F.S.

[8] Section 218.415(6), F.S.

[9] Sections 218.415(2)-(4), F.S.

[10] Sections 218.415(7)-(8), F.S.

[11] Section 218.415(5), F.S.

[12] Section 218.415(5), F.S.

[13] The Local Government Surplus Funds Trust Fund, also known as Florida PRIME, is administered by the State Board of Administration and currently holds a balance of over $34 billion dollars on behalf of 819 participating local governments.

- Money market funds registered with the Securities and Exchange Commission with the highest credit quality rating from a nationally recognized rating agency.
- Interest-bearing time deposits, such as certificates of deposit, or savings accounts in qualified public depositories.
- Direct obligations of the United States Treasury.
- Federal agencies and instrumentalities.
- Rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel.
- Securities or other interests in any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940 that is limited to investing in obligations of the United States Government and to repurchase agreements fully collateralized by such United States Government obligations.
- Other investments authorized by law or by ordinance for a county or a municipality.
- Other investments authorized by law or by resolution for a school district or a special district.

If the local government's investment policy authorizes investments in derivative products or in reverse repurchase agreements or other forms of leverage, the policy must require the officials responsible for making investment decisions to have sufficient understanding and expertise in the use of such products.[14] Reverse repurchase agreements or other forms of leverage may only be used where the proceeds are intended to provide liquidity to the local government.[15]

Each local government's investment policy must provide for a system of internal controls and operational procedures to prevent the loss of funds by fraud, employee error, misrepresentation by third parties, or imprudent actions by employees.[16] The system of internal controls must provide for the review of such controls by independent auditors as part of any financial audit required of the local government.[17] The policy must also provide for reporting on at least an annual basis that includes the local government's investment portfolio, the book value of the assets in the portfolio, any income earned by the portfolio, and the market value as of the date of the report.[18]

State Board of Administration, *Florida PRIME Monthly Summary Report*, (Jan. 31, 2025), *available at* https://prime.sbafla.com/media/013lslpj/monthly_summary_report_01_31_25.pdf (last visited Mar. 26, 2025). Additionally, there are currently two intragovernmental investment pools operating in the state, the Florida Local Government Investment Trust, jointly created by the Florida Association of Counties and the Florida Court Clerks & Comptrollers, and the Florida Municipal Investment Trust. *See* Florida Trust, *About the Florida Trust*, https://www.floridatrustonline.com/about/ (last visited Mar. 26, 2025) and Florida League of Cities, *Florida Municipal Investment Trust (FMIVT)*, https://www.floridaleagueofcities.com/services/investments-(fmivt) (last visited Mar. 26, 2025).

[14] A "derivative" is defined by the act as any financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or index or asset values. S. 218.415(5), F.S. A "reverse repurchase agreement" is a transaction in which an investor owns a security that a bank or other party purchases from the investor such to an agreement to sell the security back to the investor on a specified date at an agreed-upon interest rate. Government Finance Officers Association, *Ensuring the Safety of Reverse Repurchase Agreements*, https://www.gfoa.org/materials/ensuring-the-safety-of-reverse-repurchase-agreements (last visited Mar. 26, 2025).

[15] Section 218.415(5), F.S.

[16] Section 218.415(13), F.S.

[17] *Id.* Certified public accountants conduction annual financial audits of units of local government pursuant to s. 218.39, F.S. must report as part of the audit whether the local government is complying with the requirements for local government investment policies. S. 218.415(22), F.S.

[18] Section 218.415(15), F.S.

Bond Ratings

Bond ratings are measures developed by credit rating agencies to inform investors of the creditworthiness of a bond issuer.[19] Ratings agencies conduct research into the financial health of bond issuers and assign ratings based on their findings.[20] Ratings are reported using a hierarchical system that allows investors to compare the risks associated with the bonds of different issuers.[21] While various gradations exist, bonds are often thought of as being either "investment-grade" (bonds with a rating of BBB- (on the Standard & Poor's and Fitch scale) or Baa3 (on Moody's) or better) or "speculative" (sometimes called "high-yield" or "junk" bonds).[22] An unrated bond is a bond that has not received a rating from a rating agency.[23] While perceived by some as representing greater investment risk, bonds may be unrated for reasons unrelated to creditworthiness.[24]

Israeli bonds

Section 215.44, F.S., directs the State Board of Administration to invest funds in the System Trust Fund established in the State Treasury for the purpose of holding and investing the contributions paid by members and employers and paying the benefits to which members or their beneficiaries may be entitled under the Florida Retirement System. Section 215.47(2), F.S., provides that not more than 25 percent of any fund available for investment can be invested in specified areas, and that a portion of those funds available for investment can be invested in rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel. The authority for local governments with written investment policies to invest in rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel was put into law in 2007.[25]

Israeli bonds have been a popular investment choice for some counties. In March of 2024, the Palm Beach County Board of County Commissioners voted unanimously to amend its investment policy to increase the cap for the amount of the portfolio that could be invested in Israeli bonds from 10 percent to 15 percent, allowing the county to invest approximately $700 million in total in Israeli bonds.[26] The Palm Beach County investment policy provides that the Clerk may purchase investments in bonds, notes, or instruments backed by the full faith and credit of the government of Israel if Standard & Poor's and Moody's have rated Israel's foreign debt at the time of purchase as "A" or higher.[27] Broward County announced in October of 2023,

---

[19] Fidelity, *Bond Ratings*, https://www.fidelity.com/learning-center/investment-products/fixed-income-bonds/bond-ratings (last visited Mar. 26, 2025).
[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] Intrepid Capital, *Demystifying Non-Rated Bonds*, https://blog.intrepidcapitalfunds.com/advisor-insights/demystifying-non-rated-bonds (last visited Mar. 26. 2025).
[24] *Id*.
[25] Chapter 2007-28, Laws of Fla.
[26] Clerk of the Circuit Court & Comptroller of Palm Beach County, *World's Largest Investor in Israel Bonds*, (Mar. 26, 2024) https://www.mypalmbeachclerk.com/Home/Components/News/News/712/16 (last visited Mar. 27, 2025).
[27] Palm Beach County Board of County Commissioners, Resolution No. R-2024-0334, s. VI.A.11., *available at* https://www.mypalmbeachclerk.com/home/showpublisheddocument/286/638530276351930000 (last visited Mar. 27, 2025).

that it holds $5 million in Israeli bonds,[28] and Miami-Dade County announced its total investment in Israeli bonds at that time to be $76 million.[29] While the investment policy of Broward County includes minimum bond ratings for some types of investments, it does not specify a minimum bond rating for Israeli bonds.[30] Miami-Dade's investment policy requires that bonds backed by the Israeli government have an "A" rating or above or equivalent rating by at least two accredited ratings agencies.[31]

In September of 2024, Moody's Ratings downgraded bonds backed by the Israeli government from A2 to Baa1.[32] Moody's stated that "The key driver for the downgrade is our view that geopolitical risk has intensified significantly further, to very high levels, with material negative consequences for Israel's creditworthiness in both the near and longer term."[33]

III. Effect of Proposed Changes:

The bill amends s. 218.415, F.S., to prohibit a local government's investment policy from requiring a minimum bond rating for investments in rated or unrated bonds issued by the Israeli government.

The effective date of the bill is July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

---

[28] Broward County Office of Public Communications, Israeli Bonds Part of Broward County's Investment Portfolio (Oct. 13, 2023), https://webapps6.broward.org/newsrelease/View.aspx?intMessageId=14488 (last visited Mar. 27, 2025).
[29] Miami-Dade County Office of the Mayor, Mayor Daniella Levine Cava announces Miami-Dade County will boost investment in Israel, (Oct. 17, 2023) https://www.miamidade.gov/global/release.page?Mduid_release=rel1697579815448444 (last visited Mar. 27, 2025).
[30] Broward County Board of County Commissioners, Resolution No. 2007-314 s. 22.84.o., *available at* https://library.municode.com/fl/broward_county/codes/administrative_code?nodeId=CH22OTOPPOFIADSE_PTXIIIINPOBRCO (last visited Mar. 27, 2025).
[31] Miami-Dade County, *Investment Policy*, 6 (2020) *available at* https://www.miamidade.gov/finance/library/policy.pdf (last visited Mar. 27, 2025).
[32] Moody's, *Moody's Ratings Downgrades Israel's Ratings to Baa1, Maintains Negative Outlook*, (Sept. 27, 2024), https://ratings.moodys.com/ratings-news/429502 (last visited Mar. 27, 2025).
[33] *Id.*

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:

Because s. 218.415, F.S., authorizes, but does not require, local governments to invest in any particular investment products, this bill will not have a direct fiscal effect on government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 218.415 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 March 31, 2025:
The committee substitute makes a clarifying change to ensure the prohibition on minimum bond ratings applies specifically to Israeli bonds.

B. Amendments:

None.

By the Committee on Community Affairs; and Senators Calatayud, Fine, and Polsky

578-03102-25 20251674c1

A bill to be entitled

An act relating to unrated bonds; amending s. 218.415, F.S.; prohibiting local governments from requiring minimum bond ratings for certain investments; providing an effective date.

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

Section 1. Subsection (5) of section 218.415, Florida Statutes, is amended to read:

218.415 Local government investment policies.—Investment activity by a unit of local government must be consistent with a written investment plan adopted by the governing body, or in the absence of the existence of a governing body, the respective principal officer of the unit of local government and maintained by the unit of local government or, in the alternative, such activity must be conducted in accordance with subsection (17). Any such unit of local government shall have an investment policy for any public funds in excess of the amounts needed to meet current expenses as provided in subsections (1)-(16), or shall meet the alternative investment guidelines contained in subsection (17). Such policies shall be structured to place the highest priority on the safety of principal and liquidity of funds. The optimization of investment returns shall be secondary to the requirements for safety and liquidity. Each unit of local government shall adopt policies that are commensurate with the nature and size of the public funds within its custody.

(5) LISTING OF AUTHORIZED INVESTMENTS.—The investment policy shall list investments authorized by the governing body

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2025 **CS for SB 1674**

578-03102-25 20251674c1

of the unit of local government, subject to the provisions of subsection (16). The investment policy authorized by the governing body of the unit of local government may not require a minimum bond rating for investments authorized pursuant to paragraph (16)(f). Investments not listed in the investment policy are prohibited. If the policy authorizes investments in derivative products, the policy must require that the unit of local government's officials responsible for making investment decisions or chief financial officer have developed sufficient understanding of the derivative products and have the expertise to manage them. For purposes of this subsection, a "derivative" is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or index or asset values. If the policy authorizes investments in reverse repurchase agreements or other forms of leverage, the policy must limit the investments to transactions in which the proceeds are intended to provide liquidity and for which the unit of local government has sufficient resources and expertise.

Section 2. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

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

April 21, 2025
Meeting Date

Rules
Committee

SB 1674
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mat Forrest

Phone 850-577-0444

Address 201 E. Park Ave.
Street

Email Mat@ballardpartners.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:
Joe Abruzzo, Palm Beach County Clerk of Courts

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 1726
INTRODUCER:	Rules Committee; Appropriations Committee on Higher Education and Senator Calatayud
SUBJECT:	Higher Education
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	**Favorable**
2.	Gray	Elwell	AHE	**Fav/CS**
3.	Jahnke	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1726 establishes term limits for members of the Board of Governors (BOG), the State Board of Education (SBE), and state university and Florida College System (FCS) institution boards of trustees. It also limits the length of time an SBE or FCS institution board of trustees member may serve as board chair.

The bill requires that appointed BOG members be Florida residents or graduates of a state university and file a full and public disclosure of financial interests. The bill also establishes similar residency or alumni requirements for members of university boards of trustees and removes the exemption from residency requirements.

The bill revises the presidential search and selection process for both state universities and FCS institutions by requiring a formal search committee and removing the authority of the SBE and BOG to approve or confirm presidential appointments. The bill also defines when presidential applicant information becomes subject to public disclosure, replacing the current public records exemption.

The bill requires enhanced textbook, instructional material, and course syllabus transparency from state universities and FCS institutions. The bill removes the requirement for each university to establish a designated Office of Public Policy Events, while retaining the university's responsibility to fulfill all related duties. The bill removes requirements relating to the Institute

for Freedom in the Americas at Miami Dade College. Additionally, the bill prohibits FCS institutions and state universities from requiring a graduation course that distorts significant historical events or includes prohibited content.

Finally, the bill includes provisions related to university operations, including prohibiting state universities from conducting candidate polling, eliminating the requirement to reserve Public Education Capital Outlay (PECO) funds in escrow for individual projects, requiring the BOG to review university admission criteria as part of its mission review process, and authorizing university boards of trustees to manage auxiliary services, including athletics, with greater flexibility.

The bill does not have a fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill is effective July 1, 2025, except as otherwise provided.

II. Present Situation:

Board Appointments, Terms, and Residency Requirements

Board of Governors

The Board of Governors (BOG) of the State University System (SUS) is established as a body corporate to operate, regulate, control, and be fully responsible for the management of the whole university system.[1] The BOG consists of 17 members: 14 citizen members appointed by the Governor and confirmed by the Senate, the Commissioner of Education, the chair of the advisory council of faculty senates or the equivalent, and the president of the Florida Student Association or the equivalent. Appointed members serve staggered seven-year terms. There are no term limits for service, including service as chair. Members do not receive compensation but may be reimbursed for travel and per diem expenses.[2] Florida residency is not required for BOG members.

State Board of Education

The State Board of Education (SBE) is established as a body corporate with supervision of the system of free public education.[3] The SBE consists of seven citizen members who are residents of Florida and are appointed by the Governor to staggered four-year terms, subject to Senate confirmation. Members may be reappointed by the Governor but may not serve more than eight years of consecutive service. The SBE selects a chair and vice chair from among its appointed members. The chair serves a two-year term and may be reselected for one additional consecutive term. Members serve without compensation but are entitled to reimbursement for travel and per diem expenses.[4]

[1] FLA. CONST. art. IX, s. 7(d).; and s. 1001.70, F.S.
[2] Section 1001.70, F.S.
[3] FLA. CONST. art. IX, s. 2.
[4] Section 1001.01, F.S.

State University Boards of Trustees

Each state university is governed by a university board of trustees (UBOT)[5] composed of 13 members: six citizen members appointed by the Governor and five citizen members appointed by the BOG, all subject to Senate confirmation. The UBOT also includes the chair of the faculty senate (or equivalent) and the president of the student body. Appointed members serve staggered five-year terms. There is no state residency requirement, but the Governor and the BOG must consider diversity and regional representation in appointments. Regional representation includes the chair of a campus board.[6] UBOT members receive no compensation but may be reimbursed for travel and per diem.[7]

Each UBOT selects its chair and vice chair from among the appointed members. The chair serves a two-year term and may be reselected for one additional consecutive term. Additional consecutive terms are permitted with approval by a two-thirds vote of the board. The chair is responsible for presiding over meetings, calling special meetings, and attesting to board actions.[8]

Florida College System Board of Trustees

Each Florida College System (FCS) institution is governed by a local board of trustees dedicated to the purposes of the state college system.[9] FCS institution boards of trustees vary in size based on the service area. A board consists of five members if the college serves one school board district, seven members if the board elects to do so within a single district, and up to nine members if the district includes two or more school board districts. Florida State College at Jacksonville must have an odd number of trustees, and St. Johns River State College must have seven trustees representing its three-county area.[10]

Members are appointed by the Governor to staggered four-year terms, subject to Senate confirmation,[11] and must reside within the college's service delivery area.[12] They serve without compensation but may be reimbursed for expenses.[13] Each board elects a chair and vice chair at its first regular meeting after July 1.[14]

Full and Public Disclosure of Financial Interests

Full and Public Disclosure

The Florida Constitution requires all elected constitutional officers and candidates for such offices to file a full and public disclosure of their financial interests. Other public officers, candidates, and public employees may also be required to file such disclosures as determined by law.[15] Under the Florida Constitution, "full and public disclosure of financial interests" means

[5] FLA. CONST. art. IX, s. 7(c).
[6] Section 1001.71(1), F.S.
[7] Section 1001.71(2), F.S.
[8] Section 1001.71(4), F.S.
[9] FLA. CONST. art. IX, s. 8(c).
[10] Section 1001.61(1), F.S.
[11] Section 1001.61(2), F.S.
[12] FLA. CONST. art. IX, s. 8(c).
[13] Section 1001.61(3), F.S.
[14] Section 1001.61(4), F.S.
[15] FLA. CONST. art II, s. 8(a).; *See* ss. 112.3144(1)(b) and 112.3145, F.S.

disclosing the reporting individual's net worth and the value of each asset and liability exceeding $1,000.[16] The disclosure must be accompanied by either a sworn statement identifying each separate source and amount of income exceeding $1,000 or a copy of the individual's most recent federal income tax return. However, beginning January 1, 2023, the Commission on Ethics may no longer accept federal income tax returns for this purpose.[17]

Pursuant to general law, the Commission on Ethics has adopted by rule CE Form 6 (Form 6), which is used for full and public financial disclosure.[18] Reporting individuals are required to file Form 6 annually by July 1 through the Commission's electronic filing system.[19]

Form 6 requires filers to report their net worth, assets, and liabilities. Each asset valued over $1,000 must be specifically identified and reported, and each liability over $1,000 must include the creditor's name and address and the amount owed. Filers must also disclose the value of their net worth as of December 31 of the previous year or a more current date.[20]

Statement of Financial Interests—Limited Financial Disclosure

In addition to the full financial disclosure required on Form 6, current law provides for a more limited financial disclosure using the Commission on Ethics' CE Form 1 (Form 1).[21] Form 1 must be filed by a wide range of public officers and employees, including all officers holding elected positions in any political subdivision of the state (other than counties), certain appointed local officials, specified state officers and employees, and individuals seeking to qualify as candidates for these state or local offices.[22]

Form 1 requires filers to disclose specified information about their financial interests, including sources of income, real property, intangible personal property, liabilities, and interests in certain businesses. Filers are not required to report exact dollar amounts; instead, they must disclose whether the value of assets or liabilities exceeds certain thresholds.[23]

Presidential Search and Selection

State University System

The BOG is responsible for confirming the selection and reappointment of state university presidents by each UBOT.[24] The UBOT chair, in consultation with the BOG chair, appoints a 15-member presidential search committee. The committee must include at least three UBOT members, two BOG designees, and representatives from groups such as faculty, students,

[16] FLA. CONST. art II, s. 8.
[17] *See* 112.3144(6)(c) and (7)(a), F.S.
[18] *See* Rule 34-8.002, F.A.C.
[19] FLA. CONST. art II, s. 8(j)(1); *See* s. 112.3144(2), F.S.
[20] *See* FLA. CONST. art II, s. 8(j)(1); s. 112.3144(5)-(6), F.S.; Rule 34-8.004, F.A.C.
[21] *See* s. 112.3145, F.S.; Rule 34-8.202, F.A.C.
[22] *See* s. 112.3145, F.S.; Rule 34-8.202, F.A.C. For a guide explaining who must file the Form 1 and what the Form 1 entails, see Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees,* p. 15-19, available at https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310 (last visited Apr. 1, 2025).
[23] Section 112.3145, F.S.
[24] Section 1001.706(6)(a), F.S.

foundation or financing boards, alumni, donors, and community members. Individuals who report directly to the president are prohibited from serving on the committee.[25]

The search committee is responsible for developing position criteria aligned with the institution's goals, vetting applicants, reviewing public records, conducting interviews, and recommending an unranked list of more than two qualified final applicants to the UBOT.[26] All individuals with access to confidential applicant information are required to sign a non-disclosure agreement (NDA) to ensure the confidentiality of that information.[27] The list of final applicants is subject to prior review and approval by the BOG chair. If exceptional circumstances make it infeasible to recommend more than two applicants, the committee must document the reason and determine whether additional applications should be solicited.[28] The UBOT selects a president-elect from the recommended list and submits the selection to the BOG for confirmation.[29]

In the event a UBOT selects an interim president, a formal search is not required; however, the interim appointment must still be confirmed by the BOG. A UBOT may delegate full authority to an interim president to serve before confirmation if determined to be in the best interest of the university.

A public records exemption applies to the personal identifying information of applicants for the position of university president. This information remains confidential until a final group of applicants is established or 21 days before an interview or final action is taken, whichever occurs first. Meetings held for the purpose of identifying or vetting applicants are exempt from public meeting requirements; however, a complete recording must be made and maintained. Once the final group of applicants is determined, public meeting and disclosure requirements apply.[30]

Florida College System

Each FCS institution's board of trustees is responsible for appointing, suspending, or removing the college president. Boards may, but are not required to, establish a presidential search committee.[31] Upon taking action to appoint, suspend, or dismiss a president, the board must immediately notify the SBE. The UBOT must also inform the president, at the time of contract issuance, of their assigned duties, the procedure by which performance will be evaluated, and the criteria used in the evaluation.[32]

Boards are required to evaluate the president annually and submit the completed evaluation to the SBE for review.[33] The evaluation must address the president's achievement of performance goals established through the accountability process and must be conducted in accordance with SBE rules.[34]

[25] Board of Governors Regulation 1.002(1)(a).
[26] Board of Governors Regulation 1.002(1)(c).
[27] Board of Governors Regulation 1.002(3) and s. 1004.098, F.S.
[28] Board of Governors Regulation 1.002(1)(c).
[29] Board of Governors Regulation 1.002(1)(d).
[30] Section 1004.098, F.S.
[31] Section 1001.64(19), F.S.
[32] Rule 6A-14.026, F.A.C.
[33] *Id.*
[34] Section 1001.64(19), F.S.

A public records exemption applies to the personal identifying information of applicants for the position of college president. This information remains confidential until a final group of applicants is established or 21 days before an interview or final action is taken, whichever occurs first. Meetings held for the purpose of identifying or vetting applicants are exempt from public meeting requirements; however, a complete recording must be made and maintained. Once the final group of applicants is determined, public meeting and disclosure requirements apply.[35]

Public Records Exemption

In 2022, the Legislature created a public records and public meetings exemption for presidential searches at state universities and FCS institutions.[36] The exemption was intended to expand the pool of qualified applicants by shielding the personal identifying information of candidates who were not selected as finalists. The personal identifying information of an applicant remains confidential until a final group of applicants is established or 21 days before a meeting is held to interview or take final action on a candidate, whichever occurs first.[37] Once that threshold is met, public records and public meeting requirements apply.

The exemption also provides that meetings held for the purpose of identifying or vetting applicants are exempt from public meeting requirements; however, a complete recording of any such meeting must be made and maintained. Meetings held to establish candidate qualifications or compensation frameworks and meetings occurring after the final group of applicants is determined remain subject to public meeting requirements.[38]

The exemption is subject to the Open Government Sunset Review Act[39] and will be repealed on October 2, 2027, unless reviewed and reenacted by the Legislature.[40]

Textbook, Instructional Material, & Course Syllabus Affordability and Transparency

State universities and FCS institutions are required to post, prominently in their course registration systems and on their websites, lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections offered during the upcoming term. The lists must include the International Standard Book Number (ISBN) or other identifying information, including, at a minimum: the title, all listed authors, publisher, edition number, copyright date, published date, and other relevant information necessary to identify the materials. The lists must:

- Be posted as early as is feasible, but at least 45 days before the first day of class for each term.
- Remain posted for at least five academic years.
- Be searchable by the course subject, course number, course title, instructor name, textbook or material title, and author.
- Be easily downloadable by current and prospective students.

[35] Section 1004.098, F.S.
[36] *Id.*
[37] Section 1004.098(1), F.S.
[38] Section 1004.098(2), F.S.
[39] Section 119.15, F.S.
[40] Section 1004.098(3), F.S.

For courses that are designated as general education core course options, institutions must also include course syllabi that provide sufficient detail to inform students of course curriculum, goals and objectives, student expectations, and how performance will be measured.[41]

Public Education Capital Outlay (PECO) Project Prioritization

The BOG is required to submit a prioritized list of projects to receive PECO funding.[42] Projects considered for prioritization must be chosen from a preliminary selection group that includes projects that have previously had state funds appropriated that have not yet been completed[43] and the top two priorities of each state university.

The BOG uses a points-based prioritization method to rank projects for consideration from the preliminary selection group that awards points for the degree to which a project meets specific criteria compared to other projects in the preliminary selection group. The project scoring the highest for each criterion shall be awarded the maximum points in the range of points within the points scale developed by the board.[44]

A new construction, remodeling, or renovation project that has not received an appropriation in a previous year must not be considered for inclusion on the prioritized list, unless:[45]

- A plan is provided to reserve funds in an escrow account, specific to the project, into which shall be deposited each year an amount of funds equal to one percent of the total value of the building for future maintenance;
- There exists sufficient capacity within the cash and bonding estimate of funds by the Revenue Estimating Conference to accommodate the project within the three-year PECO funding cycle; and
- The project has been recommended in a state university's educational plant survey.[46]

Required Courses

The chairs of the SBE and the BOG jointly appoint faculty committees to review and recommend general education core course options for approval. These reviews must occur every four years and may include recommendations to remove, align, or add courses to the statewide course numbering system.

General education core course options must be drawn from the five primary subject areas: communication, mathematics, social sciences, humanities, and natural sciences. Each subject area may include up to five core courses. All general education core courses are expected to contain rigorous academic content, including high-level critical thinking skills and common competencies that students must demonstrate to complete the course successfully. Additionally, courses may not include curriculum content that distorts significant historical events or promotes identity politics. Furthermore, they must not violate state anti-discrimination

[41] Section 1004.085(5), F.S.
[42] Section 1013.64(4), F.S.
[43] Section 1001.706(12)(d), F.S.
[44] Section 1001.706(12)(a)-(b), F.S.
[45] Section 1001.706(12)(c), F.S.
[46] Section 1013.31, F.S.

policies,[47] or be based on theories suggesting that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to perpetuate inequality.[48]

Auxiliary Services

"Auxiliary enterprises" includes activities that directly or indirectly provide a product or a service, or both, to a university or its students, faculty, or staff and for which a charge is made.[49] These auxiliary enterprises are business activities of a university which require no support from the General Revenue Fund, and include activities such as housing, bookstores, student health services, continuing education programs, food services, college stores, operation of vending machines, specialty shops, day care centers, golf courses, student activities programs, data center operations, and intercollegiate athletics programs.[50]

Under current BOG regulation[51], each auxiliary service is an individual entity and is accounted for as such. A service may be operated by the institution or by a private contractor under the institution's supervision. Under either arrangement, all pertinent institutional revenues and costs are assigned to the auxiliary service.

A uniform system of financial reporting is required for auxiliary services within the SUS. Each institution may determine whether its auxiliary services will be self-supporting on an individual or collective basis, except for athletics, which must be a self-supporting entity. The use of unreserved cash from a non-athletic auxiliary may be considered for athletics by the UBOT and approved by the BOG, which will consider this on a case by case basis, taking into consideration the unique facts and circumstances surrounding each situation. The university administration must provide, at a minimum, the following information to the UBOT for its consideration, and subsequently to the BOG, so that a transparent and informed decision can be made:

- The specific non-athletic auxiliary the funds are coming from, the amount of the proposed transfer, and the amount of reserves available.
- Justification that the use of unreserved cash from the non-athletic auxiliary will benefit the broader student body or campus community.
- If the supporting non-athletic auxiliary has outstanding debt, verification that the funds to be used are unreserved cash balances and that sufficient current revenues exist to cover all expenditures, including, but not limited to, debt service payments, and required reserves.
- Assurance by the university, with concurrence of the Division of Bond Finance, that such transfer does not violate any bond covenants.
- In the event the non-athletic auxiliary revenues to be transferred include student fees or payments, documentation that a disclosure has been made to students that non-athletic auxiliary revenues which include student fees or payments will be transferred to athletics.

Revenues for auxiliary services must not be provided from general revenue supported budget entities except in payment of goods and/or services. Provided, however, auxiliary services may

[47] Section 1000.05, F.S.
[48] Section 1007.25(3), F.S.
[49] FLA. CONST. art 3, s. 19(f)(3).
[50] Section 1011.47(1), F.S.
[51] Board of Governors Regulation 9.013.

be housed in buildings that are financed from other sources. Proposed expenditures from the various auxiliary funds must be reflected in annual budgets filed with the Board of Governors.

Office of Public Policy Events

Each university within the State University System is required to establish an Office of Public Policy Events and appoint a Director of Public Policy Events to oversee its responsibilities.[52] The office must organize, publicize, and host at least four debates or group forums each academic year, two in the fall and two in the spring, that explore a wide range of public policy issues from divergent and opposing viewpoints. Speakers must reflect widely held perspectives from both within and outside the university community, and the office is authorized to provide per diem and travel reimbursements to external speakers when necessary.[53]

The office is also responsible for maintaining a permanent, publicly accessible, and searchable calendar of its events and other public policy-related events open to the campus community. The calendar must include event titles, speaker names and affiliations, and sponsoring departments or organizations, and must be posted online and preserved within the university's library system.[54]

Each year by September 1, the office must submit a report to the BOG documenting the number of events, student attendance figures, speaker information, and any travel-related expenditures from the prior academic year.[55] Additionally, a complete video recording of each sponsored event must be posted on the office's website within 10 business days and remain accessible for at least five years, with permanent preservation in the university's library.[56]

A state university may assign these responsibilities to an existing administrative office with approval from its board of trustees and the BOG.[57] Each office must report directly to either the university's office responsible for Integrated Postsecondary Education Data System (IPEDS) graduation rate reporting or the Office of General Counsel.[58] All events must be open to students, faculty, and staff, and generally to the public unless a restriction is necessary to meet a compelling governmental interest.[59]

Institute for Freedom in the Americas

The Institute was established at Miami Dade College by the Legislature in 2024 with a mission to preserve the ideals of a free society and promote democracy in the Americas.[60] The Institute is dedicated to fostering a culture of freedom, democracy, and global governance. It prepares future leaders to make a lasting positive impact in their communities by championing democratic

[52] Section 1001.93(3), F.S.
[53] Section 1001.93(3)(a), F.S.
[54] Section 1001.93(3)(b), F.S.
[55] Section 1001.93(3)(c), F.S.
[56] Section 1001.93(3)(d), F.S.
[57] Section 1001.93(4), F.S.
[58] Section 1001.93(5), F.S.
[59] Section 1001.93(6), F.S.
[60] Section 1004.89, F.S.

values and processes. Committed to promoting civic engagement and encouraging global dialogue, the Institute serves as a beacon for advancing democratic principles worldwide.[61]

III. Effect of Proposed Changes:

Financial Disclosure

This bill amends s. 112.3144, F.S., to require each citizen member of the Board of Governors (BOG) to annually file a full and public disclosure of his or her financial interests beginning on January 1, 2026.

Board Appointments, Terms, and Residency Requirements

The bill creates s. 20.701, F.S., to establish residency requirements for members of a state university board of trustees (UBOT) and the BOG. Specifically, the bill requires each member of a UBOT to be a United States citizen and either a resident of Florida or a graduate of the university overseen by the board. Each member of the BOG must be a United States citizen and either a resident of Florida or a graduate of a state university. The bill provides that the office of any member who does not meet the requirements is automatically deemed vacant.

The bill amends s. 1001.01, F.S., to establish term limits for members of the State Board of Education (SBE). Members may serve only two four-year terms, and the chair may serve only a single two-year term.

The bill amends s. 1001.61, F.S., to authorize Florida College System (FCS) institution board of trustees (BOT) members to be reappointed by the Governor for one additional four-year term, not to exceed eight consecutive years of service. BOT members are authorized to continue to serve until a successor is appointed. The bill also authorizes the BOT chair to serve a single two-year term.

The bill amends s. 1001.70, F.S., to specify that appointed members of the BOG may serve only a single seven-year term, and that each member appointed by the Governor must be a resident of the state.

The bill amends s. 1001.71, F.S., to specify that appointed members of a state university board of trustees (UBOT) may be reappointed for one additional five-year term, not to exceed 10 consecutive years of service. The bill removes the exemption of UBOT members from state residency requirements. The bill removes diversity from consideration when appointing members and deletes obsolete language. An appointed UBOT member is authorized to continue to serve until a successor is appointed.

Presidential Search and Selection

The bill amends s. 1001.64, F.S., to clarify that the SBE does not have the authority to approve or confirm an FCS BOT's appointment, reappointment, suspension, or contract extension of a

[61] Miami Dade College, *Institute for Freedom in the Americas*, https://www.mdc.edu/instituteforfreedom/ (last visited Apr. 21, 2025).

president. The BOT chair is required to appoint a presidential search committee when selecting a permanent president. The search committee must include at least two BOT members and may include representatives from the institution's faculty, student body, foundation board, financing corporation board (if applicable), alumni, donors, and community members. Individuals who report directly to the president, the Commissioner of Education, and members of the SBE are prohibited from serving on the committee. The permanent president appointed by the BOT must be recommended by the search committee. The bill authorizes an FCS presidential contract to be renewed for a term exceeding one year, up to the original contact term length.

The bill amends s. 1001.706, F.S., to exclude the university president from the personnel program established by the BOG for all other university employees. It requires a UBOT to select and reappoint the university president and requires the UBOT chair to appoint a presidential search committee when selecting a permanent president. The committee must include 15 members, at least three of whom must be UBOT members, and may include representatives from the university's faculty, student body, foundation board, financing corporation board (if applicable), alumni, donors, and community members. Individuals who report directly to the president, the Chancellor of the State University System, and members of the BOG are prohibited from serving on the committee. The permanent president selected by the UBOT must be recommended by the search committee. The bill also eliminates the requirement that the BOG confirm or acknowledge a UBOT's selection or reappointment of a president. The bill authorizes a state university presidential contract to be renewed for a term exceeding one year, up to the original contract term length.

Textbook, Instructional Material, and Course Syllabus Affordability and Transparency

The bill amends s. 1004.085, F.S., to define the terms "syllabus" or "syllabi" to mean the course syllabus or syllabi developed by the instructor assigned to the course, and defines "term" to include the fall, spring, and summer terms. The bill specifies that the lists of required and recommended textbooks and instructional materials must include materials that are no-cost or open access and must include a unique identifier, if available, and must include any relevant information necessary to identify the specific resource.

The lists must be, to the maximum extent possible, based on instructor-submitted list and, in addition to current requirements, must be searchable by general education status and course section; and include the duration of any access license allowing access to the textbook or instructional material for which students must purchase or pay for access.

The bill also requires course syllabi to be current and posted in the same location as the textbook and instructional materials at least 10 business days before the start of the term. The bill specifies that individualized courses, such as directed individual studies, thesis, dissertation defense, and performance, are exempt from posting the syllabi.. Each syllabus must include the course curriculum; required and recommended materials (regardless of cost or open-access status); specific course goals, objectives, and student expectations; and details on how student performance will be evaluated, including grading scale and methodology.

Public Records Exemption

The bill amends s. 1004.098, F.S., defining a "final group of applicants" as no fewer than three applicants who will receive final consideration for president of a state university or FCS institution, thereby establishing the threshold for when applicant information becomes subject to public disclosure under Florida's open records laws.

Candidate Polling

The bill amends s. 1001.706, F.S., prohibiting state universities from conducting candidate polling activities related to candidates for any federal, state, or local office. However, the bill permits state universities to conduct survey research to measure opinions and inform the public about social, political, and economic issues unrelated to candidate preference.

Public Education Capital Outlay

The bill amends s. 1001.706, F.S., removing the requirement that funds for Public Education Capital Outlay (PECO) projects be reserved in escrow accounts specific to each individual project.

State University Admission Criteria

The bill amends s. 1001.706, F.S., requiring the BOG to review admission criteria, in addition to academic programs, during its review of each university's mission. The bill expands the directive to universities by including admission criteria, not just curriculum, when identifying violations or content based on certain prohibited theories. Additionally, each state university must publicly post program admission criteria on its website to assist with the BOG's review.

Required Courses

The bill amends s. 1007.25, F.S., prohibiting FCS institutions and state universities from requiring a course for graduation that distorts significant historical events or includes prohibited content, such as teaching identity politics or theories that systemic racism, sexism, oppression, and privilege are inherent in United States institutions. This aligns with existing restrictions placed on general education core courses, which are similarly prohibited from including such content.

Auxiliary Services

The bill amends s. 1011.47, F.S., authorizing each UBOT to determine whether its auxiliary services, including intercollegiate athletics, will be self-supporting individually or collectively. The bill also authorizes UBOTs to approve the transfer of unreserved cash from one auxiliary enterprise to support another, as long as the transfer does not reduce necessary revenues to cover expenses, violate bond covenants, or impact debt service payments and required reserves. All such transfers are required to be reported to the BOG annually. The bill provides a sunset date of June 30, 2030.

Office of Public Policy Events

The bill modifies s. 1001.93, F.S., removing the requirement for each university to establish a designated Office of Public Policy Events and appoint a Director of Public Policy Events, but retains the requirement that the university ensure all associated duties, such as organizing events, maintaining calendars, and reporting, are fulfilled. The bill replaces the detailed calendar of events requirements with a more general provision requiring the university to maintain on its website a publicly accessible listing of all events sponsored by the state university during the prior and current academic year.

Additionally, the bill clarifies that the required report to the Board of Governors must include the number of all people attending each event and no longer requires per diem or reimbursement expenditure information. The bill also reduces the timeframe that video recordings of debates and group forums must remain publicly accessible from 5 years to 1 year.

Institute for Freedom in the Americas

The bill amends s. 1004.89, F.S., removing a requirement that the Institute for Freedom in the Americas (Institute) at Miami Dade College partner with the Adam Smith Center for Economic Freedom at Florida International University to hold workshops, symposiums, and conferences. The bill also removes a requirement for Miami Dade College to approve a direct-support organization to support the Institute in its mission to develop partnerships throughout the Americas.

The bill is effective July 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:

The bill imposes residency and term limitations on members of the Board of Governors (BOG). Specifically, the bill requires each BOG member to be a Florida resident, and limits BOG members to a single seven-year term. Art. IX, s. 7(d) of the Florida

Constitution establishes the BOG of the State University System (SUS). The only qualification in the Constitution for a member of the BOG is that the member must be dedicated to the purposes of the SUS. This section of the Constitution does not provide for or consider a residency requirement. Additionally, while the Constitution establishes the staggered terms of seven years for BOG members, it does not specify term limits.

The bill also imposes term limitations on members of a state university board of trustees (BOT). The bill requires that appointed members may be reappointed for one additional term, not to exceed 10 years of consecutive service. Art. IX, s. 7(c) of the Florida Constitution establishes each university BOT—its membership and staggered terms of five years. The Constitution does not specify a limit to the number of terms a BOT member may serve.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have a fiscal impact on state revenues or expenditures. However, the bill may provide additional flexibility to institutions by authorizing:

- Florida College System (FCS) institutions and state universities to reserve Public Education Capital Outlay (PECO) funds in an escrow not specific to each individual project.
- Each university board of trustees (UBOT) to approve the transfer of unreserved cash from one auxiliary enterprise to support another, as long as the transfer does not reduce necessary revenues to cover expenses, violate bond covenants, or impact debt service payments and required reserves.

There would impact Miami Dade College, as it would no longer share costs with the Adam Smith Center for Economic Freedom at FIU for the Institute for Freedom in the Americas (Institute) to host workshops, symposiums, and conferences. The amendment also removes the college's authority to approve a direct-support organization (DSO) to raise funds and manage resources for the Institute.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.3144, 1001.01, 1001.61, 1001.64, 1001.70, 1001.706, 1001.71, 1001.93, 1004.085, 1004.89, 1007.25, and 1011.47.

The bill creates section 20.701 of Florida Statutes.

This bill repeals section 1004.098 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/CS by Rules on April 21, 2025:
The committee substitute maintains provisions from the bill and includes the following new provisions:

- Removes the requirement for each university to establish a designated Office of Public Policy Events and appoint a director, while retaining the university's responsibility to fulfill all related duties; simplifies event calendar and reporting requirements; and shortens the public accessibility period for event recordings from 5 to 1 year.
- Removes the requirement that the Institute for Freedom in the Americas at Miami Dade College partner with the Adam Smith Center for Economic Freedom at Florida International University to hold workshops, symposiums, and conferences.
- Removes the requirement for Miami Dade College to approve a direct-support organization to support the Institute.

CS by Appropriations Committee on Higher Education on April 10, 2025:
The committee substitute maintains provisions from the bill with modifications. The amendment removes from the bill the following:

- Use of search committees for interim presidential appointments.
- Inclusion of "supplemental" materials and cost requirements related to textbook and instructional materials affordability and transparency.
- The repeal of the public records exemption for state university and Florida College System (FCS) institution presidential applicants.

The committee substitute also includes the following new provisions:

- Requires members of state university boards of trustees (BOT) and the Board of Governors (BOG) to be US citizens, but provides a residency exemption for members of a state university BOT or the BOG who are graduates of a state university.
- Authorizes FCS institution and state university presidential contracts to be renewed for a term exceeding one year, up to the original contract terms.
- Prohibits state universities from conducting candidate polling activities but permits them to survey public opinion on non-candidate issues.

- Requires the BOG to review both admission criteria and academic programs during university mission reviews and evaluations of violations of prohibited content.
- Removes escrow account requirement for Public Education Capital Outlay (PECO) project funds.
- Modifies requirements for textbook and instructional materials transparency and includes requirements for no-cost, open access materials.
- Requires that course syllabi be posted at least 10 days before the term begins, with certain exceptions.
- Defines the term "final group of applicants" to mean no fewer than three applicants who will receive final consideration for president of a state university or FCS institution.
- Prohibits FCS institutions and state universities from requiring a course with specified prohibited content for graduation.
- Authorizes each state university board of trustees to decide if auxiliary services must be self-supporting individually or collectively, and authorizes cash transfers with conditions.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

217134

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Between lines 309 and 310
insert:

Section 9. Section 1001.93, Florida Statutes, is amended to read:

1001.93 ~~Offices of~~ Public policy events within the State University System.—

(1) The Legislature finds that the advancement of knowledge is the fundamental purpose of the State University System and that such advancement is facilitated by the fearless sifting and


217134

winnowing of a wide diversity of views and that the open discussion and debate of contested public policy issues from diverse perspectives provides essential preparation for mature citizenship and an informed exercise of the right to vote.

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

(a) "Debate" means an event at which two or more participants speak in favor of opposing approaches to the same public policy dispute, after which each participant is allotted time to address and rebut the position presented by the opposing speakers.

(b) "Group forum" means an event at which two or more speakers address a public policy dispute from divergent or opposing perspectives, after which each participant is allotted time to address questions from the audience and to comment on the other speakers' positions.

(3) Each state university within the State University System ~~must have an Office of Public Policy Events and must appoint a Director of Public Policy Events who is responsible for the duties and reporting responsibilities of the office. The office~~ must, at a minimum:

(a)~~1.~~ Organize, publicize, and stage debates or group forums at the state university. These events must address, from multiple, divergent, and opposing perspectives, an extensive range of public policy issues widely discussed and debated in society at large. Each such ~~The~~ university shall sponsor no less than four events each academic year. At least two events must occur during the fall semester and at least two events must occur during the spring semester.

1.~~2.~~ Such debates and group forums must include speakers


217134

who represent widely held views on opposing sides of the most widely discussed public policy issues of the day and who hold a wide diversity of perspectives from within and outside of the state university community.

2.~~3.~~ If a state university ~~the office~~ is unable to readily find an advocate from within the state university community who is well-versed in a perspective, as required in subparagraph 1., the state university must ~~office shall~~ invite a speaker who is able to represent such perspective. The state university may reimburse ~~office shall, when necessary, provide~~ ~~such~~ speakers ~~who are not from within the state university community with per diem and a reimbursement~~ for travel expenses and per diem.

(b) Maintain on its website a ~~permanent,~~ publicly accessible listing of all of the events sponsored by the state university during the prior and current academic year~~, searchable, and up-to-date calendar in print, on the office's website, and on the state university's website listing all of the events sponsored by the office and all other debates, group forums, and events open to the entire campus community at the state university that address public policy issues. The calendar must itemize the title of the event; the name and institutional affiliation of the speaker or speakers; and the office, institute, department, program, or organization that sponsored the event, excluding those events sponsored by off-campus groups in rented state university facilities. Such calendars must be kept in the library system of each state university~~.

(c) Beginning September 1, 2024, and ~~annually~~ each September 1 thereafter, provide to the Board of Governors a report, which must reflect prior academic year statistics,



detailing all of the following:

1. The number of debates and group forums.

2. In chronological order, an itemization of ~~the calendars itemizing~~ the title of each event; the name and institutional affiliation of the speaker or speakers; and the ~~office,~~ institute, department, program, or organization that sponsored the event.

3. The number of people ~~enrolled students~~ attending each event.

~~4. Expenditure information relating to any per diem or reimbursement for travel expenses.~~

~~The report must reflect prior academic year statistics.~~

(d) Make publicly available, in an online format, a complete video recording ~~record~~ of every debate and group forum organized by the state university ~~office~~. The video recording for an event organized by the state university ~~office~~ must be posted on the state university's ~~office's~~ website within 10 business days after the event. Such video must remain publicly accessible on the state university's ~~office's~~ website for at least 1 year ~~5 years~~ after the date of the event. Such videos must also be permanently preserved within, and made available to the public through, the library of the state university that hosted the event.

(4) ~~Upon approval of the board of trustees of the state university and the Board of Governors, a state university may assign the duties of the office to an existing administrative office within the state university rather than establish a separate office.~~

217134

~~(5) Each office shall report directly to either the state university's office that is responsible for compiling and reporting the Integrated Postsecondary Education Data System's graduation rate survey or Office of General Counsel.~~

~~(6)~~ Each debate and group forum organized under subsection (3) ~~by the office~~ must be open to all students, faculty, and staff of the state university and, unless restricting attendance to such event is necessary to achieve a compelling governmental interest, to the general public.

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

And the title is amended as follows:

Between lines 52 and 53

insert:

1001.93, F.S.; deleting a requirement for each state university to have an Office of Public Policy Events; deleting a requirement that each state university appoint a Director of Public Policy Events; revising the timeframe within which a video recording of a debate or group forum must remain publicly accessible; making technical changes; amending s.

650702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Between lines 397 and 398
insert:

Section 1. Section 1004.98, Florida Statutes, is amended to read:

1004.89 Institute for Freedom in the Americas.—

~~(1)~~ The Institute for Freedom in the Americas is hereby created at Miami Dade College to preserve the ideals of a free society and promote democracy in the Americas. The institute shall be located at the Freedom Tower and shall:

650702

(1) ~~(a) Partner with the Adam Smith Center for Economic Freedom to~~ Hold workshops, symposiums, and conferences that provide networking opportunities for leaders throughout the region to gain new insights and ideas for promoting democracy, including knowledge of and insight into the intellectual, political, and economic freedoms that are foundational to a democratic society.

(2) ~~(b)~~ Enter into an agreement with the Adam Smith Center for Economic Freedom to provide participants with academic coursework and programs that advance democratic practices and economic and legal reforms.

(3) ~~(c)~~ Provide educational and experiential opportunities for regional leaders committed to careers in democracy and governance.

~~(2) Miami Dade College, in accordance with s. 1004.70, shall approve a direct-support organization to support the institute in its mission to develop partnerships throughout the Americas. Notwithstanding s. 1004.70(2), the board of the direct-support organization shall be composed of five members, as follows: one member appointed by the President of the Senate; one member appointed by the Speaker of the House of Representatives; and three members appointed by the Governor, including a representative from Miami Dade College and a representative from the Adam Smith Center for Economic Freedom.~~

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

And the title is amended as follows:

Delete line 60

and insert:

650702

applicants”; amending s. 1004.98, F.S.; deleting a requirement for the Institute for Freedom in the Americas to partner with the Adam Smith Center for Economic Freedom; deleting a requirement for Miami Dade College to approve a direct-support organization to support the Institute for Freedom in the Americas; deleting a provision providing for the composition of the board of the organization; amending s. 1007.25, F.S.; prohibiting a

By the Appropriations Committee on Higher Education; and Senator Calatayud

608-03463-25 20251726c1

A bill to be entitled

An act relating to higher education; creating s. 20.701, F.S.; requiring members of a state university board of trustees and members of the Board of Governors to be United States citizens and either residents of this state or graduates of a state university beginning on a specified date; providing that specified offices are deemed vacant under certain circumstances; amending s. 112.3144, F.S.; requiring certain members of the Board of Governors to comply with specified financial disclosure requirements beginning on a specified date; amending s. 1001.01, F.S.; revising term limits for members and the chair of the State Board of Education; amending s. 1001.61, F.S.; providing term limits for members and the chairs of the Florida College System institution boards of trustees; authorizing trustees to serve until the appointment of a successor; amending s. 1001.64, F.S.; providing that certain actions related to the president of a Florida College System institution are not subject to approval by the State Board of Education; requiring that a presidential search committee be appointed to make the appointment of such president; providing requirements for such committee; requiring that such president be recommended by the committee; authorizing the renewal of a presidential contract for a specified period; amending s. 1001.70, F.S.; providing term limits for appointed members of the Board of Governors; amending s. 1001.706, F.S.;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

608-03463-25 20251726c1

requiring the Board of Governors to adopt regulations regarding state university public opinion survey research; requiring the Board of Governors to review the admission criteria of state universities; requiring that state university program admission criteria be posted on state university websites; providing that the president of a state university is appointed by the university board of trustees; requiring that a presidential search committee be appointed to make the appointment of such president; providing requirements for such committee; requiring that such president be recommended by the committee; authorizing the renewal of a presidential contract for a specified period; deleting a requirement that the Board of Governors confirm the selection and reappointment of such president; revising the requirements for certain state university capital outlay projects to be included on a specified list; amending s. 1001.71, F.S.; providing term limits for appointed members of university boards of trustees; deleting obsolete language and a certain consideration for appointed members; authorizing appointed members to serve until a successor is appointed; amending s. 1004.085, F.S.; defining the terms "syllabus" or "syllabi" and "term"; adding certain materials to lists of textbooks and instructional materials; requiring that the current syllabi for specified courses be posted as a hyperlink in a specified system and include specified information; amending s.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1004.098, F.S.; defining the term "final group of applicants"; amending s. 1007.25, F.S.; prohibiting a Florida College System institution or state university from imposing a certain graduation requirement; amending s. 1011.47, F.S.; authorizing a university board of trustees to approve the transfer of unreserved cash from one auxiliary enterprise to support another auxiliary enterprise under certain conditions; providing effective dates.

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

Section 1. Section 20.701, Florida Statutes, is created to read:

20.701 Residency requirements.—Notwithstanding any other law:

(1) Effective January 6, 2027, each member of a state university board of trustees must be a United States citizen and either a resident of this state or a graduate of the university, the administration of which is overseen by the board. The office of any member who does not meet the requirements of this subsection is automatically deemed vacant.

(2) Effective January 6, 2027, each member of the Board of Governors must be a United States citizen and either a resident of this state or a graduate of a state university, as defined in s. 1000.21. The office of any member of the Board of Governors who does not meet the requirements of this subsection is automatically deemed vacant.

Section 2. Paragraph (f) is added to subsection (1) of

section 112.3144, Florida Statutes, to read:

112.3144 Full and public disclosure of financial interests.—

(1)

(f) Beginning January 1, 2026, each citizen member of the Board of Governors of the State University System must comply with the financial disclosure requirements of this section and s. 8, Art. II of the State Constitution.

Section 3. Subsections (1) and (2) of section 1001.01, Florida Statutes, are amended to read:

1001.01 State Board of Education; generally.—

(1) The State Board of Education is established as a body corporate. The state board shall be a citizen board consisting of seven members who are residents of the state appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate. Members of the state board shall serve without compensation but shall be entitled to reimbursement of travel and per diem expenses in accordance with s. 112.061. Members may only serve two ~~be reappointed by the Governor for additional~~ terms ~~not to exceed 8 years of consecutive service~~.

(2) The State Board of Education shall select a chair and a vice chair from its appointed members. The chair shall serve a single 2-year term ~~and may be reselected for one additional consecutive term~~.

Section 4. Subsections (2) and (4) of section 1001.61, Florida Statutes, are amended to read:

1001.61 Florida College System institution boards of trustees; membership.—

(2) Trustees shall be appointed by the Governor to

staggered 4-year terms, subject to confirmation by the Senate in regular session. A trustee may continue to serve until a successor is appointed. Trustees may be reappointed by the Governor for one additional term, not to exceed 8 consecutive years of service.

(4) At its first regular meeting after July 1 of each year, each Florida College System institution board of trustees shall organize by electing a chair, whose duty as such is to preside at all meetings of the board, to call special meetings thereof, and to attest to actions of the board, and a vice chair, whose duty as such is to act as chair during the absence or disability of the elected chair. It is the further duty of the chair of each board of trustees to notify the Governor, in writing, whenever a board member fails to attend three consecutive regular board meetings in any one fiscal year, which absences may be grounds for removal. The chair shall serve a single 2-year term.

Section 5. Subsection (19) of section 1001.64, Florida Statutes, is amended to read:

1001.64 Florida College System institution boards of trustees; powers and duties.—

(19) Each board of trustees shall appoint, suspend, or remove the president of the Florida College System institution. Such appointments, reappointments, suspensions, and extensions of a president, including associated contracts, are not subject to approval or confirmation by the State Board of Education. In appointing a permanent president, the chair of the institution's board of trustees shall appoint a presidential search committee. The presidential search committee shall be composed of at least

two members of the board of trustees and may include persons from the institution's faculty, student body, foundation board, financing corporation board, if applicable, alumni, donors, and members from the community the institution serves. However, none of the persons appointed to serve on the presidential search committee may hold positions that report directly to the president. The Commissioner of Education or a member of the State Board of Education may not serve on a presidential search committee. The permanent president appointed by the institution's board of trustees must be recommended by the presidential search committee ~~The board of trustees may appoint a search committee~~. The board of trustees shall conduct annual evaluations of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45. A presidential contract may be renewed for a term exceeding 1 year, but not exceeding the term of the original contract.

Section 6. Subsection (1) of section 1001.70, Florida Statutes, is amended to read:

1001.70 Board of Governors of the State University System.—

(1) Pursuant to s. 7(d), Art. IX of the State Constitution, the Board of Governors is established as a body corporate composed ~~comprised~~ of 17 members as follows: 14 citizen members appointed by the Governor subject to confirmation by the Senate; the Commissioner of Education; the chair of the advisory council of faculty senates or the equivalent; and the president of the Florida student association or the equivalent. The appointed

members may only ~~shall~~ serve a single ~~staggered~~ 7-year term ~~terms. In order to achieve staggered terms, beginning July 1, 2003, of the initial appointments, 4 members shall serve 2-year terms, 5 members shall serve 3-year terms, and 5 members shall serve 7-year terms~~.

Section 7. Paragraph (a) of subsection (5), paragraph (a) of subsection (6), and paragraph (c) of subsection (12) of section 1001.706, Florida Statutes, are amended, and paragraph (k) is added to subsection (3) of that section, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(k) The Board of Governors shall adopt regulations prohibiting universities that conduct public opinion survey research from polling activities related to candidates for any federal, state, or local office. A university may conduct survey research to measure opinions and inform the public about social, political, and economic issues unrelated to candidate preference.

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(a)1. The Legislature intends that the Board of Governors shall align the missions of each constituent university with the academic success of its students; the existing and emerging economic development needs of the state; the national reputation of its faculty and its academic and research programs; the quantity of externally generated research, patents, and licenses; and the strategic and accountability plans required in paragraphs (b) and (c). The Board of Governors shall periodically review the mission of each constituent university

and make updates or revisions as needed. Upon completion of a review of the mission, the board shall review existing academic programs, including admission criteria, for alignment with the mission. The board shall include in its review a directive to each constituent university regarding its programs for any curriculum or admission criteria that violates s. 1000.05 or that is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. The mission alignment and strategic plan must consider peer institutions at the constituent universities. The mission alignment and strategic plan must acknowledge that universities that have a national and international impact have the greatest capacity to promote the state's economic development through: new discoveries, patents, licenses, and technologies that generate state businesses of global importance; research achievements through external grants and contracts that are comparable to nationally recognized and ranked universities; the creation of a resource rich academic environment that attracts high-technology business and venture capital to the state; and this generation's finest minds focusing on solving the state's economic, social, environmental, and legal problems in the areas of life sciences, water, sustainability, energy, and health care. A nationally recognized and ranked university that has a global perspective and impact must be afforded the opportunity to enable and protect the university's competitiveness on the global stage in fair competition with other institutions of other states in the highest Carnegie Classification.

2. To assist the Board of Governors in its review of admission criteria, each constituent university shall post program admission criteria on its website.

(6) POWERS AND DUTIES RELATING TO PERSONNEL.—

(a) The Board of Governors, or the board's designee, shall establish the personnel program for all employees of a state university, except the president. The board of trustees of a state university shall select and reappoint the university president. In appointing a permanent president, the chair of the university board of trustees shall appoint a presidential search committee. The presidential search committee shall be composed of 15 members, of whom at least three must be members of the board of trustees, and may include persons from the university's faculty, the student body, the university's foundation board, the university's financing corporation board, if applicable, alumni, donors, and members from the community in which the university serves. However, none of the persons appointed to serve on the presidential search committee may hold positions that report directly to the president. The Chancellor of the State University System or a member of the Board of Governors may not serve on the presidential search committee. The permanent president selected by the board of trustees must have been recommended by the presidential search committee. Selections, reappointments, and extensions of a president, including associated contracts, are not subject to approval or confirmation by the Board of Governors. A presidential contract may be renewed for a term exceeding 1 year, but not exceeding the term of the original contract. ~~The Board of Governors shall confirm the presidential selection and reappointment by a~~

~~university board of trustees as a means of acknowledging that system cooperation is expected.~~

(12) PUBLIC EDUCATION CAPITAL OUTLAY.—The Board of Governors shall submit the prioritized list as required by s. 1013.64(4). Projects considered for prioritization shall be chosen from a preliminary selection group which shall include the list of projects maintained pursuant to paragraph (d) and the top two priorities of each state university.

(c) A new construction, remodeling, or renovation project that has not received an appropriation in a previous year may ~~shall~~ not be considered for inclusion on the prioritized list required by s. 1013.64(4), unless:

1. A plan is provided to reserve funds in an escrow account~~, specific to the project,~~ into which shall be deposited each year an amount of funds equal to 1 percent of the total value of the building for future maintenance;

2. There exists sufficient capacity within the cash and bonding estimate of funds by the Revenue Estimating Conference to accommodate the project within the 3-year Public Education Capital Outlay funding cycle; and

3. The project has been recommended pursuant to s. 1013.31.

Section 8. Subsection (1) of section 1001.71, Florida Statutes, is amended to read:

1001.71 University boards of trustees; membership.—

(1) Pursuant to s. 7(c), Art. IX of the State Constitution, each local constituent university shall be administered by a university board of trustees composed ~~comprised~~ of 13 members as follows: 6 citizen members appointed by the Governor subject to confirmation by the Senate; 5 citizen members appointed by the

Board of Governors subject to confirmation by the Senate; the chair of the faculty senate or the equivalent; and the president of the student body of the university. The appointed members shall serve staggered 5-year terms. Appointed members may be reappointed for one additional term, not to exceed 10 years of consecutive service. ~~In order to achieve staggered terms, beginning July 1, 2003, of the initial appointments by the Governor, 2 members shall serve 2-year terms, 3 members shall serve 3-year terms, and 1 member shall serve a 5-year term and of the initial appointments by the Board of Governors, 2 members shall serve 2-year terms, 2 members shall serve 3-year terms, and 1 member shall serve a 5-year term. There shall be no state residency requirement for university board members, but~~ The Governor and the Board of Governors shall consider ~~diversity and~~ regional representation when appointing members. An appointed board member may continue to serve until a successor is appointed. ~~Beginning July 2, 2020,~~ For purposes of this subsection, regional representation includes ~~shall include~~ the chair of a campus board established pursuant to s. 1004.341.

Section 9. Subsections (1) and (5) of section 1004.085, Florida Statutes, are amended to read:

1004.085 Textbook and instructional materials affordability and transparency.—

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

(a) ~~The term~~ "Instructional materials" means educational materials for use within a course which may be available in printed or digital format.

(b) "Syllabus" or "syllabi" means the course syllabus or syllabi developed by the instructor assigned to the course.

(c) "Term" includes the fall, spring, and summer terms.

(5)(a) Each Florida College System institution and state university shall post prominently in the course registration system and on its website a hyperlink to lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections offered at the institution during the upcoming term. The lists must include the International Standard Book Number (ISBN) for each required and recommended textbook and instructional material or other identifying information, which must include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific textbooks or instructional materials required and recommended for each course. The lists must include those materials that are open access or an open educational resource for which there is no cost, must include a unique identifier, if available, and must include any relevant information necessary to identify the specific resource. The State Board of Education and the Board of Governors shall include in the policies, procedures, and guidelines adopted under subsection (6) certain limited exceptions to this notification requirement for classes added after the notification deadline.

(b) The lists of required and recommended textbooks and instructional materials required in paragraph (a) must be, to the maximum extent possible, based on a list submitted by the instructor and must:

1. Be posted as early as is feasible but at least 45 days before the first day of class for each term.

2. Remain posted for at least 5 academic years.

3. Be searchable by the general education status, the course subject, the course section, the course number, the course title, the name of the instructor of the course, the title of each assigned textbook or instructional material, and each author of an assigned textbook or instructional material.

4. Include the duration of any license allowing access to the textbook or instructional material for which students must purchase or pay for access.

5.~~4.~~ Be easily downloadable by current and prospective students.

(c) To maximize informed student choice, courses ~~If a course~~ subject to paragraphs (a) and (b) must include the current ~~is a general education core course option identified pursuant to s. 1007.25,~~ course syllabi posted in the same location as the postings of required and recommended textbooks and instructional materials at least 10 business days before the start of the term. Individualized courses, such as directed individual studies, thesis, dissertation defense, and performance, are exempt from this requirement. Each syllabus must contain ~~syllabi information containing~~ sufficient detail to inform students of all of the following ~~must be included~~:

1. The course curriculum, including the required and recommended textbooks and instructional materials regardless of cost or whether the materials are open access or an open educational resource.

2. Specific ~~The~~ goals, objectives, and student expectations of the course.

3. How student performance will be evaluated, including the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

grading scale and methodology ~~measured~~.

Section 10. Present subsections (1), (2), and (3) of section 1004.098, Florida Statutes, are redesignated as subsections (2), (3), and (4), respectively, a new subsection (1) is added to that section, and paragraph (a) of present subsection (2) of that section is amended, to read:

1004.098 Applicants for president of a state university or Florida College System institution; public records exemption; public meetings exemption.—

(1) For the purposes of this section, the term "final group of applicants" means no fewer than three applicants who will receive final consideration for president of a state university or Florida College System institution.

(3)(a)~~(2)(a)~~ Any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or a Florida College System institution, including any portion of a meeting which would disclose personal identifying information of such applicants which is otherwise confidential and exempt under subsection (2) ~~(1)~~, is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 11. Subsection (15) is added to section 1007.25, Florida Statutes, to read:

1007.25 General education courses; common prerequisites; other degree requirements.—

(15) A Florida College System institution or state university may not impose an institution-wide or university-wide graduation requirement that includes a course in conflict with paragraph (3)(c).

Section 12. Subsection (1) of section 1011.47, Florida

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Statutes, is amended to read:

1011.47 Auxiliary enterprises; contracts, grants, and donations.—As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1)(a) "Auxiliary enterprises" includes activities that directly or indirectly provide a product or a service, or both, to a university or its students, faculty, or staff and for which a charge is made. These auxiliary enterprises are business activities of a university which require no support from the General Revenue Fund, and include activities such as housing, bookstores, student health services, continuing education programs, food services, college stores, operation of vending machines, specialty shops, day care centers, golf courses, student activities programs, data center operations, and intercollegiate athletics programs.

(b) Each university board of trustees may determine whether its auxiliary enterprises, including intercollegiate athletics programs, will be self-supporting on an individual or collective basis. A university board of trustees may approve the transfer of unreserved cash from one auxiliary enterprise to support another auxiliary enterprise as long as such transfer does not reduce revenues necessary to cover all expenditures of the auxiliary enterprise, violate any bond covenants, or impact debt service payments and required reserves. Transfers made under this paragraph must be reported to the Board of Governors annually. This paragraph expires June 30, 2030.

Section 13. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10th, 2025

I respectfully request that **Senate Bill #1726**, relating to Higher Education, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

04-21-2025
Meeting Date

Rules
Committee

The Florida Senate
APPEARANCE RECORD

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

1726
Bill Number or Topic

217134
Amendment Barcode (if applicable)

Name CASEY WELCH

Phone 941.932-3327

Address 4202 E. Fowler Ave.
Street

Email Caseywelch

Tampa FL 33620
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
USF

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1726
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kylie Daum

Phone 850 224 1660

Address 106 E College Ave
Street

Email kyliedCAG@gmail.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: League of Women Voters 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

SB 1726
Bill Number or Topic

Amendment Barcode (if applicable)

Name TERESA M. HODGE Phone

Address Email

Street

DAVIE FL 33314
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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/CS/SB 1742
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; Senators Bradley and Pizzo
SUBJECT:	Condominium and Cooperative Associations
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Fav/CS**
2.	Davis	Betta	AEG	**Fav/CS**
3.	Oxamendi	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1742 relates to the governance of condominium and cooperative associations, and the regulation of the community association managers (CAMs) who manage those communities.

Relating to CAMs, the bill:

- Revises the conflict-of-interest disclosure requirements for CAMs to:
  - Revise the circumstances that may be presumed to be a conflict of interest by defining the term "compensation" to mean any referral fee or other monetary benefit derived from a person, as defined in s. 1.01(3), F.S., providing products or services to the association and any ownership interests or profit-sharing arrangements with product or service providers recommended to, or used by, the association;
  - Exempt conflicts of interest that are disclosed in the management contract from the requirements in current law for the association to obtain multiple bids;
  - Provide additional notice requirements to the unit owners for the meeting of the association's board in which the management contract with conflict of interest will be considered; and
  - Delete a provision authorizing the association to cancel, with the consent of at least 20 percent of the voting interests of the association, a management contract in which a conflict of interest has not been disclosed;

- Prohibits persons who have had their CAM license revoked from having an indirect or direct ownership interest in a CAM firm, or being an employee, partner, officer, director, or trustee of a CAM firm and may not reapply for 10 years;
- Requires CAMS to maintain and update an online account with the Department of Business and Professional Regulation (DBPR or department) in which they must indicate if they are providing services for a condominium, cooperative, or homeowners' association;
- Requires all CAM contracts to include a statement that they will abide by professional standards and the applicable community association recordkeeping requirements, if the contract includes recordkeeping services; and
- Requires the Division of Condominiums, Timeshares, and Mobile Homes (division) to give written notice to the CAM firm and the community association for which the manager performs community management services when a CAM's license is suspended or revoked.

Relating to the milestone inspection requirement for condominium and cooperative associations with buildings that are three or more stories in height, the bill:

- Requires local enforcement agencies, on or before October 1, 2025, to report to the department specified information regarding the inspections, including the number of buildings inspected, and a list of buildings that have been deemed unsafe or uninhabitable;
- Requires the department to contract with the University of Florida (UF) to create a report that provides comprehensive data, evaluation, and analysis of the milestone inspections that have been performed, and the report to be submitted to the Governor and the presiding officers of the Legislature;
- For the 2025-2026 fiscal year, appropriates the recurring sum of $150,000 and the nonrecurring sum of $100,000 to the department to contract with UF to implement the study; and
- Requires the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to schedule or commence repairs within 365 days after a phase two report is received.

Relating to insurance requirements for condominium associations:

- Provides that every condominium association must provide adequate property insurance;
- Provides that the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or update of a previous appraisal; and
- Clarifies that the association's insurance coverage may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

Relating to the official maintenance of official records by condominium associations, the bill requires associations to keep as official records :

- Recordings of videoconference meetings;
- All bank statements and ledgers as official records;
- All affidavits required by ch. 718, F.S., including on the association's website;

- All recordings of videoconference meetings for at least one year after the date the video recording is posted on the association's website if there are approved minutes for a meeting held by video conference;
- All investment policy statements and all financial statements related to the association's investment of funds to be maintained as an official record, including on the association's website;
- On the association's website, the video recording or a hyperlink to the video recording for all meetings that are conducted by videoconference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months;
- All approved minutes of the board over the preceding 12 months on the association's website.

The bill requires associations to update the association's website within 30 days of any change.

The bill also revises the existing criminal provisions related to denying access to the official records to provide consistent terminology by providing that the violations must be performed "willfully and knowingly or intentionally."

Relating to the annual financial statement in condominium associations, the bill:
- Increases from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
- Provides that the association must deliver to unit owners either a copy of the financial report or a notice that a copy of the annual financial report will be provided in the manner requested by the unit owner via the mail, hand delivery, or electronically delivered via the Internet;
- Requires that an officer or director of the association sign an affidavit evidencing compliance with the requirements for delivery of the annual financial statement; and
- Requires the approval of a majority of all the voting interest to reduce the type of financial reporting, instead of a majority of the unit owners present at the meeting.

Relating to the conduct of the meetings in condominium associations, the bill:
- Allows condominium association to conduct meetings by video conferencing, including board meetings, budget meetings, and unit member meetings.
- Allows board members who appear by videoconference to vote, but their presence may not count towards a quorum;
- Requires meetings conducted by videoconference to be recorded and the recordings to be kept as official records;
- Requires that the notice for a meeting that is to be conducted by video conference must include a hyperlink to the videoconference and the address for the physical location of the meeting;
- Deletes requirements related to the posting of meeting notices on condominium property as an alternative to 14-day notice requirements;
- Deletes requirements related to the broadcasting of meeting notices; and
- Requires the division to adopt rules for the conduct of meetings by videoconference.

Relating to the budgeting process in condominium associations, the bill:

- Requires associations to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year;
- Requires that the substitute budget must be presented to the unit owners for approval before a budget can be adopted, instead of the current requirement that the unit owners must petition for consideration of a substitute budget after the budget is approved; and
- Revises the expenses that an association can exclude when determining whether assessments exceed 115 percent of the assessment of the preceding year by:
  - Removing "assessments for the betterment of the community" from the calculation;
  - Limiting the exclusion of anticipated expenses which the board does not expect to be incurred on a regular or annual basis to only those expenses related to the SIRS inspection items.

Relating to the maintenance of reserves by condominium and cooperative associations, the bill:

- Revises the term "alternative funding method" to allow all multicondominiums to use the method, which is currently limited to multicondominiums with 25 or more condominiums, and to allow the division to adopt additional funding methods for reserves by rule;
- Provides requirements and procedures for associations to invest reserve funds;
- Increases the monetary threshold for reserve items from $10,000 to $25,000;
- Adjusts for inflation the minimum threshold amount in the bill for deferred maintenance expense or replacement costs that exceed $25,000;
- Allows associations to fund reserves by special assessments, regular assessments, lines of credit, and loans;
- Allows an association that is required to have a structural integrity reserve study (SIRS) may, with the approval of a majority of the voting interests of the association, secure a line of credit or a loan;
- Allows condominium boards to pause reserve funding without unit owner approval when the condominium building is declared uninhabitable by the local building official. Current law requires a vote of the members to pause reserves if the building has been declared uninhabitable;
- For a budget adopted on or before December 31, 2028, allows unit-owner controlled associations to temporarily pause or reduce reserve contributions for no more than the two consecutive annual budgets following a milestone inspection, upon a vote of a majority of the total voting interests, in order to fund needed repairs recommended by the milestone inspection. If an association pauses or reduces reserve funding, it must perform a SIRS before continuing reserve contribution in order to determine the association's reserve funding needs and to recommend a reserve funding plan; and
- Provides that a board may change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Regarding SIRS requirements for condominium and cooperative associations, the bill:

- Extends the deadline by which for associations must complete a required SIRS from December 31, 2024, to December 31, 2025;
- Requires design professionals, e.g., architects and engineers, and licensed contractors bidding on a SIRS to disclose in writing if they intend to bid on maintenance, repair, or replacement

work related to the SIRS. They cannot have a direct or indirect interest in the firm conducting the study or be related to someone with such an interest unless disclosed to the association in writing. Failure to disclose makes the contract voidable and may result in professional discipline;
- Requires that the SIRS, at minimum, include a reserve "baseline" funding plan that ensures that the reserve cash balance stays above zero. It may suggest alternative funding schedules if such funding schedules meet the association's maintenance obligations;
- Requires that the SIRS must differentiate between mandatory reserve items and other reserve items;
- Allows associations that have completed a required milestone inspection to delay the SIRS for up to two budget years to prioritize funding for repairs and maintenance as required by the milestone inspection;
- Requires officers and directors of associations to sign an affidavit acknowledging receipt of a completed SIRS; and
- Requires the division to adopt by rule the form for the SIRS in coordination with the Florida Building Commission (commission).

Regarding presale disclosure for condominium and cooperative associations, the bill:
- Revises the pre-sale notice requirements that sellers of a unit must provide a copy of the most recent year-end-financial statement and annual budget.
- Extends the three-day recission period for condominium sales by nondeveloper unit owners to seven days. The current recission period for developer sales is 15 days.

The bill expands the condominium jurisdiction of the division to review records and investigate complaints to include:
- Completion of milestone inspections and repairs;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds;
- Board member education requirements; and
- Reporting requirements related to SIRS.

The bill requires condominium and cooperative associations to create an online account with the division on or before December 31, 2025, and provide specified information requested by the division. The bill limits the division to requesting information only once per year, except for updates to the contact information, and requires the division to give at least a 45-day notice for any request for information. The information that may be requested by the division is limited to the types of information specified in the bill, which includes:
- Contact information for the association, its members of the board, and its CAM; and
- Information about the association, such as the number of units, age of buildings, and assessments, including the purpose for the assessments.

The bill revises the term "official investigation" to include official investigations by the division for alleged violations of ss. 914.22 and 914.23, F.S., which relate to the criminal prohibitions against tampering with, harassing, or retaliating against a witness, victim, or informant.

Regarding the creation of condominiums within a portion of a building or within a multiple parcel building, the bill revises the provision in s. 31 of ch. 2024-244, Laws of Florida, which

provides that the provisions in that act related to condominiums within a portion of a building or within a multiple parcel building are intended to clarify existing law and shall apply retroactively, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after October 1, 2024.

The bill has a significant negative fiscal impact on state expenditures. For the 2025-2026 fiscal year, the bill appropriates $150,000 in recurring and $100,000 in nonrecurring funds from the Professional Regulation Trust Fund to the DBPR for the purpose of implementing the provisions of this bill. See Section V., Fiscal Impact Statement.

Except as otherwise expressly provided, the bill takes effect July 1, 2025.

II. Present Situation:

Milestone Inspections

Section 553.899, F.S., requires residential condominium and cooperative buildings that are three stories or more in height, as determined by the Florida Building Code, to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's milestone inspection must be performed before December 31, 2025. The local enforcement agency[1] will provide written notice of the required inspection to the association.[2]

Local enforcement agencies that are responsible with enforcing the milestone inspection requirements may set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater.[3] Local enforcement agencies may also extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the buildings have entered into a contract with an architect or engineer to perform the milestone inspection services and the milestone inspection cannot reasonably be completed before the deadline.[4]

Single-family, two-family, three-family, and four-family dwellings with three or fewer stories above ground are exempt from the milestone inspection requirements.

The milestone inspection requirement applies to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings. Consequently, all owners of a mixed-ownership building in which portions of the building are

[1] Section 553.71(5), F.S., defines the term "local enforcement agency" to mean "an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities."
[2] Section 553.899(3), F.S.
[3] Section 553.899(3)(b), F.S.
[4] Section 553.899(3)(c), F.S.

subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection.

The purpose of a milestone inspection is to determine the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determine the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building.[5] The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.[6] The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.[7]

In addition, s. 553.899, F.S.:

- Requires that a phase one milestone inspection must commence within 180 days after an association receives a written notice from the local enforcement agency.
- Requires that a phase two milestone inspection must be performed if any substantial deterioration is identified during phase one.[8]
- Provides the minimum contents of a milestone inspection report.
- Requires inspection report results to be provided to local building officials and the affected association.
- Requires that the contract between an association that is subject to the milestone inspection requirement and a community association manager (CAM) or CAM firm must require compliance with those requirements as directed by the board.
- Requires the local enforcement agency to review and determine if a building is safe for human occupancy if an association fails to submit proof that repairs for substantial deterioration have been scheduled or begun within at least 365 days after the local enforcement agency receives a phase two inspection report.

Within 45 days after receiving a milestone inspection report, the condominium or cooperative association must distribute a copy of an inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner. The inspector-prepared summary must be provided to unit owners, regardless of the findings or recommendations in the report, by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under ch. 718, F.S., or ch. 719, F.S., as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission. The association must also post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative

[5] Section 553.899(2)(a), F.S.
[6] *Id.*
[7] *Id.*
[8] Section 533.899(2)(b), F.S., defines "substantial structural deterioration" to mean "substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration."

property and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

Condominium and Cooperative Associations

Chapters 718 and 719, F.S.

Chapter 718, F.S., relating to condominiums, and ch. 719, F.S., relating to cooperatives, provide for the governance of these community associations. The chapters delineate requirements for notices of meetings,[9] recordkeeping requirements, including which records are accessible to the members of the association,[10] and financial reporting.[11] Timeshare condominiums are generally governed by ch. 721, F.S., the "Florida Vacation Plan and Timesharing Act."

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR or department) administers the provisions of chs. 718 and 719, F.S., for condominium and cooperative associations, respectively.

Condominiums

A condominium is a "form of ownership of real property created under ch. 718, F.S,"[12] the "Condominium Act." Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements, and members of the condominium association.[13] For unit owners, membership in the association is an unalienable right and required condition of unit ownership.[14]

A condominium association is administered by a board of directors referred to as a "board of administration."[15] The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.[16]

Cooperatives

Section 719.103(12), F.S., defines a "cooperative" to mean:

> [T]hat form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or

[9] *See* ss. 718.112(2) and 719.106(2)(c), F.S., for condominium and cooperative associations, respectively.
[10] *See* ss. 718.111(12) and 719.104(2), F.S., for condominium and cooperative associations, respectively.
[11] *See* ss. 718.111(13) and 719.104(4), F.S., for condominium and cooperative associations, respectively.
[12] Section 718.103(11), F.S.
[13] *See* s. 718.103, F.S., for the terms used in the Condominium Act.
[14] *Id.*
[15] Section 718.103(4), F.S.
[16] Section 718.103(2), F.S.

possession granted by the association as the owner of all the cooperative property.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative owner receives an exclusive right to occupy the unit based on their ownership interest in the cooperative entity as a whole. A cooperative owner is either a stockholder or member of a cooperative apartment corporation who is entitled, solely by reason of ownership of stock or membership in the corporation, to occupy an apartment in a building owned by the corporation.[17] The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.[18]

Additional Issues

For ease of reference to each of the topics addressed in the bill, the Present Situation for each topic will be described in Section III of this analysis, followed immediately by an associated section detailing the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Milestone Inspections

Present Situation

Section 553.899(11), F.S., provides that boards of county commissioners or municipal governing bodies may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to the milestone inspection requirement schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. The local enforcement agency must review and determine if the building is unsafe for human occupancy in the event an owner of the building fails to submit proof that repairs have been scheduled or have commenced within the required timeframe.

Current law does not require local enforcement agencies to submit a report to the Department of Business and Professional Regulation (DBPR or department) with information about the milestone inspections conducted within their jurisdiction.

Effect of Proposed Changes

The bill creates s. 553.899(3)(e), F.S., to require local enforcement agencies to report, on or before October 1, 2025, and on or before each December 31 thereafter, to the local enforcement agency, in an electronic format determined by the department, information that may include, but is not limited to:

[17] *See Walters v. Agency for Health Care Administration*, 288 So.3d 1215 (Fla. 3d DCA 2019), *review dismissed* 2020 WL 3442763 (Fla. 2020).
[18] *See* ss. 719.106(1)(g) and 719.107, F.S.

- The number of buildings required to have a milestone inspection within the agency's jurisdiction.
- The number of buildings for which a phase one milestone inspection has been completed.
- The number of buildings granted an extension under s. 553.899(3)(c), F.S.
- The number of buildings required to perform a phase two milestone inspection.
- The number of buildings for which a phase two milestone inspection has been completed.
- The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.
- A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.
- The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

The bill creates s. 553.899(3)(f), F.S., to require, if funds are appropriated, the DBPR to contract with the University of Florida (UF) for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the department.

Under the bill, all local enforcement agencies that are responsible for milestone inspections must provide UF with a copy of any phase one or phase two milestone inspection report by the date specified by the commission in a manner prescribed by UF, which may request any additional information from a local enforcement agency which the university requires to complete this report.

The bill requires UF to compile the report and the department to transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill amends s. 553.899(11), F.S., to require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.

Community Association Managers

Present Situation

Community association managers (CAMs) are licensed and regulated by the Regulatory Council of Community Association Managers within the department pursuant to part VIII of ch. 468, F.S.

Section 468.431(2), F.S., defines "community association management" to mean:

> any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of $100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating

maintenance for the residential development and other day-to-day services involved with the operation of a community association.

A license is not required for persons who perform clerical or ministerial functions under the direct supervision and control of a licensed manager or who only perform the maintenance of a community association and do not assist in any of the management services.[19]

Sections 468.436 and 455.227(1), F.S., provide the grounds for suspending, revoking, or denying a CAM license, which include violations of part VIII of ch. 468, F.S, ch, 718, F.S., relating to condominium associations, ch. 719, F.S., relating to cooperative associations, and ch. 720, F.S., relating to homeowners' associations. An applicant for a CAM license may also have a license denied because of a previous license revocation.[20]

Section 468.4334(1)(a), F.S., requires CAMs and CAM firms under a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, F.S., to comply with that section as directed by the board of the association.

Section 468.4335, F.S., provides conflict-of-interest disclosure requirements and a process for associations to follow when approving contracts with CAMs and CAM firms, or with a relative of such persons, that may present a conflict of interest. A CAM or CAM firm, including the directors, officers, persons with a financial interest in the CAM firm and relatives of such persons, must disclose any activity which may reasonably be construed by the board to be a conflict of interest. Additionally, s. 468.4335, F.S.:

- Creates a rebuttable presumption of an existing conflict of interest if a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or the relative of such persons:
  - Enters into a contract for goods or services with the association, other than community association management services.
  - Holds an interest in or receives compensation or any thing of value from a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.
- Provides that, if the association receives and considers a bid to provide a good or service that exceeds $2,500, other than community association management services, from a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or a relative of such persons, the association must also solicit multiple bids from other third-party providers of such good or service.
- Defines the term "relative" to mean a relative within the third degree of consanguinity by blood or marriage of a board member or officer.
- Requires that the proposed activity that may be a conflict of interest must be listed on, and all contracts and transactional documents related to the proposed activity, must be attached to, the board's meeting agenda and entered into the written minutes of the meeting.
- Requires the board must approve the contracts with a potential conflict of interest, and all management contracts, by an affirmative vote of two-thirds of all directors present.

[19] Section 468.431(2), F.S.
[20] Section 455.227(1)(f), F.S.

If the contract is canceled because the board finds that the CAM or CAM firm has violated the disclosure requirements, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

If the activity has not been properly disclosed as a conflict of interest or potential conflict of interest, the contract is voidable and terminates upon the association filing a written notice terminating the contract with the consent of at least 20 percent of the voting interests of the association for the written notice terminating the management services contract.

CAM's are not required to maintain an online licensure account with the Division of Condominiums, Timeshares, and Mobile Homes (division) within the department.

Effect of Proposed Changes

The bill amends s. 468.432(2), F.S., to provide that a person who has had his or her CAM license revoked may not have an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm during the 10-year period after the effective date of the revocation. In addition, such person is ineligible to reapply for certification or registration for a period of 10 years after the effective date of a revocation.

The bill creates s. 468.432(3), F.S., to require CAM licensees to create and maintain an online licensure account with the department. A CAM licensee must identify on their online licensure account each community association for which the CAM provides community association management services and whether the community association is a condominium association under ch. 718, F.S., a cooperative association under ch. 719, F.S., or a homeowners' association under ch. 720, F.S. A CAM licensee must update his or her online licensure account within 30 days after any change to the required information.

Under the bill, if a CAM has his or her license suspended or revoked, the division is required to give written notice of a suspension or revocation to the CAM firm and the community association for which the manager performs community management services.

The bill amends s. 468.4334(1)(a), F.S., to prohibit a CAM or a CAM firm from knowingly performing any act directed by the community association if such act violates any state or federal law.

The bill amends s. 468.4334(1)(b), F.S., to require CAMs and CAM firms under a contract with a community association that is subject to the structural integrity reserve study requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., to comply with those sections as directed by the board of the association.

The bill creates s. 468.4334(1)(c), F.S., to require that each contract between a community association and a CAM or CAM firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

> The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

The bill creates s. 468.4334(1)(d), F.S., to require that a contract between a CAM or CAM firm and a community association may not waive or limit the professional practice standards required pursuant to part VIII of ch. 468, F.S.

The bill amends s. 468.4334(3), F.S., to change the term "homeowners' association" to "community association."

The bill also limits the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.

The bill amends s. 468.4335, F.S., to revise the conflict-of-interest disclosure requirements for CAMs to:

- Revise the circumstances that may be presumed to be a conflict of interest by defining the term "compensation" to mean any referral fee or other monetary benefit derived from a person, as defined in s. 1.01(3), F.S., providing products or services to the association and any ownership interests or profit-sharing arrangements with product or service providers recommended to, or used by, the association;
- Exempt conflicts of interest that are disclosed in the management contract from the requirements in current law for the association to obtain multiple bids;
- Provide additional notice requirements to the unit owners for the meeting of the association's board in which the management contract with conflict of interest will be considered;
- Delete the requirement for the existence of the contract with a conflict of interest to be disclosed to the members at the next regular or special meeting; and
- Delete a provision authorizing the association to cancel, with the consent of at least 20 percent of the voting interests of the association, a management contract in which a conflict of interest has not been disclosed.

The bill creates s. 718.111(3)(g), F.S., to provide that, if an association contracts with a CAM or CAM firm, the CAM or CAM firm must possess all applicable licenses required by part VIII of ch. 468, F.S. The bill provides that board members or officers of an association that contracts with a CAM or CAM firm have a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract.

The bill creates s. 718.111(3)(h) and (i), F.S., to provide that, if a CAM or CAM firm has a license suspended or revoked during the term of a contract with the association, the association has no further contractual obligations to the CAM or CAM firm whose license has been revoked or suspended effective on the date which the community association manager or community association management firm became unlicensed.

Insurance – Condominiums

Present Situation

Section 718.111(11), F.S., provides that, in order to protect the safety, health, and welfare of the people of the state and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in the state, regardless of the date of its declaration of condominium. It further provides that it is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in that subsection.

Section 718.111(11)(a), F.S., provides that adequate property insurance, regardless of any requirement in the declaration of condominium for coverage by the association for full insurable value, replacement cost, or similar coverage, must be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal. The replacement cost must be determined at least once every 36 months.

Condominium associations or a group of associations may provide adequate property insurance through a self-insurance fund that complies with the requirements of ss. 624.460-624.488, F.S. Condominium associations may also provide adequate property insurance coverage for a group of at least three communities created and operating under ch. 718, ch. 719, F.S., relating to cooperative associations, ch. 720, F.S., relating to homeowners' associations, or ch. 721, F.S., relating to timeshares, by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

Effect of Proposed Changes

The bill amends s. 718.111(11), F.S., to revise the insurance requirements for condominium associations to:

- Require every condominium association to provide adequate property insurance;
- Provide that the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or update of a previous appraisal; and
- Clarify that the association's insurance coverage may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

Official Records – Condominiums

Present Situation

Section 718.111(12)(a), F.S., requires a condominium association to maintain various records, including but not limited to, the association's recorded bylaws and amendments to those bylaws, articles of incorporation and amendments to those articles, bills of sale or transfer for association-owned property, accounting records, voting ballots, contracts for work to be performed, and bids.

Section 718.112(12)(a)7., F.S., provides, in pertinent part, that email addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with s. 718.112(12)(c)5.e., F.S., which provides for unit owners to consent in writing to the disclosure of contact information.

An association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.[21]

Section 718.111(12)(b), F.S., requires that some of these records (e.g., bylaws and articles of incorporation) must be permanently maintained from the inception of the association. All other official records must be maintained within the state for at least seven years, unless otherwise provided by general law.[22] The records must be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. An association may comply with this requirement by having a copy of the records available for inspection or copying by a unit owner on the condominium property or association property or offering the option of making the records available electronically via the Internet or allowing the records to be viewed in electronic format on a computer screen and printed upon request.

Section 718.111(12)(c)1., F.S., provides that official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times.[23] A renter of a unit has a right to inspect and copy the association's bylaws and rules. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with these requirements. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages of $50 per calendar day for up to 10 days for the association's willful failure to comply. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

Making the records available on the association's website or for download via an application on a mobile device satisfies these access requirements.

Section 718.111(12)(g), F.S., provides that by January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units must post digital copies of specified records on its website or by an application on a mobile device. However, effective January 1, 2026, the threshold number of units for the website requirement decreases to 25 units.[24]

The documents that must be posted include, but are not limited to: the recorded declaration of condominium of each condominium operated by the association and each amendment to each

[21] Section 718.112(12)(a)7., F.S.
[22] Section 718.111(12)(b), F.S.
[23] The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying.
[24] Section 8, ch. 2024-244, Laws of Fla.

declaration, the recorded association bylaws and amendments to those bylaws, articles of incorporation of the association and amendments to those articles, the annual and proposed budget, and various contracts, including any contract or document regarding a conflict of interest or possible conflict of interest. The failure of the association to post required information is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Current law requires an association to maintain as official records the book or books that contain the minutes of meeting of the board of administration, but that requirement does not specify minutes that are maintained as an electronic record.

Section 718.112(12(c), F.S., provides the following criminal penalties related to access to violations of official records requirements:

- Second degree misdemeanor for any director or member of the board, association, or CAM to knowingly, willfully, and "repeatedly" violate (defined as two or more violations within a 12-month period) any requirements relating to inspection and copying of official records of an association;
- First degree misdemeanor for knowingly or intentionally defacing or destroying required accounting records or knowingly and intentionally failing to create or maintain required accounting records, with the intent of causing harm to the association or one or more of its members; and
- Third degree felony to willfully and knowingly refuse to release or otherwise produce association records, with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape.

Effect of Proposed Changes

The bill amends the official records requirements for condominium associations.
Section 718.111(12)(a), F.S., is amended by the bill to include the following additional items that an association must maintain as an official record:

- Electronic records that contain the minutes of meetings, including minutes of the board of administration and any committee;
- Recordings of meetings that are conducted by videoconference;
- All bank statements and ledgers;
- All recordings of video conference meetings for at least one year after the date the video recording is posted on the association's website if there are approved minutes for a meeting held by video conference;
- All investment policy statements and all financial statements related to the association's investment of funds; and
- All the affidavits required under ch. 718, F.S.

The bill also amends s. 718.111(12)(c)5., F.S., to require that associations maintain an adequate number of copies of the most recent annual financial statement and annual budget, instead of year-end financial information, on the condominium property to ensure their availability to unit owners and prospective purchasers.

The bill also amends s. 718.111(12)(c), F.S., to revise the existing criminal provisions related to denying access to the official records to provide consistent terminology by providing that the violations must be performed "willfully and knowingly or intentionally."

The bill amends s. 718.111(12)(g), F.S., to require that the association's website or mobile application must be updated within 30 days of any change, unless a shorter period is otherwise required, and include:

- Affidavits required under ch. 718, F.S.;
- The video recording or a hyperlink to the video recording for all meetings that are conducted by video conference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months;
- All investment policy statements and all financial statements related to the association's investment of funds; and
- Approved minutes of all meetings of the board of administration over the preceding 12 months.

Effective January 1, 2026, the bill amends section 8, ch. 2024-244, Laws of Fla., which amends s. 718.111(12)(g), F.S., reducing the threshold for the website requirement to associations with 25 or more units effective January 1, 2026, to conform to the changes made by the bill to s. 718.111(12)(g), F.S.

Financial Reporting

Present Situation

Section 718.111(13), F.S., provides the financial reporting requirements for condominium associations. Within 90 days following the end of the fiscal year, or annually on such date as provided in the association's bylaws, the governing board of the association must complete, or contract with a third party to complete, the financial report. Within 21 days after the financial report is completed by the board or received from the third party, but no later than 120 days after the end of the fiscal year, the board must provide each member of the association a copy of the financial report or a notice that it is available at no charge upon a written request.

The association must deliver the financial report to each unit owner, by United States mail or personal delivery to the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements. In addition, the association must also provide a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner.

The type of financial reporting that an association must perform differs based on the association's total annual revenue. From the least stringent to the most stringent, an association that has a total annual revenue of:

- Less than $150,000 must prepare a report of cash receipts and expenditures.

- At least $150,000 but less than $300,000 must prepare *compiled* financial statements.[25]
- At least $300,000 but less than $500,000 must prepare *reviewed* financial statements.[26]
- $500,000 or more must prepare *audited* financial statements.[27]

An association may prepare a more or less stringent type financial report if approved by vote of the majority of the voting interest present at a properly called meeting of the association.[28] An approval to provide a less stringent type of financial report is effective only for the year in which the vote is taken.[29]

Effect of Proposed Changes

The bill amends s. 718.111(13), F.S., to:

- Increase from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
- Provide that the association may deliver to unit owners either a copy of the financial report or a notice that a copy of the annual financial report may be provided upon request;
- Provide that the financial report or the notice advising that a unit owner may request a copy of the financial statement may be delivered by the means requested by the unit owner, which may be by United States mail, hand delivery, or electronic delivery via the Internet;
- Require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection; and
- Require the approval of a majority of all the voting interest to reduce the type of financial reporting, instead of a majority of the unit owners present at the meeting.

Investing Funds – Condominiums and Cooperatives

Present Situation

Reserve Funds

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance.[30]

[25] A compiled financial statement is an accounting service based on information provided by the entity that is the subject of the financial statement. A compiled financial statement is made without a Certified Public Accountant's (CPA) assurance as to conformity with generally accepted accounting principles (GAAP). Compiled financial statements must conform to the American Institute of Certified Public Accountants (AICPA) Statements on Standards for Accounting and Review Services. J.G. Siegel and J.K. Shim, *Barron's Business Guides, Dictionary of Accounting Terms*, 3rd ed. (Barron's 2000).
[26] A reviewed financial statement is an accounting service that provides a board of directors and interested parties some assurance as to the reliability of financial data without the CPA conducting an examination in accordance with GAAP. Reviewed financial statements must comply with AICPA auditing and review standards for public companies or the AICPA review standards for non-public businesses. *Id.*
[27] An audited financial statement by a CPA verifies the accuracy and completeness of the audited entities records in accordance with GAAP. *Id.*
[28] *See* s. 718.111(13)(c) and (d), F.S.
[29] *See* s. 718.111(13)(d), F.S.
[30] Section 718. 112(2)(f)2., F.S.

Commingling of Funds and Investing

Section 718.111(14), F.S., requires all funds collected by an association to be maintained separately in the association's name. Operating funds and reserve funds must be accounted for separately, and a commingled account cannot, at any time, be less than the amount identified as reserve funds. However, reserve funds may be commingled with operating funds of the association for investment purposes only.

Section 719.104(8), F.S., provides that reserve and operating funds of the association shall not be commingled unless combined for investment purposes, and this provision is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association. However, such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account.

Investment Advisers

Investment advisers are defined as "a person, other than an associated person of an investment adviser or a federal covered adviser, that receives compensation, directly or indirectly, and engages for all or part of the person's time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities"[31]

The term "investment adviser" does not include:

- Any licensed practicing attorney whose performance of such services is solely incidental to the practice of her or his profession;
- Any licensed certified public accountant whose performance of such services is solely incidental to the practice of her or his profession;
- Any bank authorized to do business in this state;
- Any bank holding company as defined in the Bank Holding Company Act of 1956, as amended, authorized to do business in this state;
- Any trust company having trust powers which it is authorized to exercise in the state, which trust company renders or performs services in a fiduciary capacity incidental to the exercise of its trust powers;
- Any person who renders investment advice exclusively to insurance or investment companies;
- Any person who does not hold herself or himself out to the general public as an investment adviser and has no more than 15 clients within 12 consecutive months in this state;
- Any person whose transactions in this state are limited to those transactions described in s. 222(d) of the Investment Advisers Act of 1940; or
- A federal covered adviser.[32]

An investment adviser must be registered with the Office of Financial Regulation (OFR) within the Financial Services Commission[33] to "sell or offer for sale any securities in or from offices in

[31] Section 517.021(16)(a), F.S.
[32] Section 517.021(16)(b), F.S.
[33] Section 517.021(8), F.S.

this state, or sell securities to persons in this state from offices outside this state, by mail or otherwise, unless the person has been registered with the [OFR] pursuant to the provisions of this section. The [OFR] shall not register any person as an associated person of a dealer unless the dealer with which the applicant seeks registration is lawfully registered with the [OFR] pursuant to [ch. 517, F.S.]"[34]

Effect of Proposed Changes

The bill creates ss. 718.111(16) and 719.104(13), F.S., to authorize condominium and cooperative associations, respectively, including multicondominium associations, to invest reserve funds. The bill provides procedures and requirements an association must follow when investing reserve funds, including limits on the types of permissible investments, recordkeeping requirements, and requiring the use of an independent investment adviser. The bill:

- Requires the board to use its best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds;
- Permits reserve funds to be invested in one or any combination of certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union;
- Requires a majority vote of the voting interests before funds can be invested in investments other than in certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union; and
- Permits only reserve funds identified as reserve funds may be invested even if the declaration permits operating funds to be invested.

If an association elects to invest reserve funds in an investment other than certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, the bill:

- Requires the board to create an investment committee composed of at least two board members and two unit owners who are not board members, to adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association;
- Specifies the issues that the investment policy must address, including requiring that projected reserve expenditures within, at minimum, the next 24 months be held in cash or cash equivalents, requiring projected expenditures relating to the milestone inspection, and protocols for proxy response;
- Requires the investment committee to recommend investment advisers to the board;
- Requires such investment advisers to be registered or have a notice filed under s. 517.12, F.S, with the OFR. The investment advisor, representative, or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member;

[34] Section 517.12(1), F.S.

- Requires the investment adviser to comply with the prudent investor rule in s. 518.11, F.S.,[35] and to act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974;
- Requires that the association, at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, if available, and the financial reports prepared pursuant to subsection s. 718.111(13), F.S.;
- Requires the investment adviser to:
  - Annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements;
  - Prepare a funding projection for each reserve component, including any of the component's redundancies;
  - Annually provide the association with a written certification of compliance with these respective sections and a list of stocks, securities, and other obligations that are prohibited from being in an association portfolio; and
  - Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with ch. 517, F.S, relating to the regulation of investment advisers;
- Requires that there be a minimum of 24 months of projected reserves in cash or cash equivalents available to the association at all times;
- Prohibits investment in stocks, securities, or other obligations that the State Board of Administration or state agencies are prohibited from investing in under ss. 215.471, 215.4725, 215.472, and 215.473, F.S., as determined by the investment adviser;[36]
- Permits the investment adviser to withdraw investment fees, expenses, and commissions from invested funds;
- Requires that any principal, earnings, or interest must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request; and
- Requires unallocated income earned on reserve fund investments to be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus must be managed as common expenses and surpluses under s. 718.115, F.S.

[35] Section 518.11, F.S., sets forth the prudent investor rule. Generally, a fiduciary has a duty to invest and manage investment assets as a prudent investor would considering the purposes, terms, distribution requirements, and other circumstances of the trust.

[36] These provisions deal with investments in stocks, securities, or other obligations of companies doing business with Cuba or Venezuela, that boycott Israel or engage in a boycott of Israel, or that conduct certain business operations with [North] Sudan and Iran.

Videoconferences and Condominium Association Meetings

Present Situation

Section 718.112, F.S., provides for the conduct of meetings of the board of administration, committee meetings, meetings of the unit owners, and budget meetings.

Section 718.112(2)(b)5., F.S., provides that a board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. Associations must use a speaker so that the conversation of members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting.

Section 718.112(c)2., F.S., allows broadcast notice to be used in lieu of a notice physically posted on condominium property. If the notice is made by broadcast, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.

Effect of Proposed Changes

The bill creates s. 718.103(33), F.S., to define the term "videoconference" to mean a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices.

Under the bill any notice for any meeting that will be conducted by videoconference must have a hyperlink and call-in phone conference telephone number for unit owners to attend the meeting. In addition, the meeting must have a physical location where unit owners can attend the meeting in-person. The bill requires all meetings conducted by videoconference to be recorded and the recording must be maintained as an official record of the association.

The bill amends s. 718.112(2)(b), F.S., relating to meeting quorums and voting, to provide that a board meeting may be conducted in-person or by videoconference.

The bill amends s. 718.112(2)(c), F.S., relating to meetings of the board of administration, and s. 718.112(2)(d), F.S., relating to unit owner meetings, to require, if the meeting is to be conducted via videoconference, the notice of the meeting to:

- State that such meeting will be via videoconference; and
- Include a hyperlink and a conference telephone number for unit owners to attend the meeting via videoconference, as well as the address of the physical location where the unit owners can attend the meeting in-person.

The bill also provides that, if the meeting is conducted via videoconference, it must be recorded and the recording must be maintained as an official record.

The bill amends s. 718.112(c)2., F.S., to delete the requirements for broadcasting notices. The bill also deletes requirements related to the posting of meeting notices on condominium property as an alternative to 14-day notice requirements.

For meetings of the unit owners, the bill amends s. 718.112(2)(d), F.S., to provide that, if a unit owner meeting is conducted via videoconference:

- A unit owner may vote electronically in the manner provided in s. 718.128, F.S.;
- A quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting; and
- The location of the meeting must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property.

The bill amends s. 718.112(2)(e), F.S., relating to budget meetings, to:

- Provide that budget meetings may be conducted by videoconference; and
- Require a sound transmitting device must be used so that the conversation of the members may be heard by the board or committee members attending in-person, as well as any unit owners present at the meeting.

The bill amends ss. 718.112(2)(b), (c), (d), and (e), F.S., to require the division to adopt rules for the conduct of board and committee meetings, board of administration meetings, unit owner meetings, and budget meetings, respectively.

Substitute Budget Process – Condominiums

Present Situation

Section 718.112(2)(e)1., F.S., provides for the adoption of a condominium association's annual budget. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners is required to be open to all unit owners. Unit owners must be given notice of the meeting at least 14 days before the meeting.

If a board adopts an annual budget which requires assessments against unit owners exceeding 115 percent of assessments for the preceding fiscal year, the unit owners may petition the board for a special meeting to consider a substitute budget. The unit owners' petition for a special meeting to consider a substitute budget must come from at least 10 percent of all voting interests of the association and must be received by the board within 15 days of the board's adoption of the annual budget.[37]

The special meeting must be conducted within 60 days after adoption of the annual budget. The board must give unit owners a notice of the special meeting at least 14 days before the meeting. The board must deliver a notice of the special meeting to each unit owner by hand delivery or mail to each unit owner at the address last furnished to the association.[38]

[37] Section 718.112(2)(e)2.a., F.S.
[38] *Id.*

Unit owners may consider and adopt a substitute budget at the special meeting by the approval of a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the board takes effect as scheduled.

The determination of whether assessments exceed 115 percent of assessments for the prior fiscal year must be determined by excluding: [39]

- Any authorized provision for reasonable reserves for repair or replacement of the condominium property;
- Anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis;
- Insurance premiums; or
- Assessments for betterments to the condominium property.

If the board is controlled by a developer, assessments may not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.[40]

Effect of Proposed Changes

The bill amends s. 718.112(e), F.S., relating to the requirements for adoption of annual budgets in a condominium association when the assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year, to:

- Require the board to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year.
- Require that the substitute budget must be presented to the unit owners for approval before a budget can be adopted.

The bill also revises the expenses that associations can exclude when determining whether assessments exceed 115 percent of the assessments of the preceding year by:

- Removing "assessments for the betterment of the community" as an expense that can be excluded from the calculation; and
- Limiting the exclusion of anticipated expenses which the board does not expect to be incurred on a regular or annual basis to only those expenses related to the SIRS inspection items.

Reserves and Structural Integrity Reserve Studies – Condominiums and Cooperatives

Present Situation

Alternative Funding Method

Section 718.103(1), F.S., defines the term "alternative funding method" to mean:

> a method approved by the division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association

[39] Section 718.112(2)(e)2.b., F.S.
[40] Section 718.112(2)(e)2.c., F.S.

> operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget.

Budgets and Reserves

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. Reserve accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000.[41]

Reserve accounts were first required in 1979, but there was no minimum threshold for required reserves at that time.[42] The current $10,000 reserve threshold has applied since 1990.[43]

The amount to be reserved must be computed using a formula based upon the estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. Replacement reserve assessments may be adjusted annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.[44]

Members of unit-owner-controlled associations may waive reserves upon a majority vote of the total voting interests of the association. However, for a budget adopted on or after December 31, 2024, unit-owner-controlled condominium and cooperative associations that must obtain a structural integrity reserve study (SIRS) may not waive reserves. Associations that are required to obtain a SIRS also may not opt to provide less reserves or no reserves than are required for the structural integrity items. Nor may those reserves be used for any other purpose than their intended purpose.[45]

A SIRS is a study of the reserve funds required for future major repairs and replacement of the common elements based on a visual inspection. A SIRS is required for condominium buildings that are three or more stories in height.[46]

Before turnover of control to the unit owners, ss. 718.301(4)(p) and 719.301(4)(p), F.S., require the developer to perform a turnover inspection performed by a licensed professional engineer or architect, or a reserve specialist or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, this provision does not require that the inspection comply with the SIRS requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively.

---

[41] *See* s. 718.112(2)(f) and 719.106(1)(j), F.S., relating to reserves requirements for condominium and cooperative associations, respectively.
[42] Section 6, ch. 79-314, Laws of Fla.
[43] Section 7, ch. 90-151, Laws of Fla.
[44] *Id.*
[45] Sections 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively.
[46] *See* ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively

A condominium association may temporarily pause reserve funding or reduce reserve funding if the entire condominium building is uninhabitable, as determined by the local building official, due to a natural emergency, as defined in s. 252.34, F.S., upon the approval of a majority of the members. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building and its structures are habitable, the association must immediately resume contributing funds to its reserves.[47] Cooperative associations do not have a comparable provision for pausing or reducing reserve funding if a building is uninhabitable.

Structural Integrity Reserve Studies

Regarding the funding of reserves for the continued maintenance and repair of condominium and cooperative buildings, ss. 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively, associations that are required to have a SIRS may not waive reserves for the SIRS items or use such reserves for other purposes.

Sections 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively:

- Require condominium associations and cooperative associations to complete a structural integrity reserve study every 10 years for each building in an association that is three stories or higher in height, as determined by the Florida Building Code.
- Require associations existing on or before July 1, 2022, that are controlled by non-developer unit owners, to have a SIRS completed by December 31, 2024. An association that completes a milestone inspection by December 31, 2026, may complete the SIRS at the same time.
- Require that the study include a visual inspection and state the estimated remaining useful life and the estimated replacement cost of the following items (structural integrity items): roof, structure, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing, windows and exterior doors, and any item with a deferred maintenance or replacement cost that exceeds $10,000.
- Require the visual inspection be performed or verified by a person licensed as an engineer, an architect, reserve specialist, or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, any qualified person or entity may perform the other components of a SIRS.
- Provide that the SIRS may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost or deferred maintenance expense cannot be determined or for which the estimate of useful life is greater than 25 years, but the study may recommend a deferred maintenance amount for such items.
- Exempt from the SIRS requirement are:
    - Buildings less than three stories in height;
    - Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; and
    - Any portion or component of a building that has not been submitted to the condominium or cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the condominium or cooperative association.

[47] Section 718.112(2)(f)2.a., F.S.

Within 45 days of completion of a SIRS, condominium and cooperative associations must provide unit owners with a notice that the study is available for inspection and copying. The notice may be provided electronically.[48]

Effect of Proposed Changes

Alternative Funding Methods

The bill amends s. 718.103(1), F.S., revising the term "alternative funding method" to mean a method for funding the capital expenditures and deferred maintenance obligations of the association, including:

- The allocation of funds in the annual operating budget of a multicondominium; or
- Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association's reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

Budgets and Reserves

The bill amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., relating to budgets in condominium and cooperative associations, respectively, and ss. 718.112(2)(g), and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively, to increase the minimum threshold amount from $10,000 to $25,000 for items whose deferred maintenance and replacements requires these associations to have reserves for such items.

The bill also amends ss. 718.112(2)(f)5., and 719.106(1)(j)4., F.S., relating to budgets in condominium and cooperative associations, respectively, to require the division to annually adjust for inflation, based on the Consumer Price Index of All Urban Consumers released in January of each year, the minimum $25,000 threshold amount for required reserves. Under the bill, by February 1 of each year, and annually thereafter, the division must post on its website the inflation adjusted minimum threshold amount for required reserves.

Under the bill, associations must maintain reserves items whose deferred maintenance expense and replacement costs exceed $25,000 or the inflation-adjusted amount determined by the division, whichever is greater.

The bill amends s. 718.112(2)(f)2.a., F.S., to provide that, if an association votes to terminate the condominium in accordance with s. 718.117, F.S., the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study.

The bill creates ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., to provide that reserves for SIRS items may be funded by regular assessments, special assessments, lines of credit, or loans.

The bill authorizes unit-owner-controlled condominium and cooperative associations that must have a SIRS to secure a line of credit or a loan to fund capital expenses required by a milestone inspection or a SIRS. A majority of the total voting interests of the association must approve the

[48] Sections 718.112(2)(g)10. and 719.106(1)(k)10., F.S., relating to condominium and cooperative associations, respectively.

line of credit or loan. The line of credit must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the required reserves and the SIRS. Funding from the line of credit or loan must be immediately available for access by the board to fund the required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit or loan must be included in the association's annual financial report. Under the bill associations that are controlled by a developer, as defined in s. 718.103., F.S.,[49] or one or more bulk assignees[50] or bulk buyers,[51] as defined s. 718.703, F.S., are exempt from this provision.

The bill amends s. 718.112(2)(f)2.d., F.S., to remove the requirement for the approval of a majority of the members of a condominium association before that association may temporarily pause the funding of reserves or reduce the amount of reserve funding if the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, F.S., as determined by the local enforcement agency.

The bill creates s. 719.106(1)(j)2.d., F.S., to allow cooperative associations to temporarily pause the funding of reserves or reduce the amount of reserve funding in an manner that is identical to that provided for condominium associations in s. 718.112(2)(f)2.d., F.S.

The bill creates ss. 718.112(2)(f)2.e., and 719.106(1)(j)2.f., F.S., to allow the boards of condominium or cooperative associations that have completed a milestone inspection pursuant to s. 553.899, F.S., within the previous two calendar years to temporarily pause reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection if approved by a majority of the total voting interests of the association. The temporary pause must be for a period of no more than two consecutive annual budgets immediately following completion of a milestone inspection. Associations may only temporarily pause reserve funding under this provision for budgets adopted on or before

[49] Section 718.103(17) F.S., defines the term "developer" to mean "a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business." The term does not include: an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy; a cooperative association that creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners are the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion, a bulk assignee or bulk buyer as defined in s. 718.703, F.S., or a state, county, or municipal entity acting as a lessor and not otherwise named as a developer in the declaration of condominium.

[50] Section 718.703(1), F.S., defines the term "bulk assignee" to mean: a person who is not a bulk buyer and who acquires more than seven condominium parcels in a single condominium as set forth in s. 718.707, F.S.; and receives an assignment of any of the developer rights, other than or in addition to the rights that may be received by a bulk buyer, as set forth in the declaration of condominium or ch. 718, F.S., by a written instrument recorded as part of or as an exhibit to the deed, by a separate instrument recorded in the public records of the county in which the condominium is located, or pursuant to a final judgment or certificate of title issued in favor of a purchaser at a foreclosure sale.

[51] Section 718.703(1), F.S., defines the term "bulk buyer" to mean a person who acquires more than seven condominium parcels in a single condominium as set forth in s. 718.707, F.S., but who does not receive an assignment of any developer rights, or receives only some or all of the following rights:

- The right to conduct sales, leasing, and marketing activities within the condominium;
- The right to be exempt from the payment of working capital contributions to the condominium association arising out of, or in connection with, the bulk buyer's acquisition of the units; and
- The right to be exempt from any rights of first refusal which may be held by the condominium association and would otherwise be applicable to subsequent transfers of title from the bulk buyer to a third-party purchaser concerning one or more units.

December 31, 2028. In addition, a developer-controlled association, an association in which the non-developer unit owners have been in control for less than one year, and an association controlled by one or more bulk assignees or bulk buyers may not pause reserve funding under this provision. An association that has paused reserve contributions must have a SIRS performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

The bill amends ss. 718.112(2)(f)3., and 719.106(1)(j)3., F.S., to allow the boards of condominium or cooperative associations to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Structural Integrity Reserve Studies

The bill amends ss. 718.112(2)(g)(1)7., to extend the deadline by which associations must complete a required SIRS from December 31, 2024, to December 31, 2025.

The bill creates ss. 718.112(2)(g)3.b., and 719.106(1)(k)3.b., F.S., to provide conflict of interest provisions for persons performing the SIRS and the persons performing maintenance, repair, and replacement services recommended by SIRS for condominium and cooperative associations, respectively. Under the bill, any design professional, as defined in s. 558.002(7), F.S.,[52] or contractor licensed under ch. 489, F.S., who bids to perform a SIRS must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the SIRS.

Additionally, any design professional or licensed contractor who submits a bid to the association for performing any services recommended by the SIRS may not have an interest, directly or indirectly, in the firm or entity providing the association's SIRS or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. The bill defines the term "relative" to means a relative within the third degree of consanguinity by blood or marriage.

The bill provides that a contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the required written disclosure of the relationship. It also provides that a design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the required written disclosure of the relationship.

The bill amends ss. 718.112(2)(g)4.a., and 719.106(1)(k)4.a., F.S., to require that the SIRS for condominium and cooperative associations, at a minimum, must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year for deferred maintenance, repair, and replacement of reserve items are sufficient to maintain the reserve cash balance above zero. Under the bill, the study may recommend other types of reserve funding schedules if the recommended schedules are sufficient to meet the association's maintenance obligation.

[52] Section 558.002(7), F.S., defines the term "design professional" to mean a person, as defined in s. 1.01, F.S., who is licensed in this state as an architect, a landscape architect, an engineer, a surveyor, or a geologist or who is a registered interior designer, as defined in s. 481.203, F.S.

The bill amends ss. 718.112(2)(g)4.b., and 719.106(1)(k)4.b., F.S., to provide that if a SIRS for a condominium or cooperative association recommends reserves for any item for which reserves are not required, the amount of the recommended reserves for such item must be separately identified in the SIRS as an item for which reserves are not required.

The bill creates ss. 718.112(2)(g)4.c., and 719.106(1)(k)4.c., F.S., to require the SIRS to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. Under the bill, if the SIRS is performed before the association has approved a special assessment or secured a line of credit or a loan, the SIRS must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The SIRS may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. Additionally, the association must obtain an updated SIRS before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

The bill creates ss. 718.112(2)(g)9., and 719.106(1)(k)9., F.S., to allow condominium and cooperative associations that have completed a milestone inspection required by s. 553.899, F.S., or an inspection completed for a similar local requirement, to delay performance of a required SIRS for no more than two budget years to permit the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

The bill amends ss. 718.112(2)(g)10., and 719.106(1)(k)10., F.S., to require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS.

The bill creates ss. 718.112(2)(g)13., and 719.106(1)(k)13., F.S., to require the Division of Condominiums, Timeshares, and Mobile Homes to adopt by rule the form for the SIRS in coordination with the Florida Building Commission.

Jurisdiction of the Division – Condominiums

Present Situation

Section 718.501, F.S., provides the investigative and enforcement authority of the division. The division may enforce and ensure compliance with ch. 718, F.S., and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints related to the procedural completion of milestone inspections under s. 553.899, F.S. The division may investigate complaints and enforce compliance with ch. 718, F.S., for associations that are still under developer control, including investigating complaints against developers involving improper turnover or failure to transfer control to the association.[53] After control of the condominium is transferred from the developer to the unit owners, the division only has jurisdiction to investigate complaints related to:[54]

[53] Section 718.501(1), F.S.
[54] Section 718.501(1)(a), F.S.

- Procedures and records related to financial issues, including annual financial reporting under s. 718.111(13), F.S., assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14), F.S., use of debit cards for other than intended purposes under s. 718.111(15), F.S., the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f), F.S., financial records under s. 718.111(12)(a)11, F.S., and any other record necessary to determine the revenues and expenses of the association;
- Elections, including election and voting requirements under s. 718.112(2)(b) and (d), F.S., recall of board members under s.718.112(2)(l), F.S., electronic voting under s. 718.128, F.S., and elections that occur during an emergency under s. 718.1265(1)(a), F.S.;
- The maintenance of and unit owner access to association records under s. 718.111(12), F.S.;
- Allegations of criminal violations under ch. 718, F.S.;
- The procedural aspects of meetings, such as unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2), F.S.;
- Disclosure of conflicts of interest under s. 718.111(1)(a), F.S., and s. 718.3027, F.S., including limitations contained in s. 718.111(3)(f), F.S.;
- Removal of a board director or officer under s. 718.111(1)(a) and (15), F.S., and s. 718.112(2)(p) and (q), F.S.;
- The procedural completion of SIRS under s. 718.112(2)(g), F.S.; and
- Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2., F.S.

Effect of Proposed Changes

The bill amends s. 718.501(1)(a), F.S., to expand the jurisdiction of the division to review records and investigate complaints to include:

- Completion of milestone inspections;
- Procedural compliance with the milestone inspection requirements in s. 533.899, F.S.;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds under s. 718.111(11)(h), F.S.;
- Board member education requirements under s. 718.112(2)(d)5.b., F.S.; and
- Reporting requirements for SIRS.

Reporting Requirement for Condominiums and Cooperatives

Present Situation

Sections 718.501(3)(a) and 719.501(3)(a), F.S., require condominium and cooperative associations, respectively, existing on or before July 1, 2022, to provide specified information to the division on or before January 1, 2023. The associations may provide the information in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website. The following information must be provided:

- The number of buildings on the condominium property that are three stories or higher in height;
- The total number of units in all such buildings;
- The addresses of all such buildings; and

- The counties in which all such buildings are located.

Sections 718.501(3)(b) and 719.501(3)(b), F.S., require the division to compile a list of the number of buildings on condominium and cooperative property, respectively, that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. The list compiled by the division must include the following information:

- The name of each association with buildings on the condominium property that are three stories or higher in height;
- The number of such buildings on each association's property;
- The addresses of all such buildings; and
- The counties in which all such buildings are located.

Associations must provide an update in writing to the division if there are any changes to the information required for the list compiled by the division within six months after the change.[55]

Effect of Proposed Changes

The bill creates ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to create an online account with the division.

The bill amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to:

- Create and maintain an online account with the division on or before October 1, 2025;
- Provide that the information must be provided in an electronic format as determined by the division;
- Require the division to adopt rules to implement this provision;
- Limit the division to requesting information only once per year, except for updates to the contact information; and
- Require the division to give associations at least a 45-day notice for any request for information.
- The information must be updated within 30 days after any change. The information that must be provided to the division may include, but not be limited to:
  - The contact information for the association that includes all of the following:
  - The name of the association;
  - The physical address of the association;
  - The mailing address and county of the association;
  - The e-mail address and telephone number for the association;
  - The name and board title for each member of the association’s board;
  - The name and contact information of the association’s community association manager or community association management firm, if applicable;
  - The name and contact information of the community association manager or community association management firm, if applicable ; and
  - The hyperlink or website address to the association’s website, if applicable.
- The total number of buildings and for each building within the association:

[55] Sections 718.501(3)(c) and 719.501(3)(c), F.S., relating to condominium and cooperative associations, respectively.

  - The total number of stories of each building, including both habitable and uninhabitable stories;
  - The total number of units;
  - The age of each building based on the certificate of occupancy; and
  - Any construction commenced within the common elements within the previous calendar year.
- The association's assessments, including the:
  - Amount of assessment or special assessment by unit type, including reserves;
  - Purpose of the assessment or special assessment; and
  - Name of the financial institution or institutions with which the association maintains accounts.

In addition, the associations must provide a copy of any SIRS and any associated materials requested by the department within five business days after a request in a manner prescribed by the department.

Pre-sale Disclosures - Condominium and Cooperative Associations

Present Situation

Developers and non-developer owners of condominium or cooperative units must give certain documents to a prospective buyer or lessee before the execution of a contract for the sale of a residential unit, including a copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4), F.S., and a copy of the most recent SIRS, or a statement that the association has not completed a SIRS or that a SIRS is not required.[56]

The developer may not close for 15 days following the execution of a purchase contract, or execution of a lease of a residential unit for an unexpired term of more than five years, and the delivery of the required documents to the buyer, including the documents creating the association, the bylaws, and the estimated operating budget of the association. A prospective purchaser may void the contract within 15 days of his or her receipt of all the required documents.[57]

A non-developer unit owner must provide the prospective buyer or lessee certain information, including the articles of incorporation, bylaws and rules, a copy of the most recent financial information, and a "Frequently Asked Questions and Answers" document.[58] These documents must be provided more than three days, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract, or the sales contract is voidable by the prospective purchaser. These disclosures do not apply to the leasing of a residential unit by a non-developer owner.[59]

Each contract for sale of a residential unit by a developer or non-developer must contain in conspicuous type a statement acknowledging that the purchaser has received the document and

[56] Sections 718.503(1) and 719.503(1), F.S.
[57] Sections 718.503(1) and 719.503(1), F.S., providing the developer disclosures before the sale or lease of a residential condominium or cooperative unit, respectively.
[58] *See* ss. 718.503(2) and 719.503(2), F.S., providing the non-developer disclosures before the sale of a residential condominium or cooperative unit, respectively.
[59] *Id.*

his or her right to void the contract if the required documents are not provided more than three days in the case of a non-developer sale or 15 days in the case of a developer sale, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract.

These disclosures for developers and the non-developers also require that the prospective purchaser must be given a copy of the most recent financial statement and annual budget. However, the term "recent financial statement and annual budget" is not uniformly used throughout these requirements and instead uses the broader term "financial information."

Effect of Proposed Changes

The bill amends ss.718.503(1) and (2) and 719.503(1) and (2), F.S., to replace the term "financial information" with the terms "recent financial statement and annual budget."

The bill also extends a three-day recission period for condominium sales by non-developer unit owners to 15 days.

Condominiums within a Portion of a Building or within a Multiple Parcel Building

Present Situation

In a recent decision by the Florida Third District Court of Appeals (3rd DCA), the court held that the declaration of condominium had impermissibly divested a unit of its undivided share of the common elements by designating certain portions of the condominium property as "shared facilities."[60]

In *IconBrickell*, the condominium is a mixed-use condominium consisting of residential condominium units and a luxury hotel. The declaration of condominium designated a wide variety of specific portions of the common elements as "shared facilities" under the exclusive ownership and control of the hotel unit owner. The "shared facilities" include the balconies, lobby, elevators, and the infrastructure for utilities, such as wires and pipes. The term "shared facilities" is not defined in ch. 718, F.S.

Even though the residential unit owners did not have a common ownership interest in the "shared facilities," the declaration burdened the residential unit owners, and not the owner of the hotel, with expenses incurred by the owner of the hotel for the maintenance, repair, replacement, improvement, management, and operation of the shared facilities. The court held that the "recharacterization, and the resultant expropriation of undivided common ownership, indubitably contravenes the edict of the [Condominium] Act."[61]

Revised by s. 5, ch. 2024-244, Laws of Fla., the term "condominium property" in s. 718.103(14), F.S., means "the lands, leaseholds, improvements, any personal property, and all easements and rights appurtenant thereto, regardless of whether contiguous, which are subjected to condominium ownership."

[60] *IconBrickell Condominium No. three Association, Inc. v. New Media Consulting*, L.L.C., 310 So.3rd 477 (Fla. 3rd DCA 2020).
[61] *IconBrickell* at 481.

Section 718.104(4)(b), F.S., relating to the creation of condominiums, was revised by s. 6, ch. 2024-244, Laws of Fla., to provide that condominiums created within a portion of a building or within a multiple parcel building must include the name by which the condominium is to be identified and be followed by "a condominium within a portion of a building or within a multiple parcel building."

Effective October 1, 2024, s. 718.407, F.S., which was created by s. 20, ch. 2024-244, Laws of Fla., provides conditions, including disclosure requirements in sales contracts, for the creation of condominiums within a portion of a building or within a multiple parcel building. The bill provides that the declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, or any other recorded instrument applicable (creating document) must specify the following:

- The portions of the building which are included in the condominium and the portions of the building that are excluded.
- The party responsible for maintaining and operating those portions of the building which are shared facilities, and which may include, among other things, the roof, the exterior of the building, windows, balconies, elevators, the building lobby, corridors, recreational amenities, and utilities.
- The manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned:
    - An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association for the portion of the building submitted to the condominium form of ownership, must approve any increase in the apportionment of expenses to such portion of the building.
    - The apportionment of expenses for the maintenance and operation of the shared facilities may be based on any of the specified criteria or any combination thereof.
    - An alternative method of apportionment of expenses may be provided if the apportionment method is stated in the creating document.
- The party responsible for collecting shared expenses.
- The rights and remedies available to enforce payment of shared expenses.

The association of a condominium created within a portion of a building or within a multiple parcel building has the right to inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based and to receive an annual budget with respect to such costs.

A disclosure summary must be included, in conspicuous type, in every contract for the sale of any condominium created under s. 718.407, F.S. The disclosure summary informs the prospective purchaser of a condominium unit that:

- The condominium is created within a portion of a building or within a multiple parcel building.
- The common elements of the condominium consist only of the portions of the building submitted to the condominium.

The disclosure summary also includes the buyer's acknowledgment that:

- The condominium may have minimal or no common elements.
- Portions of the building that are not included in the condominium are (or will be) governed by a separate recorded instrument that contains important provisions and rights.
- The party that controls the maintenance and operation of the portions of the building that are not included in the condominium determines the budget for the operation and maintenance of such portions; however, the association and unit owners are still responsible for their share of such expenses.
- The allocation between the owners of the costs to maintain and operate the building can be found in the declaration of condominium or other recorded instruments.

Section 718.407(6), F.S., provides that the creation of a multiple parcel building is not a subdivision of the land upon which such building is situated, provided the land itself is not subdivided.

Section 31 of ch. 2024-244, Laws of Fla., provided that the amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), F.S., are intended to clarify existing law and apply retroactively. However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

Effect of Proposed Changes

The bill revises the provision in section 31 of ch. 2024-244, Laws of Florida, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after July 1, 2025.

Law Enforcement

Present Situation

Section 914.21(3), F.S., defines the term "official investigation," as the term is used in ss. 914.22 to 914.24, F.S., to mean any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics.

Section 914.22, F.S., prohibits tampering with or harassing a witness, victim, or informant and provides criminal penalties. Section 914.23, F.S., prohibits retaliation against a witness, victim, or informant and provides criminal penalties. Section 914.24, F.S., provides requirements for civil actions to restrain harassment of a victim or witness.

Effect of Proposed Changes

The bill amends s. 914.21(3), F.S., revising the definition of the term "official investigation"; providing appropriations to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S., relating to the criminal prohibitions against tampering with, harassing, or retaliation against a witness, victim, or informant.

Appropriation

For the 2025-2026 fiscal year, the bill appropriates the recurring sum of $150,000 and the nonrecurring sum of $100,000 from the Professional Regulation Trust Fund to the DBPR to

contract with the University of Florida to implement the study required under s. 553.899(3)(f), F.S., as provided by this bill. Under the bill, the unexpended balance of nonrecurring funds shall revert and are appropriated for the same purpose for the 2026-2027 fiscal year.

Additional Provisions

The bill reenacts the following provisions:

- Section 468.436(2), F.S., relating to disciplinary provisions for CAMs, to incorporate the amendment made to s. 468.4335, F.S.;
- Section 721.13(3)(e), F.S., relating to timeshare management, to incorporate the amendment made to s. 718.111, F.S.;
- Sections 718.504(7)(a) and (21)(c), and 718.618(1)(d), F.S., relating to prospectus or offering circulars; and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S.;
- Section 718.706(1) and (3), F.S., relating to specific provisions pertaining to the offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S.; and
- Sections 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S.

Effective Date

Except as otherwise expressly provided, the bill takes effect July 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce the impact of assessments against unit owners that are related to reserve requirements arising from structural integrity reserve studies (SIRS), such as, by authorizing the increase of the reserve threshold for reserve items from $10,000 to $25,000, authorizing the use of lines of credit in lieu of reserves, authorizing the temporary stay of reserve funding under the limited conditions in the bill, and requiring that a SIRS must, at minimum, recommend a baseline funding plan.

C. Government Sector Impact:

For the 2025-2026 fiscal year, the bill appropriates $150,000 in recurring and $100,000 in nonrecurring funds from the Professional Regulation Trust Fund to the Florida Department of Business and Professional Regulation (department) to contract with the University of Florida for the purpose of creating a specified report on milestone inspections performed in Florida during each calendar year. The bill directs the unexpended balance of nonrecurring funds to revert and to be appropriated for the same purpose for the 2026-2027 fiscal year.

The department may incur an indeterminate increase in workload costs related to implementing provisions in the bill; however, it's expected that any costs could be handled with existing resources. To date, no analysis by the department of the impact of the bill on its operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.432, 468.4334, 468.4335, 553.899, 718.103, 718.111, 718.112, 718.501, 718.503, 719.104, 719.106, 719.501, 719.503, and 914.21.

This bill substantially amends sections 8 and 31 of chapter 2024-244 of the Laws of Florida.

This bill reenacts the following sections of the Florida Statutes: 468.436, 718.504, 718.618, 718.706, 719.103, 719.504, and 721.13.

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/CS by Rules on April 21, 2025:
The committee substitute:

- Amends s. 468.4335, F.S., to revise the conflict-of-interest disclosure requirements for community association managers (CAMs).
- Amends s. 718.111(3)(h), F.S., to clarify that if a CAM has a contract with an association and the CAM has his or her license suspended or revoked, the association may cancel the contract.
- Amends s. 718.111(11), F.S., to revise the insurance requirements for condominium associations.
- Amends s. 718.111(12)(c), F.S., to revise the existing criminal provisions related to denying access to the official records to provide consistent terminology by providing that the violations must be performed "willfully and knowingly or intentionally."
- Amends s. 718.111(12)(c)5., F.S., to require associations to maintain an adequate number of copies of the most recent annual financial statement and annual budget, instead of year-end financial information, on the condominium property to ensure their availability to unit owners and prospective purchasers.
- Amends ss. 718.112(2)(f)5., and 719.106(1)(j)4., F.S., to require the division to annually adjust for inflation, based on the Consumer Price Index of All Urban Consumers released in January of each year, the minimum $25,000 threshold amount for required reserves, and to post on its website the inflation adjusted minimum threshold amount for required reserves by February 1 of each year, and annually thereafter.
- Amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., relating to budgets in condominium and cooperative associations, respectively, and ss. 718.112(2)(g), and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively, to provide that associations must maintain reserves items whose deferred maintenance expense and replacement costs exceed $25,000 or the inflation-adjusted amount determined by the division, whichever is greater.
- Amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., authorizing associations to secure a line of credit or loan, with certain conditions, and ss. 718.112(2)(f)2.e., and 719.106(1)(j)2.f., F.S., authorizing associations to temporarily pause reserve funding, with certain conditions, for the purpose of funding repairs recommended by the milestone inspection, to exempt the application of these provisions to associations that are controlled by one or more bulk assignees or bulk buyers.

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:
The committee substitute:

- Amends s. 468.432, F.S., to:
  - Delete the requirement that community association managers (CAMs) and CAM firms report the communities for which they do work;

  - Require CAMs to identify their CAM firm and the communities for which they are an on-site manager;
  - Require CAM firms to identify the CAMs that they employ;
  - Provide that the online account is with the Department of Business and Professional Regulation (department) and not the Division of Condominiums, timeshares, and Mobile Homes (division); and
  - Provide that a CAM or a CAM firm may not "knowingly" perform any act directed by the community association if such an act violates any state or federal law.
- Amends s. 468.4334, F.S., to revise the contract notice in the bill to only apply if the contract includes recordkeeping.
- Amends s. 553.899, F.S., to require the persons who perform milestone inspections to disclose conflicts of interest.
- Amends s. 718.111(12), F.S., to
  - Provide that, if there are approved minutes for a meeting held by video conference, recordings of meetings conducted by video conference must be maintained for at least one year after the date the video recording is posted on the association's website;
  - Require all investment policy statements and all financial statements related to the association's investment of funds to be maintained as an official record, including the association's website; and
  - Require that the association's website must include the video recording or a hyperlink to the video recording for all meetings that are conducted by video conference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months.
- Amends s. 718.111(13), F.S., to revise the financial reporting requirements to:
  - Increase from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
  - Allow associations to either deliver to unit owners a copy of the financial statement or a notice that the financial statement may be requested by the owners; and
  - Require the approval of a majority of all the voting interest to reduce the type of financial reporting.
- Amends s. 718.111(16), F.S., to prohibit the financial advisor from being related by affinity or consanguinity to a co-owner of a unit with a board member or investment committee member, instead of having such a relation to any unit owner.
- Amends s. 718.112(2)(b), F.S., to delete the provision prohibiting board members from participating in meetings by video conference more than two times in a calendar year, and to change the term "videoconference" to "video conference."
- Amends s. 718.112(2)(d), F.S., to require unit owner meeting to be held within 15 miles of the condominium property or within the same county as the condominium property, instead of requiring that the meeting be held within 10 miles of the condominium property.
- Amends s. 718.112(2)(f)2.c., F.S., to:
  - Authorize reserves to be funded by special assessments;
  - Include loans in the requirements for this provision;

  - Remove the provision limiting the provision to budgets adopted on or before December 31, 2028;
  - Provide that a line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the required reserves and the SIRS; and
  - Delete the provision that the line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserves.
- Creates ss. 718.112(2)(g)4.c., and 719.106(1)(k)4.c., F.S., to require the SIRS to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans, and to require the SIRS to be updated under specified circumstances.
- Amends ss. 718.501(3) and 719.501(3), F.S., relating to the reporting requirements condominium and cooperative associations, respectively, to:
  - Require the division to adopt rules;
  - Limit the division to requesting information only once per year, except for updates to the contact information;
  - Require the division to give at least a 45-day notice for any request for information;
  - Limit the types of information that can be requested to only the listed information:
  - Provide that the division may require associations to update contact information within 30 days after any change, instead of within 15 days of any change; and
  - Delete the requirement for associations to provide the email addresses for each board member and the name and contact information of every individual or community association management company responsible for remitting any payment to the division.
- Amends ss. 718.503 and 719.503, F.S., relating to condominiums and cooperative associations, to decrease the nondeveloper recission period under the bill from 15 days to seven days.
- Revises the provision in section 31 of chapter 2024-244, Laws of Florida (CS/CS/CS/HB 1021), to provide that the provisions referenced in the section do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after October 1, 2024, instead of July 1, 2025.
- Provides that the appropriation for the University of Florida Study is to the department instead of to the Florida Building Commission.

CS by Regulated Industries on March 25, 2025:
The committee substitute:
- Amends s. 468.432, F.S., to:
  - Prohibit a person whose community association manager (CAM) license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm for 10 years after the revocation or reapply for 10 years; and
  - Require a licensee to provide specific information on his or her licensure account, and that such information be updated.

- Amends s. 468.4334, F.S., to:
  - Revise the requirements for contracts between an association and CAMs or CAM firms;
  - Require a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or application;
  - Change the term "homeowners' association" to "community association;" and
  - Limit the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.
- Amends s. 553.899, F.S., to:
  - Require local enforcement agencies, on or before October 1, 2025, to report to the Department of Business and Professional Regulation specified information regarding the inspections;
  - Require the Florida Building Commission to contract with the University of Florida to create a report related to milestone inspections;
  - Require submission of the report to the Governor and the presiding officers of the Legislature;
  - Require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.
- Amends s. 718.103(1), F.S., to revise the term "alternative funding method."
- Creates s. 718.103(33), F.S., to define the term "videoconference."
- Amends s. 718.111(3), F.S., to revise the requirements for contracts between CAM and CAM firms and associations.
- Amends s. 718.111(12), F.S., and section 8, ch. 2024-244, Laws of Fla., to revise the requirements for the official records that an association must maintain on its website or make available for download by an application on a mobile device.
- Amends s. 718.111(13), F.S., to require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection.
- Revises ss. 718.111(16) and 719.104(13), F.S., relating to the investing of reserves, to remove the requirement that deposited funds must be insured by the federal government, and to limit the procedures in these subsections to investments other than certificates of deposit and depository accounts at specified financial institutions.
- Amends s. 718.112(2)(b)-(d), F.S., to revise the requirements for the conduct of meetings by videoconference, and delete the requirements for broadcasting notice.
- Amends s. 718.112(2)(e), F.S., to revise the requirements for substitute budgets in circumstances in which assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year.
- Amends ss. 718.112(2)(f)2.c. and (g) and 719.106(1)(j)2.e. and (k), F.S. to increase the threshold amount for reserves from $10,000 to $25,000 in condominium and cooperative associations, respectively.
- Amends ss. 718.112(2)(f) and (g), and 719.106(1)(j) and (k), F.S., to limit the temporary pause of reserve funding for the purpose of making repairs required by a

milestone inspection to the two consecutive annual budgets immediately following completion of a milestone inspection; and require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS; and revise the meaning of baseline reserve funding.

- Amends s. 718.112(2)(f), F.S., to also allow the members of a condominium to waive reserves recommended by the SIRS if an association votes to terminate the condominium in accordance with s. 718.117, F.S.
- Amends s. 718.501(1), F.S., to revise the jurisdiction of the division.
- Amends ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to maintain an online account with the division.
- Amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to report specified information to the division, and amends those provisions to repeal the requirement for the division to compile a list with specified information.
- Amends s. 914.21(3), F.S., revising the definition of the term "official investigation" to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S.
- Appropriates $250,000 from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida for the purpose of implementing s. 553.899(3)(f), F.S., as provided by this bill.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

295004

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (h) is added to subsection (2) of section 468.432, Florida Statutes, and subsection (3) is added to that section, to read:

468.432 Licensure of community association managers and community association management firms; exceptions.—

(2) A community association management firm or other similar organization responsible for the management of more than

295004

10 units or a budget of $100,000 or greater shall not engage or hold itself out to the public as being able to engage in the business of community association management in this state unless it is licensed by the department as a community association management firm in accordance with the provisions of this part.

(h) A person who has had his or her community association manager license revoked may not have an indirect or direct ownership interest in, or be an employee, a partner, an officer, a director, or a trustee of, a community association management firm during the 10-year period after the effective date of the revocation. Such person is ineligible to reapply for certification or registration under this part for a period of 10 years after the effective date of a revocation.

(3) A licensee must create and maintain an online licensure account with the department. Each community association manager must identify on his or her online licensure account the community association management firm for which he or she provides management services and identify each community association for which he or she is the designated on-site community association manager. A licensee must update his or her online licensure account with this information within 30 days after any change to the required information. A community association management firm must identify on its online licensure account the community association managers that it employs to provide community association management services. If a community association manager has his or her license suspended or revoked, the department must give written notice of such suspension or revocation to the community association management


295004

firm and the community association for which the manager performs community management services.

Section 2. Subsections (1) and (3) of section 468.4334, Florida Statutes, are amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(1)(a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager or a community association management firm may not knowingly perform any act directed by the community association if such an act violates any state or federal law. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

(b) If a community association manager or a community association management firm has a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, or the structural integrity reserve study requirements in s. 718.112(2)(g) and 719.106(1)(k), the community association manager or the community association management firm must comply with those sections ~~that section~~ as directed by the board.

295004

(c) Each contract between a community association and a community association manager or community association management firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

(d) A contract between a community association manager or community association management firm and a community association may not waive or limit the professional practice standards required pursuant to this part.

(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a community ~~homeowners'~~ association shall do all of the following:

(a) Attend in person at least one member meeting or board meeting of the community ~~homeowners'~~ association annually.

(b) Provide to the members of the community ~~homeowners'~~ association the name and contact information for each community association manager or representative of a community association management firm assigned to the community ~~homeowners'~~ association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The community ~~homeowners'~~


295004

association shall also post this information on the association's website or mobile application, if the association is required to maintain official records on a website or application ~~required under s. 720.303(4)(b)~~. The community association manager or community association management firm shall update the community ~~homeowners'~~ association and its members within 14 business days after any change to such information.

(c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the community ~~homeowners'~~ association and include such contract with association's official records.

Section 3. Section 468.4335, Florida Statutes, is amended to read:

468.4335 Conflicts of interest.—

(1) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, must disclose to the board of a community association any activity that may reasonably be construed to be a conflict of interest. A rebuttable presumption of a conflict of interest exists if any of the following occurs without prior notice:

(a) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, proposes to enter into a contract or other transaction with the association,


295004

or enters into a contract for goods or services with the association, for services other than community association management services.

(b) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, holds an interest in or receives compensation ~~or any thing of value~~ from a person as defined in s. 1.01(3) which ~~corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that~~ conducts business with the association or proposes to enter into a contract or other transaction with the association. As used in this paragraph, the term "compensation" means any referral fee or other monetary benefit derived from a person as defined in s. 1.01(3) which provides products or services to the association, and any ownership interests or profit-sharing arrangements with product or service providers recommended to or used by the association.

(2) If the association receives and considers a bid that exceeds $2,500 to provide a good or service~~,~~ other than community association management services which is or may reasonably be construed to be a conflict of interest under subsection (1), ~~from a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons,~~ the association must solicit multiple bids from other third-party providers of such goods or services. This subsection does not


295004

apply to any activities or the provision of goods or services that are disclosed in the management services contract as a conflict of interest within the meaning of subsection (1).

(3) If a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, proposes to engage in an activity that is a conflict of interest as described in subsection (1), the proposed activity must be listed on~~, and all contracts and transactional documents related to the proposed activity must be attached to,~~ the meeting agenda of the next board of administration meeting. The notice for the meeting at which the proposed activity will be considered by the board must include a description of the proposed activity, disclose the possible conflict of interest, and include a copy of all contracts and transactional documents related to the proposed activity. The disclosures of a possible conflict of interest must be entered into the written minutes of the meeting. Approval of the contract, including a management contract between the community association and the community association manager or community association management firm, or other transaction requires an affirmative vote of two-thirds of all directors present. ~~At the next regular or special meeting of the members, the existence of the conflict of interest and the contract or other transaction must be disclosed to the members.~~ If a community association manager or community association management firm has previously disclosed a conflict of interest in an existing management contract entered into between the board of directors and the community association manager or


295004

community association management firm, the conflict of interest does not need to be additionally noticed and voted on during the term of such management contract, but, upon renewal, must be noticed and voted on in accordance with this subsection.

(4) If the board finds that a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, has violated this section, the contract is voidable and the association may terminate ~~cancel~~ its community association management contract with the community association manager or the community association management firm by delivery of a written notice terminating the contract. If the contract is terminated ~~canceled~~, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fees, liquidated damages, or other form of penalty for such cancellation.

(5) ~~If an association enters into a contract with a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, which is a party to or has an interest in an activity that is a possible conflict of interest as described in subsection (1) and such activity has not been properly disclosed as a conflict of interest or potential conflict of interest as required by this section, the contract is voidable and terminates upon the association filing a written notice terminating the contract with its board of directors~~

295004

~~which contains the consent of at least 20 percent of the voting interests of the association.~~

~~(6)~~ As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage.

Section 4. Subsection (11) and present subsections (12) and (13) of section 553.899, Florida Statutes, are amended, paragraphs (e) and (f) are added to subsection (3), and a new subsection (12) is added to that section, to read:

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(3)

(e) On or before October 1, 2025, and on or before each December 31 thereafter, the local enforcement agency responsible for milestone inspections must provide the department, in an electronic format determined by the department, information that may include, but is not limited to:

1. The number of buildings required to have a milestone inspection within the agency's jurisdiction.

2. The number of buildings for which a phase one milestone inspection has been completed.

3. The number of buildings granted an extension under paragraph (3)(c).

4. The number of buildings required to have a phase two milestone inspection.

5. The number of buildings for which a phase two milestone inspection has been completed.

6. The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.


295004

7. A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.

8. The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

(f) Subject to appropriation, the department shall contract with the University of Florida for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the department. Every local enforcement agency responsible for milestone inspections must provide the university with a copy of any phase one or phase two milestone inspection report by the date specified by the department in a manner prescribed by the university. The university may request any additional information from a local enforcement agency which the university requires to complete this report. The university shall compile the report, and the department shall transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(11) A board of county commissioners or municipal governing body shall ~~may~~ adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have


295004

been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) A licensed architect or engineer who bids to perform a milestone inspection must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement which may be recommended by the milestone inspection. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the milestone inspection may not have an interest, directly or indirectly, in the firm or entity providing the milestone inspection or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this subsection. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subsection.

(13)~~(12)~~ By December 31, 2024, the Florida Building Commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 to establish a building safety program for the


295004

implementation of this section within the Florida Building Code: Existing Building. The building inspection program must, at minimum, include inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority.

(14) ~~(13)~~ The Florida Building Commission shall consult with the State Fire Marshal to provide recommendations to the Legislature for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. The commission shall provide a written report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023.

Section 5. Present subsections (33) and (34) of section 718.103, Florida Statutes, are redesignated as subsections (34) and (35), respectively, a new subsection (33) is added to that section, and subsection (1) of that section is amended, to read:

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

(1) "Alternative funding method" means a method ~~approved by the division~~ for funding the capital expenditures and deferred maintenance obligations of the association ~~for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the~~, including:

(a) The allocation of funds in the annual operating budget of a multicondominium; or

(b) Any other method defined by rule of the division which

295004

may reasonably be expected to fully satisfy the association's reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

(33) "Video conference" means a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices. The notice for any meeting that will be conducted by video conference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by video conference must be recorded and such recording must be maintained as an official record of the association.

Section 6. Paragraphs (a), (c), and (g) of subsection (12), paragraph (a) of subsection (11), and subsection (13) of section 718.111, Florida Statutes, are amended, paragraphs (g), (h), and (i) are added to subsection (3) of that section, and subsection (16) is added to that section, to read:

718.111 The association.—

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. All board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association


295004

management firm is properly licensed before entering into a contract.

(h) If a contract is between a community association manager and the association, and the community association manager has his or her license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association manager whose license has been revoked or suspended, effective on the date the community association manager became unlicensed.

(i) If a community association management firm has its license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association management firm whose license has been revoked or suspended, effective on the date the community association management firm became unlicensed.

(11) INSURANCE.—In order to protect the safety, health, and welfare of the people of this state ~~of the State of Florida~~ and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in this ~~the~~ state, regardless of the date of its declaration of condominium. It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in this subsection.

(a) Every condominium association shall have adequate property insurance as determined under this paragraph, regardless of any requirement in the declaration of condominium for certain coverage by the association ~~for full insurable~~


295004

~~value, replacement cost, or similar coverage, must be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal~~. ~~The replacement cost must be determined at least once every 36 months.~~

1. An association or group of associations may provide adequate property insurance as determined under this paragraph through a self-insurance fund that complies with the requirements of ss. 624.460-624.488.

2. The amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or an update of a previous appraisal. The replacement cost must be determined at least once every 3 years, at minimum.

3. The association's obligation to obtain and ~~association may also~~ provide adequate property insurance coverage for a group of at least three communities created and operating under this chapter, chapter 719, chapter 720, or chapter 721 may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

a. Such probable maximum loss must be determined through the use of a competent model that has been accepted by the Florida Commission on Hurricane Loss Projection Methodology.

b. A policy or program providing such coverage may not be issued or renewed after July 1, 2008, unless it has been reviewed and approved by the Office of Insurance Regulation. The

295004

review and approval must include approval of the policy and related forms pursuant to ss. 627.410 and 627.411, approval of the rates pursuant to s. 627.062, a determination that the loss model approved by the commission was accurately and appropriately applied to the insured structures to determine the 250-year probable maximum loss, and a determination that complete and accurate disclosure of all material provisions is provided to condominium unit owners before execution of the agreement by a condominium association.

4.~~3.~~ When determining the adequate amount of property insurance coverage, the association may consider deductibles as determined by this subsection.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).

2. A copy ~~photocopy~~ of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A copy ~~photocopy~~ of the recorded bylaws of the association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books or electronic records that contain the minutes of all meetings of the association, the board of

295004

administration, any committee, and the unit owners, and a recording of all such meetings that are conducted by video conference. If there are approved minutes for a meeting held by video conference, recordings of meetings that are conducted by video conference must be maintained for at least 1 year after the date the video recording is posted as required under paragraph (g).

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In accordance with sub-subparagraph (c)5.e., the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard



of the protected nature of such information.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.

b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the

295004

association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

e. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member educational certificates.

20. A copy of all affidavits required by this chapter.

21. A copy of all investment policy statements adopted

295004

pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

22.~~20.~~ All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(c)1.a. The official records of the association are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member and of the person authorized by the association member as a representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium, the association's bylaws and rules, and the inspection reports described in ss. 553.899 and 718.301(4)(p). The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in


295004

an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. If the requested records are posted on an association's website, or are available for download through an application on a mobile device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

b. In response to a written request to inspect records, the association must simultaneously provide to the requestor a checklist of all records made available for inspection and copying. The checklist must also identify any of the association's official records that were not made available to the requestor. An association must maintain a checklist provided under this sub-subparagraph for 7 years. An association delivering a checklist pursuant to this sub-subparagraph creates a rebuttable presumption that the association has complied with this paragraph.

2. A director or member of the board or association or a community association manager who willfully and knowingly or intentionally ~~knowingly, willfully, and repeatedly~~ violates subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and must be removed from office and a vacancy declared. ~~For purposes of this subparagraph, the term "repeatedly" means two or more violations within a 12-month period.~~

3. Any person who willfully and knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such


295004

records are required to be maintained, or who willfully and knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; is personally subject to a civil penalty pursuant to s. 718.501(1)(d); and must be removed from office and a vacancy declared.

4. A person who willfully and knowingly or intentionally refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be removed from office and a vacancy declared.

5. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and the most recent annual financial statement and annual budget ~~year-end financial information~~ required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other


295004

technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

a. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including a record prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

b. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this sub-subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit

295004

card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

f. Electronic security measures that are used by the association to safeguard data, including passwords.

g. The software and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

h. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

(g)1. By January 1, 2019, an association managing a


295004

condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents

295004

that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

g.~~e.~~ A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.


295004

h.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

i.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

j.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

k.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

l.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

m.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

n.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date


295004

required for notice under s. 718.112(2)(c).

o.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

p.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

q.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.

s. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the


295004

association’s board or its committees.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 180 ~~120~~ days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association’s notice requirements, a copy of the most recent financial report, or ~~and~~ a notice that a copy of the most recent financial report will be, as requested by the owner, mailed, ~~or~~ hand delivered, or electronically delivered via the Internet to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. Evidence of compliance with this delivery requirement must be made by an affidavit executed by an officer or director of the association. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not


295004

applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and

295004

reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority vote of all the voting interests ~~present at a properly called meeting~~ of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years.


295004

If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in


295004

which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit owners who are


295004

not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to a mandatory structural inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.

295004

1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association must have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives


295004

in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments must be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds that exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

295004

Section 7. Paragraphs (b) through (g) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(b) Quorum; voting requirements; proxies.—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions shall be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which


295004

this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board meeting may be conducted in person or by video conference. A board or committee member’s participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members


295004

may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

(c) Board of administration meetings.—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via video conference, the notice must


295004

state that such meeting will be via video conference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via video conference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via video conference, it must be recorded and such recording must be maintained as an official record of the association. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. ~~If there is no condominium property at which notices can be posted,~~ Notices shall be mailed, delivered, or electronically transmitted to each unit owner who has consented to receive

295004

electronic notifications at least 14 days before the meeting. In ~~lieu of or in~~ addition to the physical posting of the notice on the condominium property and mailing, delivering, or electronically transmitting the notice, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. ~~However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.~~ In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

3. Notice of any meeting in which regular or special

295004

assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.

4. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

5. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(d) Unit owner meetings.—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within


295004

15 miles ~~45 miles~~ of the condominium property or within the same county as the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium. If a unit owner meeting is conducted via video conference, a unit owner may vote electronically in the manner provided in s. 718.128.

2. Unit owner meetings, including the annual meeting of the unit owners, may be conducted in person or via video conference. If the annual meeting of the unit owners is conducted via video conference, a quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting. The location must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property. If the unit owner meeting is conducted via video conference, the video conference must be recorded and such recording must be maintained as an official record of the association. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

3.~~2.~~ Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director’s term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term “candidate” means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to


295004

become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential


295004

condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon’s civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

4.~~3.~~ The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an

295004

annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property at which all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. ~~In lieu of, or in~~ In addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. ~~However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section.~~ If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an


295004

average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association’s official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the


295004

association affirming that the notice was mailed or hand delivered in accordance with this provision.

5.~~4.~~ The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the



association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. A director of a board of an association of a residential condominium shall:

(I) Certify in writing to the secretary of the association that he or she has read the association’s declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association’s members.



(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually


295004

thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

6.~~5.~~ Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement


295004

without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

7.~~6.~~ Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members under paragraph (l); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

8.~~7.~~ Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

9.~~8.~~ A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

10.~~9.~~ Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws


295004

of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (l) and rules adopted by the division.

11.~~10.~~ This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) Budget meeting.—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. A meeting of the board or unit owners at which a proposed annual association budget will be considered may be conducted by video conference. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for such meetings. A sound transmitting device must be used so that the conversation of such members may be

295004

heard by the board or committee members attending in person, as well as any unit owners present at the meeting. At least 14 days before ~~prior to~~ such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.

2.a. If a board proposes ~~adopts~~ in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall simultaneously propose a substitute budget that does not include any discretionary expenditures that are not required to be in the budget. The substitute budget must be proposed at the budget meeting before the adoption of the annual budget ~~conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The special meeting shall be conducted within 60 days after adoption of the annual budget~~. At least 14 days before such budget meeting in which a substitute budget will be proposed ~~prior to such special meeting~~, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or


295004

manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must ~~may~~ consider and may adopt a substitute budget at the ~~special~~ meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If ~~there is not a quorum at the special meeting or~~ a substitute budget is not adopted, the annual budget previously initially proposed ~~adopted~~ by the board may be adopted ~~shall take effect as scheduled~~.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for required ~~reasonable~~ reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis for the repair, maintenance, or replacement of the items listed in paragraph (g), and insurance premiums~~, or assessments for betterments to the condominium property~~.

c. If the developer controls the board, assessments may ~~shall~~ not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) Annual budget.—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board


295004

shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 or the inflation-adjusted amount determined by the division under subparagraph 5., whichever is greater ~~$10,000~~. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a


295004

structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association ~~operating a~~


295004

~~multicondominium~~ may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method is used by the association ~~has been approved by the division~~.

c.(I) Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans.

(II) A unit-owner-controlled association that must have a structural integrity reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. A line of credit or a loan under this subparagraph requires the approval of a majority vote of the total voting interests of the association. The line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the line of credit or loan must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit or a loan secured under this sub-subparagraph must be included in the financial report required under s. 718.111(13).

(III) This sub-subparagraph does not apply to associations controlled by a developer as defined in s. 718.103, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703.


295004

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board~~, upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to an association controlled by a developer as defined in s. 718.103, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in


295004

order to determine the association's reserve funding needs and to recommend a reserve funding plan.

f.~~b.~~ Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.


295004

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot:

WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

5. The division shall annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum $25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the division must conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves.

(g) Structural integrity reserve study.—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height,

295004

as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 or the inflation-adjusted amount determined by the division under subparagraph (f)5., whichever is greater, ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property.

3.a. A structural integrity reserve study ~~may be performed by any person qualified to perform such study. However~~, including the visual inspection portion of the structural integrity reserve study, must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

295004

b. Any design professional as defined in s. 558.002 or any contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the interests or relationships required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the interests or relationships required under this paragraph.

4.a.~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance



295004

expense of each item of the condominium property being visually inspected, and provide a reserve funding plan or schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.



c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the


295004

developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025 ~~2024~~, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity


295004

reserve study pursuant to this paragraph, such failure is a breach of an officer's or a ~~and~~ director's fiduciary relationship to the unit owners under s. 718.111(1). An officer or a director of an association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the


295004

Florida Building Commission.

Section 8. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints ~~related to the procedural completion of milestone inspections under s. 553.899~~. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to review records and investigate complaints related only to:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

295004

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a).

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g) and the milestone inspections under s. 553.899.

8. Completion of repairs required by a milestone inspection under s. 553.899.

9.~~8.~~ Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

10. The requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of the association under s. 718.111(11)(h).

11. Board member education requirements under s. 718.112(2)(d)5.b.

12. Reporting requirements for structural integrity reserve


295004

studies under subsection (3) and under s. 718.112(2)(g)12.

(b)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms.

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

(c) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(d) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of



material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance.

(e) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of


295004

administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to pay any restitution determined by the division to be owed, plus any accrued interest at the highest rate permitted by law, within 30 days after expiration of any appellate time period of a final order requiring payment of restitution or the conclusion of any appeal thereof, whichever is later, the division must bring an action in circuit or county court on behalf of any association, class of unit owners, lessees, or purchasers for restitution, declaratory relief, injunctive relief, or any other available remedy. The division may also temporarily revoke its acceptance of the filing for the developer to which the restitution relates until payment of restitution is made.

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the


295004

circuit court may impound or sequester the property of a party defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

5. The division may apply to the circuit court for an order of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term “willfully and knowingly” means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before


295004

initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed $5,000. The division shall adopt~~,~~ by rule~~,~~ penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares,


295004

and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county in which the violation occurred.

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for



any violation for which the division may issue a notice to show cause under paragraph (t). The civil penalty shall be at least $500 but no more than $5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.

9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance with this paragraph.

(f) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(g) The division may adopt rules to administer and enforce this chapter.

(h) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.

(i) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

(j) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.


295004

(k) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.

(l) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division


295004

may adopt~~,~~ by rule~~,~~ additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

(o) Condominium association directors, officers, and

295004

employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department's investigation. The division shall refer to local law enforcement authorities any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.

(p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or

2. Accept grants-in-aid from any source.

(r) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and



295004

rules and common administrative practices.

(s) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.

(t) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a hearing, upon written request, in accordance with chapter 120.

(u) If the division receives a complaint regarding access to official records on the association's website or through an application that can be downloaded on a mobile device under s. 718.111(12)(g), the division may request access to the association's website or application and investigate. The division may adopt rules to carry out this paragraph.

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural

295004

integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2)

(d) Each condominium association must create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all condominium associations must create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require condominium associations to provide such information no more than once per year, except that the division may require condominium associations to update the contact information in paragraph (a) within 30 days after any change. The division shall provide a condominium association at least a 45-day notice of any requirement to provide any information after the condominium association initially creates an online account. The information that the division may require from condominium associations is limited to:

(a) Contact information for the association that includes:

1. Name of the association.

2. The physical address of the condominium property.

3. Mailing address and county of the association.

4. E-mail address and telephone number for the association.

5. Name and board title for each member of the association's board.

6. Name and contact information of the association's


295004

community association manager or community association management firm, if applicable.

7. The hyperlink or website address of the association's website, if applicable.

(b) Total number of buildings and for each building in the association:

1. Total number of stories, including both habitable and uninhabitable stories.

2. Total number of units.

3. Age of each building based on the certificate of occupancy.

4. Any construction commenced within the common elements within the calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, condominium associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~



~~1. The number of buildings on the condominium property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the condominium property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 9. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended, to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(d) Milestone inspection, turnover inspection report, or structural integrity reserve study.—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover


295004

inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

295004

RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.


295004

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit must ~~shall~~ contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST


295004

RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(e) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1,


295004

2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER

295004

THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 10. Section 8 of chapter 2024-244, Laws of Florida, is amended to read:

Section 8. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended by this act, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified



in subparagraph 2.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or



other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

g. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

h.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

i.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

j.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

k.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association

295004

that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

l.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

m.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

n.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

o.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

p.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

q.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.


295004

s. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 11. Section 31 of chapter 2024-244, Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as created by this act, may not ~~are intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after October 1, 2024. ~~However, such amendments do not revive~~


295004

~~or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.~~

Section 12. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit members who are

295004

unit owners but not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to an inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or a co-owner of a unit with a board member or investment committee member. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.

295004

1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association shall have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives


295004

in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments may be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds that exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.


295004

Section 13. Paragraphs (j) and (k) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(j) Annual budget.—

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds $25,000 or the inflation-adjusted amount determined by the division under subparagraph 5., whichever amount is greater ~~$10,000~~. The amount to be reserved must be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that


295004

is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves.

c. For a budget adopted on or after December 31, 2024, a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners


295004

has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

d. If the local building official as defined in s. 468.603, determines that the entire cooperative building is uninhabitable due to a natural emergency as defined in s. 252.34, the board may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the cooperative building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the cooperative building and its structures habitable. Upon the determination by the local building official that the cooperative building is habitable, the association must immediately resume contributing funds to its reserves.

e. Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans.

3. A unit-owner-controlled association that must have a structural reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. Any line of credit or loan under this subparagraph requires the approval of a majority vote of the total voting interests of the association. The lines of credit or loans must be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding


295004

from the line of credit or loans must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. Any lines of credit or loans secured under this paragraph must be included in the financial report required under s. 719.104(4).

a. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to a developer-controlled association and an association in which the nondeveloper unit owners have been in control for less than 1 year.

b. An association that has paused reserve contributions under this sub-subparagraph a. must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

4.~~3.~~ Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer


295004

may not vote to use reserves for purposes other than that for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for purposes other than the replacement or deferred maintenance costs of the components listed in paragraph (k). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

5. The division shall annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum $25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the division must conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves.

(k) Structural integrity reserve study.—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three stories or higher in height, as determined by the Florida Building Code, that includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

295004

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 or the inflation-adjusted amount determined by the division under subparagraph (j)5., whichever is greater, ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property.

3.a. A structural integrity reserve study ~~may be performed by any person qualified to perform such study. However~~, including the visual inspection portion of the structural integrity reserve study, must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor


295004

licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subparagraph.

4.a.~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful


295004

life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve


295004

funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) for each building on the cooperative property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before


295004

December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer’s and director’s fiduciary relationship to the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and

295004

copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 14. Subsection (3) of section 719.501, Florida Statutes, is amended, paragraph (c) is added to subsection (2) of that section, and subsection (1) of that section is reenacted, to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in

295004

addition to other powers and duties prescribed by chapter 718, has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units; complaints related to the procedural completion of the structural integrity reserve studies under s. 719.106(1)(k); and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of



material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a


295004

developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. The division shall adopt~~,~~ by rule~~,~~ penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The


295004

guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing


295004

the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State’s office on a biennial basis, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit owners. The training may, in the division’s discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review

295004

and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.


295004

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt~~,~~ by rule~~,~~ additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)

(c) A cooperative association shall create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all cooperative associations shall create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require cooperative associations to provide such information no more than once per year, except that the division may require cooperative associations to update their contact information in

295004

paragraph (a) within 30 days after any change. The division shall provide a cooperative association at least a 45-day notice of any requirement to provide any required information after the cooperative association creates an online account. The information that the division may require associations to provide is limited to:

(a) The contact information for the association that includes all of the following:

1. The name of the association.

2. The physical address of the cooperative property.

3. The mailing address and county of the association.

4. The e-mail address and telephone number for the association.

5. The name and board title for each member of the association's board.

6. The name and contact information of the association's community association manager or community association management firm, if applicable.

7. The hyperlink or website address of the association's website, if applicable.

(b) The total number of buildings and for each building in the association:

1. The total number of stories of each building, including both habitable and uninhabitable stories.

2. The total number of units.

3. The age of each building based on the certificate of occupancy.

4. Any construction commenced on the common elements within the previous calendar year.

295004

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department. The association must provide such materials within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, cooperative associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The number of buildings on the cooperative property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on cooperative property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the cooperative property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's~~


295004

~~property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 15. Paragraph (d) of subsection (1) and paragraphs (c) and (d) of subsection (2) of section 719.503, Florida Statutes, are amended, to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(d) Milestone inspection, turnover inspection report, or structural integrity reserve study.—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the

295004

association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

295004

RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(c) Each contract entered into after July 1, 1992, for the resale of an interest in a cooperative shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY

295004

BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(d) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association

295004

is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED

295004

IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 16. Subsection (3) of section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics or the Division of Florida Condominiums,


295004

Timeshares, and Mobile Homes of the Department of Business and Professional Regulation.

Section 17. For the 2025-2026 fiscal year, the recurring sum of $150,000 and nonrecurring sum of $100,000 are appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation to contract with the University of Florida to implement s. 553.899(3)(f), Florida Statutes, as amended by this act. The unexpended balance of nonrecurring funds provided by this section shall revert and is appropriated for the same purpose for the 2026-2027 fiscal year.

Section 18. For the purpose of incorporating the amendment made by this act to section 468.4335, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 468.436, Florida Statutes, is reenacted to read:

468.436 Disciplinary proceedings.—

(2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:

(b)1. Violation of this part.

2. Violation of any lawful order or rule rendered or adopted by the department or the council.

3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.

4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.

5. Committing acts of gross misconduct or gross negligence in connection with the profession.

6. Contracting, on behalf of an association, with any


295004

entity in which the licensee has a financial interest that is not disclosed.

7. Failing to disclose any conflict of interest as required by s. 468.4335.

8. Violating chapter 718, chapter 719, or chapter 720 during the course of performing community association management services pursuant to a contract with a community association as defined in s. 468.431(1).

Section 19. For the purpose of incorporating the amendment made by this act to section 718.111, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(3) The duties of the managing entity include, but are not limited to:

(e) Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the Department of Business and Professional Regulation, in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Business and Professional Regulation. The financial statements required by this section must be prepared on an accrual basis using fund accounting, and must be presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board of directors and officers of the owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no


295004

owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 20. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers


295004

regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:


295004

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.


295004

k. Reserves for all applicable items referenced in s. 718.112(2)(g).

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 21. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is reenacted to read:

718.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish converter reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (6), or post a surety bond as provided by subsection (7). The developer shall fund the converter reserve accounts in amounts calculated as follows:

(d) In addition to establishing the reserve accounts specified above, the developer shall establish those other reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein. The vote to waive or reduce the funding or reserves required by s. 718.112(2)(f) does not affect or negate the obligations

295004

arising under this section.

Section 22. For the purpose of incorporating the amendment made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years, a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in compliance with s. 718.503(2);

(b) An updated Frequently Asked Questions and Answers sheet;

(c) The executed escrow agreement if required under s. 718.202; and

(d) The financial information required by s. 718.111(13). However, if a financial information report did not exist before the acquisition of title by the bulk assignee or bulk buyer, and if accounting records that permit preparation of the required financial information report for that period cannot be obtained despite good faith efforts by the bulk assignee or the bulk buyer, the bulk assignee or bulk buyer is excused from the requirement of this paragraph. However, the bulk assignee or


295004

bulk buyer must include in the purchase contract the following statement in conspicuous type:

ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH EFFORTS OF THE SELLER.

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 23. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (24) of section 719.103, Florida Statutes, is reenacted to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the cooperative property performed as required under s. 719.106(1)(k).

295004

Section 24. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (20) of section 719.504, Florida Statutes, are reenacted to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or


295004

otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 719.106(1)(k).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner’s expenses shall be attached as an exhibit and shall contain the following information:


295004

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 719.106(1)(k).

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 25. Except as otherwise provided in this act, this


295004

act shall take effect July 1, 2025.

========== 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 condominium and cooperative associations; amending s. 468.432, F.S.; prohibiting a person whose community association manager license is revoked from having an indirect or direct ownership interest in, or being an employee, a partner, an officer, a director, or a trustee of, a community association management firm for a specified timeframe; requiring a licensee to create and maintain an online licensure account with the Department of Business and Professional Regulation; requiring a community association manager to identify on his or her online licensure account certain information; requiring a licensee to provide specific information on his or her online licensure account; requiring that such information be updated within a specified timeframe; requiring a community association management firm to identify on its online licensure account the community association managers that it employs to provide community association management services; requiring the department to give written notice to the community association management firm and the community association if the community association manager has

295004

his or her license suspended or revoked; amending s. 468.4334, F.S.; prohibiting a community association manager or a community association management firm from knowingly performing any act directed by the community association if such act violates any state or federal law; revising the contractual obligations a community association manager or a community association management firm has with the association board; requiring that such contract include a certain statement, if applicable to the type of management services provided in the contract; prohibiting such contracts from waiving or limiting certain professional practice standards; requiring a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or an application; conforming provisions to changes made by the act; amending s. 468.4335, F.S.; revising what constitutes a rebuttable presumption of a conflict of interest with a community association manager or a community association management firm; defining the term "compensation"; requiring an association to solicit multiple bids from other third-party providers if a bid that exceeds a specified amount is or may reasonably be construed to be a conflict of interest; providing applicability; deleting a requirement that all contracts and transactional documents related to a proposed activity that is a conflict of interest be attached to the meeting agenda of the next board of


295004

administration meeting; requiring the notice of the board meeting to include certain information about the proposed activity that is a conflict of interest; deleting a requirement that the proposed activity be disclosed at the next regular or special meeting of the members; providing that a contract is voidable if certain findings are made; providing specifications for terminating a contract; making technical changes; amending s. 553.899, F.S.; requiring the local enforcement agency responsible for milestone inspections to provide to the Department of Business and Professional Regulation certain information in an electronic format; specifying the information to be provided to the department; requiring the department to contract with the University of Florida for the creation of a report that provides certain information on milestone inspections during a specified timeframe; requiring a local enforcement agency to provide the university with certain information; authorizing the university to request any additional information from a local enforcement agency required to complete the report; requiring the university to compile the report and the department to transmit the report to the Governor and the Legislature; requiring, rather than authorizing, the board of county commissioners or a municipal governing body to adopt a specified ordinance; requiring specified professionals who bid to perform a structural integrity reserve study to disclose to the association in writing their intent to


295004

bid on services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professionals fail to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professionals may be subject to discipline for failure to provide such written disclosure; amending s. 718.103, F.S.; revising the definition of the term "alternative funding method"; defining the term "video conference"; amending s. 718.111, F.S.; requiring a community association manager or a community association management firm that contracts with a community association to possess specific licenses; providing that all board members or officers of a community association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract; authorizing a community association


295004

to terminate a contract with a community association manager or a community association management firm if the manager's or management firm's license is suspended or revoked during the term of the contract; providing that a community association may terminate a contract with a community association management firm if such firm has its license suspended or revoked, effective upon the date of the license suspension or revocation; requiring every condominium association to have adequate property insurance; deleting specified required coverage; providing that the amount of adequate insurance coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or previous appraisal; requiring that such replacement cost be determined according to a specified timeframe; providing that an association's obligation to obtain and provide adequate property insurance may be satisfied by obtaining and maintaining insurance coverage sufficient to cover a specified amount; revising which items constitute the official records of the association; requiring that certain documents be posted on certain associations' websites or made available for download through an application on a mobile device within a specified timeframe; revising which documents must be posted in digital format on the association's website or application; revising the timeframe in which the association must deliver a copy of the most recent financial report or a notice that a


295004

copy of the most recent financial report; revising the methods of delivery for a copy of the most recent association financial report to include electronic delivery via the Internet; requiring that an officer or a director execute an affidavit as evidence of compliance with the delivery requirement; revising how financial reports are prepared; requiring an association board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the association; authorizing an association, including a multicondominium association, to invest reserve funds in specified financial institutions; authorizing such associations to place reserve funds in other investments upon a majority vote of the voting interests of the association; providing restrictions; prohibiting any funds not identified as reserve funds from being used for investments; requiring a board to create an investment committee composed of a specified minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring that such


295004

advisers be registered; prohibiting an investment adviser from being related to any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member; requiring investment advisers to comply with the prudent investor rule; requiring an adviser to act as a fiduciary to the association; providing that the investment and fiduciary standards required by the act take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a specified minimum timeframe of projected reserves in cash or cash equivalents be available to the association; authorizing a portfolio managed by an


295004

investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount; authorizing the investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance with certain provisions and provide the association with a list of certain stocks, securities, and other obligations; requiring the investment adviser to submit monthly, quarterly, and annual reports to the association, prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; amending s. 718.112, F.S.; authorizing an association board meeting to be conducted in person or by video conference; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt rules; requiring that notice for board meetings


295004

conducted via video conference contain specific information; requiring that such meetings be recorded and maintained as an official record of the association; revising how notice may be sent to unit owners; revising the distance from the condominium property within which a unit owner meeting must be held; authorizing a unit owner to vote electronically if the unit owner meeting is conducted via video conference; authorizing unit owner meetings to be conducted in person or via video conference; specifying what constitutes a quorum for meetings held via video conference; requiring that the location of the meeting be provided in the association bylaws or within a specified distance from, or within the same county of, the condominium property if the bylaws are silent as to the location; requiring that meetings held via video conference be recorded and be maintained as an official record of the association; requiring the division to adopt rules; revising the method of serving notices of unit owner meetings; authorizing budget meetings to be conducted via video conference; requiring the division to adopt rules; requiring that a sound transmitting device be used at such meetings for a specified purpose; revising a provision that a board proposing a budget that requires a certain special assessment against unit owners to simultaneously propose a substitute budget that meets certain requirements, rather than conduct a special meeting of the unit owners to consider a


295004

substitute budget after the adoption of the annual budget; requiring unit owners, rather than authorizing them, to consider a substitute budget; authorizing the annual budget initially proposed to be adopted by the board; revising the criteria used in determining whether assessments exceed the specified percentage of assessments of the previous fiscal year; revising the threshold for deferred maintenance expenses or replacements in reserve accounts; authorizing the members to vote to waive the maintenance of reserves recommended in the most recent structural integrity reserve study under certain circumstances; revising the provision that any association, rather than an association operating a multicondominium, may determine to provide no reserves or less reserves than required if an alternative funding method is used by the association; deleting the requirement that the division approve the funding method; providing that specified reserves may be funded by regular assessments, special assessments, lines of credit, or loans under certain circumstances; authorizing a unit-owner-controlled association that is required to have a structural reserve study to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that such line of credit or loan be approved by a majority of the total voting interests of the association; requiring that such line of credit or loan be sufficient to fund the cumulative amount of


295004

any previously waived or unfunded portions of the reserve funding amount and the most recent structural integrity reserve study; requiring that funding from the line of credit or loan be immediately available for access by the board for a specified purpose; requiring that such lines of credit or loans be included in the association's financial report; providing applicability; deleting a requirement that the majority of the members must approve of the board pausing contributions to the association's reserves for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe and such inspection recommended certain repairs; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring the division to annually adjust for inflation the minimum threshold amount for required reserves, based on specified criteria; requiring the


295004

division, by a specified date and annually thereafter, to conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves; revising the items to be included in a structural integrity reserve study; requiring specified design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided


295004

each recommended schedule is sufficient to meet the association's maintenance obligations; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring the structural integrity reserve study to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, loans, or lines of credit; requiring a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan to be updated to reflect certain information regarding the reserve funding schedule; authorizing a structural integrity reserve study to be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect of such repair or replacement will have on the reserve funding schedule; requiring an association to obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, loans, or lines of credit do not align with the funding plan of the most recent version of the structural integrity reserve study; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose;

295004

requiring an officer or director of an association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt rules for the form for the structural integrity reserve study in coordination with the Florida Building Commission; making technical changes; amending s. 718.501, F.S.; revising the duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes regarding investigation of complaints; requiring condominium associations to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; requiring all condominium associations to create and maintain an online account with the division; requiring all condominium associations to provide specified information to the division by a specified date; requiring that such information be updated within a specified timeframe; requiring the division to adopt rules; authorizing the division to require condominium associations to provide information to the division; specifying the information to be provided to the division; amending s. 718.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of a residential unit; amending s. 8 of chapter 2024-244, Laws of Florida, as amended; revising the documents required to be posted on certain associations' websites or be made available


295004

through download using an application on a mobile device; amending s. 31 of chapter 2024-244, Laws of Florida; revising applicability; amending s. 719.104, F.S.; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the cooperative association; authorizing an association to invest reserve funds in specified financial institutions; authorizing such associations to place reserve funds in other investments upon a majority vote of the voting interests of the association; providing restrictions; prohibiting any funds not identified as reserve funds from being used for investments; providing applicability; requiring a board to create an investment committee composed of a specified minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring such advisers to be registered; prohibiting an investment adviser from being related to any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment


295004

committee member; requiring investment advisers to comply with the prudent investor rule; requiring an adviser to act as a fiduciary to the association; providing that the investment and fiduciary standards required by the act take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a specified minimum timeframe of projected reserves in cash or cash equivalents be available to the association; authorizing a portfolio managed by an investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser be held in

295004

third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount; authorizing the investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance with certain provisions and provide the association with a list of certain stocks, securities, and other obligations; requiring the investment adviser to submit monthly, quarterly, and annual reports to the association, prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; amending s. 719.106, F.S.; revising the deferred maintenance expense or replacement costs threshold that must be in reserve accounts; authorizing the board to pause contributions to its reserves or reduce reserve funding if a local building official determines the entire cooperative building is uninhabitable due to a natural emergency; authorizing any reserve account fund held by the association to be expended to make the cooperative building and its structures habitable,


295004

pursuant to the board's determination; requiring the association to immediately resume contributing funds to its reserves once the local building official determines that the cooperative building is habitable; authorizing certain reserves be funded by regular assessments, special assessments, lines of credit, or loans under certain circumstances; authorizing a unit-owner-controlled association to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that such lines of credit or loans be approved by a majority vote of the total voting interests of the association; requiring that such lines of credit or loans be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount and most recent structural integrity reserve study; requiring that funding from such lines of credit or loans be immediately available for access by the board for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding


295004

contributions to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring the division to annually adjust for inflation the minimum threshold amount for required reserves, based on specified criteria; requiring the division, by a specified date and annually thereafter, to conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves; requiring specified design professionals or contractors, rather than any person qualified to perform a structural integrity reserve study, to perform structural integrity reserve studies; requiring such design professionals or contracts who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association’s structural integrity reserve study unless such relationship is disclosed in writing; defining the term “relative”; providing that a contract for services is voidable and terminates upon the association filing a written


295004

notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance obligation; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring the structural integrity reserve study to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans; requiring a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan to be updated to reflect certain information regarding the reserve funding schedule; authorizing a structural integrity reserve study to be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect of such repair or


295004

replacement will have on the reserve funding schedule; requiring an association to obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan of the most recent version of the structural integrity reserve study; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or a director of the association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission; amending s. 719.501, F.S.; requiring a cooperative association to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; authorizing the division to require cooperative associations to provide information to the division no more than once per year; providing an exception; requiring the division to provide associations a specified timeframe to provide any required information; specifying the information the division may request; amending s. 719.503, F.S.; revising the disclosures that must be


295004

included in a contract for the sale and resale of an interest in a cooperative; amending s. 914.21, F.S.; revising the definition of the term "official investigation"; providing appropriations; reenacting s. 468.436(2)(b), F.S., relating to disciplinary proceedings, to incorporate the amendment made to s. 468.4335, F.S., in a reference thereto; reenacting s. 721.13(3)(e), F.S., relating to management, to incorporate the amendment made to s. 718.111, F.S., in a reference thereto; reenacting ss. 718.504(7)(a) and (21)(c) and 718.618(1)(d), F.S., relating to prospectus or offering circulars and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S., in references thereto; reenacting s. 718.706(1) and (3), F.S., relating to specific provisions pertaining to offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S., in references thereto; reenacting ss. 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S., in references thereto; providing effective dates.

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Regulated Industries; and Senators Bradley and Pizzo

601-03618-25 20251742c2

A bill to be entitled

An act relating to condominium and cooperative associations; amending s. 468.432, F.S.; prohibiting a person whose community association manager license is revoked from having an indirect or direct ownership interest in, or being an employee, a partner, an officer, a director, or a trustee of, a community association management firm for a specified timeframe; requiring a licensee to create and maintain an online licensure account with the Department of Business and Professional Regulation; requiring a community association manager to identify on his or her online licensure account certain information; requiring a licensee to provide specific information on his or her online licensure account; requiring that such information be updated within a specified timeframe; requiring a community association management firm to identify on its online licensure account the community association managers that it employs to provide community association management services; requiring the department to give written notice to the community association management firm and the community association if the community association manager has his or her license suspended or revoked; amending s. 468.4334, F.S.; prohibiting a community association manager or a community association management firm from knowingly performing any act directed by the community association if such act violates any state or federal law; revising the contractual obligations a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

601-03618-25 20251742c2

community association manager or a community association management firm has with the association board; requiring that such contract include a certain statement, if applicable to the type of management services provided in the contract; prohibiting such contracts from waiving or limiting certain professional practice standards; requiring a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or an application; conforming provisions to changes made by the act; amending s. 553.899, F.S.; requiring the local enforcement agency responsible for milestone inspections to provide to the Department of Business and Professional Regulation certain information in an electronic format; specifying the information to be provided to the department; requiring the department to contract with the University of Florida for the creation of a report that provides certain information on milestone inspections during a specified timeframe; requiring a local enforcement agency to provide the university with certain information; authorizing the university to request any additional information from a local enforcement agency required to complete the report; requiring the university to compile the report and the department to transmit the report to the Governor and the Legislature; requiring, rather than authorizing, the board of county commissioners or a municipal governing body to adopt a specified

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ordinance; requiring specified professionals who bid to perform a structural integrity reserve study to disclose to the association in writing their intent to bid on services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professionals fail to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professionals may be subject to discipline for failure to provide such written disclosure; amending s. 718.103, F.S.; revising the definition of the term "alternative funding method"; defining the term "video conference"; amending s. 718.111, F.S.; requiring a community association manager or a community association management firm that contracts with a community association to possess specific licenses; providing that all board members or officers of a community association that contracts with a community association manager or a community association management firm have a duty to ensure that the

community association manager or community association management firm is properly licensed before entering into a contract; authorizing a community association to terminate a contract with a community association manager or a community association management firm if the manager's or management firm's license is suspended or revoked during the term of the contract; providing that a community association has no further contractual obligations to a community association management firm if such firm has its license suspended or revoked, effective upon the date of the license suspension or revocation; revising which items constitute the official records of the association; requiring that certain documents be posted on certain associations' websites or made available for download through an application on a mobile device within a specified timeframe; revising which documents must be posted in digital format on the association's website or application; revising the timeframe in which the association must deliver a copy of the most recent financial report or a notice that a copy of the most recent financial report; revising the methods of delivery for a copy of the most recent association financial report to include electronic delivery via the Internet; requiring that an officer or a director execute an affidavit as evidence of compliance with the delivery requirement; revising how financial reports are prepared; requiring an association board to use best efforts to make prudent investment

decisions in fulfilling its duty to manage operating and reserve funds of the association; authorizing an association, including a multicondominium association, to invest reserve funds in specified financial institutions; authorizing such associations to place reserve funds in other investments upon a majority vote of the voting interests of the association; providing restrictions; prohibiting any funds not identified as reserve funds from being used for investments; requiring a board to create an investment committee composed of a specified minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring that such advisers be registered; prohibiting an investment adviser from being related to any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member; requiring investment advisers to comply with the prudent investor rule; requiring an adviser to act as a fiduciary to the association; providing that the investment and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

fiduciary standards required by the act take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a specified minimum timeframe of projected reserves in cash or cash equivalents be available to the association; authorizing a portfolio managed by an investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount; authorizing the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance with certain provisions and provide the association with a list of certain stocks, securities, and other obligations; requiring the investment adviser to submit monthly, quarterly, and annual reports to the association, prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; amending s. 718.112, F.S.; authorizing an association board meeting to be conducted in person or by video conference; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt rules; requiring that notice for board meetings conducted via video conference contain specific information; requiring that such meetings be recorded and maintained as an official record of the association; revising how notice may be sent to unit owners; revising the distance from the condominium property within which a unit owner meeting must be held; authorizing a unit owner to vote electronically if the unit owner meeting is conducted via video

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

conference; authorizing unit owner meetings to be conducted in person or via video conference; specifying what constitutes a quorum for meetings held via video conference; requiring that the location of the meeting be provided in the association bylaws or within a specified distance from the condominium property if the bylaws are silent; requiring that meetings held via video conference be recorded and be maintained as an official record of the association; requiring the division to adopt rules; revising the method of serving notices of unit owner meetings; authorizing budget meetings to be conducted via video conference; requiring the division to adopt rules; requiring that a sound transmitting device be used at such meetings for a specified purpose; revising a provision that a board proposing a budget that requires a certain special assessment against unit owners to simultaneously propose a substitute budget that meets certain requirements, rather than conduct a special meeting of the unit owners to consider a substitute budget after the adoption of the annual budget; requiring unit owners, rather than authorizing them, to consider a substitute budget; authorizing the annual budget initially proposed to be adopted by the board; revising the criteria used in determining whether assessments exceed the specified percentage of assessments of the previous fiscal year; revising the threshold for deferred maintenance expenses or replacements in reserve accounts; authorizing the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

members to vote to waive the maintenance of reserves recommended in the most recent structural integrity reserve study under certain circumstances; revising the provision that any association, rather than an association operating a multicondominium, may determine to provide no reserves or less reserves than required if an alternative funding method is used by the association; deleting the requirement that the division approve the funding method; providing that specified reserves may be funded by regular assessments, special assessments, lines of credit, or loans under certain circumstances; authorizing a unit-owner-controlled association that is required to have a structural reserve study to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that such line of credit or loan be approved by a majority of the total voting interests of the association; requiring that such line of credit or loan be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount and the most recent structural integrity reserve study; requiring that funding from the line of credit or loan be immediately available for access by the board for a specified purpose; requiring that such lines of credit or loans be included in the association's financial report; deleting a requirement that the majority of the members must approve of the board pausing

contributions to the association's reserves for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe and such inspection recommended certain repairs; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; revising the items to be included in a structural integrity reserve study; requiring specified design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such

relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance obligations; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring the structural integrity reserve study to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, loans, or lines of credit; requiring a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan to be updated to reflect certain information regarding the reserve funding schedule; authorizing a structural integrity reserve

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

study to be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect of such repair or replacement will have on the reserve funding schedule; requiring an association to obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, loans, or lines of credit do not align with the funding plan of the most recent version of the structural integrity reserve study; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or director of an association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt rules for the form for the structural integrity reserve study in coordination with the Florida Building Commission; making technical changes; amending s. 718.501, F.S.; revising the duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes regarding investigation of complaints; requiring condominium associations to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; requiring all condominium associations to create and maintain an

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

online account with the division; requiring all condominium associations to provide specified information to the division by a specified date; requiring that such information be updated within a specified timeframe; requiring the division to adopt rules; authorizing the division to require condominium associations to provide information to the division; specifying the information to be provided to the division; amending s. 718.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of a residential unit; amending s. 8 of chapter 2024-244, Laws of Florida, as amended; revising the documents required to be posted on certain associations' websites or be made available through download using an application on a mobile device; amending s. 31 of chapter 2024-244, Laws of Florida; revising applicability; amending s. 719.104, F.S.; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the cooperative association; authorizing an association to invest reserve funds in specified financial institutions; authorizing such associations to place reserve funds in other investments upon a majority vote of the voting interests of the association; providing restrictions; prohibiting any funds not identified as reserve funds from being used for investments; providing applicability; requiring a board to create an investment committee composed of a specified

minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring such advisers to be registered; prohibiting an investment adviser from being related to any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member; requiring investment advisers to comply with the prudent investor rule; requiring an adviser to act as a fiduciary to the association; providing that the investment and fiduciary standards required by the act take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a

portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a specified minimum timeframe of projected reserves in cash or cash equivalents be available to the association; authorizing a portfolio managed by an investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount; authorizing the investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance with certain provisions and provide the association with a list of certain stocks, securities, and other obligations; requiring the investment adviser to submit monthly, quarterly, and annual reports to the association, prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest

managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; amending s. 719.106, F.S.; revising the deferred maintenance expense or replacement costs threshold that must be in reserve accounts; authorizing the board to pause contributions to its reserves or reduce reserve funding if a local building official determines the entire cooperative building is uninhabitable due to a natural emergency; authorizing any reserve account fund held by the association to be expended to make the cooperative building and its structures habitable, pursuant to the board's determination; requiring the association to immediately resume contributing funds to its reserves once the local building official determines that the cooperative building is habitable; authorizing certain reserves be funded by regular assessments, special assessments, lines of credit, or loans under certain circumstances; authorizing a unit-owner-controlled association to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that such lines of credit or loans be approved by a majority vote of the total voting interests of the association; requiring that such lines of credit or loans be sufficient to fund the cumulative amount of any previously waived or

unfunded portion of the reserve funding amount and most recent structural integrity reserve study; requiring that funding from such lines of credit or loans be immediately available for access by the board for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding contributions to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring specified design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association's

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance obligation; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring the structural integrity reserve study to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans; requiring a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan to be updated to reflect certain information regarding the reserve funding

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

schedule; authorizing a structural integrity reserve study to be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect of such repair or replacement will have on the reserve funding schedule; requiring an association to obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan of the most recent version of the structural integrity reserve study; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or a director of the association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission; amending s. 719.501, F.S.; requiring a cooperative association to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; authorizing the division to require cooperative associations to provide information to the division no more than once per year; providing an exception; requiring the

division to provide associations a specified timeframe to provide any required information; specifying the information the division may request; amending s. 719.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of an interest in a cooperative; amending s. 914.21, F.S.; revising the definition of the term "official investigation"; providing appropriations; reenacting s. 721.13(3)(e), F.S., relating to management, to incorporate the amendment made to s. 718.111, F.S., in a reference thereto; reenacting ss. 718.504(7)(a) and (21)(c) and 718.618(1)(d), F.S., relating to prospectus or offering circulars and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S., in references thereto; reenacting s. 718.706(1) and (3), F.S., relating to specific provisions pertaining to offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S., in references thereto; reenacting ss. 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S., in references thereto; providing effective dates.

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

Section 1. Paragraph (h) is added to subsection (2) of

section 468.432, Florida Statutes, and subsection (3) is added to that section, to read:

468.432 Licensure of community association managers and community association management firms; exceptions.—

(2) A community association management firm or other similar organization responsible for the management of more than 10 units or a budget of $100,000 or greater shall not engage or hold itself out to the public as being able to engage in the business of community association management in this state unless it is licensed by the department as a community association management firm in accordance with the provisions of this part.

(h) A person who has had his or her community association manager license revoked may not have an indirect or direct ownership interest in, or be an employee, a partner, an officer, a director, or a trustee of, a community association management firm during the 10-year period after the effective date of the revocation. Such person is ineligible to reapply for certification or registration under this part for a period of 10 years after the effective date of a revocation.

(3) A licensee must create and maintain an online licensure account with the department. Each community association manager must identify on his or her online licensure account the community association management firm for which he or she provides management services and identify each community association for which he or she is the designated on-site community association manager. A licensee must update his or her online licensure account with this information within 30 days after any change to the required information. A community

association management firm must identify on its online licensure account the community association managers that it employs to provide community association management services. If a community association manager has his or her license suspended or revoked, the department must give written notice of such suspension or revocation to the community association management firm and the community association for which the manager performs community management services.

Section 2. Subsections (1) and (3) of section 468.4334, Florida Statutes, are amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(1)(a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager or a community association management firm may not knowingly perform any act directed by the community association if such an act violates any state or federal law. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

(b) If a community association manager or a community association management firm has a contract with a community

association that is subject to the milestone inspection requirements in s. 553.899, or the structural integrity reserve study requirements in s. 718.112(2)(g) and 719.106(1)(k), the community association manager or the community association management firm must comply with those sections ~~that section~~ as directed by the board.

(c) Each contract between a community association and a community association manager or community association management firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

(d) A contract between a community association manager or community association management firm and a community association may not waive or limit the professional practice standards required pursuant to this part.

(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a community ~~homeowners'~~ association shall do all of the following:

(a) Attend in person at least one member meeting or board meeting of the community ~~homeowners'~~ association annually.

(b) Provide to the members of the community ~~homeowners'~~

association the name and contact information for each community association manager or representative of a community association management firm assigned to the community ~~homeowners'~~ association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The community ~~homeowners'~~ association shall also post this information on the association's website or mobile application, if the association is required to maintain official records on a website or application ~~required under s. 720.303(4)(b)~~. The community association manager or community association management firm shall update the community ~~homeowners'~~ association and its members within 14 business days after any change to such information.

(c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the community ~~homeowners'~~ association and include such contract with association's official records.

Section 3. Subsection (11) and present subsections (12) and (13) of section 553.899, Florida Statutes, are amended, paragraphs (e) and (f) are added to subsection (3) and a new subsection (12) is added to that section, to read:

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(3)

(e) On or before October 1, 2025, and on or before each December 31 thereafter, the local enforcement agency responsible for milestone inspections must provide the department, in an

electronic format determined by the department, information that may include, but is not limited to:

1. The number of buildings required to have a milestone inspection within the agency's jurisdiction.

2. The number of buildings for which a phase one milestone inspection has been completed.

3. The number of buildings granted an extension under paragraph (3)(c).

4. The number of buildings required to have a phase two milestone inspection.

5. The number of buildings for which a phase two milestone inspection has been completed.

6. The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.

7. A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.

8. The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

(f) Subject to appropriation, the department shall contract with the University of Florida for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the department. Every local enforcement agency responsible for milestone inspections must provide the university with a copy of any phase one or phase two milestone inspection report by the date specified by the department in a manner prescribed by the university. The university may request any additional

information from a local enforcement agency which the university requires to complete this report. The university shall compile the report, and the department shall transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(11) A board of county commissioners or municipal governing body shall ~~may~~ adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) A licensed architect or engineer who bids to perform a milestone inspection must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement which may be recommended by the milestone inspection. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the milestone inspection may not have an interest, directly or indirectly, in the firm or entity providing the milestone inspection or be a relative of any person having a direct or indirect interest in such firm, unless

such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this subsection. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subsection.

(13)~~(12)~~ By December 31, 2024, the Florida Building Commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 to establish a building safety program for the implementation of this section within the Florida Building Code: Existing Building. The building inspection program must, at minimum, include inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority.

(14)~~(13)~~ The Florida Building Commission shall consult with the State Fire Marshal to provide recommendations to the Legislature for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. The commission shall provide a written report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Section 4. Present subsections (33) and (34) of section 718.103, Florida Statutes, are redesignated as subsections (34) and (35), respectively, a new subsection (33) is added to that section, and subsection (1) of that section is amended, to read:

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

(1) "Alternative funding method" means a method ~~approved by the division~~ for funding the capital expenditures and deferred maintenance obligations of the association ~~for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the~~, including:

(a) The allocation of funds in the annual operating budget of a multicondominium; or

(b) Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association's reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

(33) "Video conference" means a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices. The notice for any meeting that will be conducted by video conference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by video conference must be recorded and such recording must be maintained as an official record of the association.

Section 5. Paragraphs (a) and (g) of subsection (12) and subsection (13) of section 718.111, Florida Statutes, are

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

amended, paragraphs (g), (h), and (i) are added to subsection (3) of that section, and subsection (16) is added to that section, to read:

718.111 The association.—

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. All board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

(h) If a community association manager has his or her license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association manager whose license has been revoked or suspended, effective on the date the community association manager became unlicensed.

(i) If a community association management firm has its license suspended or revoked during the term of a contract with the association, the association has the right to terminate the contract upon delivery of a written notice to the community association management firm whose license has been revoked or suspended, effective on the date the community association management firm became unlicensed.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).

2. A copy ~~photocopy~~ of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A copy ~~photocopy~~ of the recorded bylaws of the association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books or electronic records that contain the minutes of all meetings of the association, the board of administration, any committee, and the unit owners, and a recording of all such meetings that are conducted by video conference. If there are approved minutes for a meeting held by video conference, recordings of meetings that are conducted by video conference must be maintained for at least 1 year after the date the video recording is posted as required under paragraph (g).

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

accordance with sub-subparagraph (c)5.e., the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or

destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.

b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

e. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member educational certificates.

20. A copy of all affidavits required by this chapter.

21. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

22.~~20.~~ All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(g)1. By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

g.~~e.~~ A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

h.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

i.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

j.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

k.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

l.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

m.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

n.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

o.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

p.~~n.~~ The association's most recent structural integrity

reserve study, if applicable.

g.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.

s. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the

preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 180 ~~120~~ days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements, a copy of the most recent financial report, or ~~and~~ a notice that a copy of the most recent financial report will be, as requested by the owner, mailed, ~~or~~ hand delivered, or electronically delivered via the Internet to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. Evidence of compliance with this delivery requirement must be made by an affidavit executed by an officer or director of the association. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this

paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority vote of all the voting interests ~~present at a properly called meeting~~ of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year

in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(16) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit owners who are not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to a mandatory structural inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association must have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments must be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds that exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 6. Paragraphs (b) through (g) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

the following:

(b) *Quorum; voting requirements; proxies.*—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions shall be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board meeting may be conducted in person or by video conference. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

(c) *Board of administration meetings.*—In a residential

condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via video conference, the notice must state that such meeting will be via video conference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via video conference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via

video conference, it must be recorded and such recording must be maintained as an official record of the association. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. ~~If there is no condominium property at which notices can be posted,~~ Notices shall be mailed, delivered, or electronically transmitted to each unit owner who has consented to receive electronic notifications at least 14 days before the meeting. In ~~lieu of or in~~ addition to the physical posting of the notice on the condominium property and mailing, delivering, or electronically transmitting the notice, the association may, by reasonable rule, adopt a procedure for conspicuously posting and

repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. ~~However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.~~ In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

3. Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be

provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.

4. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

5. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(d) *Unit owner meetings.*—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles ~~45 miles~~ of the condominium property or within the same county as the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium. If a unit owner meeting is conducted via video conference, a unit owner may vote electronically in the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

manner provided in s. 718.128.

2. Unit owner meetings, including the annual meeting of the unit owners, may be conducted in person or via video conference. If the annual meeting of the unit owners is conducted via video conference, a quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting. The location must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 10 miles of the condominium property. If the unit owner meeting is conducted via video conference, the video conference must be recorded and such recording must be maintained as an official record of the association. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

3.~~2.~~ Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

4.~~3.~~ The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property at which all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. ~~In lieu of, or in~~ In addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. ~~However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section.~~ If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the

minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

5.~~4.~~ The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or

otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for

giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. A director of a board of an association of a residential condominium shall:

(I) Certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections,

recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related

administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

6.~~5.~~ Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

7.~~6.~~ Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board

members under paragraph (l); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

8.~~7.~~ Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

9.~~8.~~ A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

10.~~9.~~ Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (l) and rules adopted by the division.

11.~~10.~~ This chapter does not limit the use of general or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) *Budget meeting.*—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. A meeting of the board or unit owners at which a proposed annual association budget will be considered may be conducted by video conference. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for such meetings. A sound transmitting device must be used so that the conversation of such members may be heard by the board or committee members attending in person, as well as any unit owners present at the meeting. At least 14 days before ~~prior to~~ such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.

2.a. If a board proposes ~~adopts~~ in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall simultaneously propose a substitute budget that does not include any discretionary expenditures that are not required to be in the budget. The substitute budget must be proposed at the budget meeting before the adoption of the annual budget ~~conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The special meeting shall be conducted within 60 days after adoption of the annual budget~~. At least 14 days before such budget meeting in which a substitute budget will be proposed ~~prior to such special meeting~~, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must ~~may~~ consider and may adopt a substitute budget at the ~~special~~ meeting. A substitute budget is adopted if approved by a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If ~~there is not a quorum at the special meeting or~~ a substitute budget is not adopted, the annual budget previously initially proposed ~~adopted~~ by the board may be adopted ~~shall take effect as scheduled~~.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for required ~~reasonable~~ reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis for the repair, maintenance, or replacement of the items listed in paragraph (g), and insurance premiums~~, or assessments for betterments to the condominium property~~.

c. If the developer controls the board, assessments may ~~shall~~ not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) *Annual budget.*—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 ~~$10,000~~. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the

maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association ~~operating a multicondominium~~ may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method is used by the association ~~has been approved by the division~~.

c.(I) Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans.

(II) A unit-owner-controlled association that must have a

structural reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. A line of credit or a loan under this subparagraph requires the approval of a majority vote of the total voting interests of the association. The line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the line of credit or loan must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit or a loan secured under this sub-subparagraph must be included in the financial report required under s. 718.111(13).

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board~~, upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, if

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

f.~~b.~~ Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot:

WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

(g) *Structural integrity reserve study.*—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed

under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002 or any contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the interests or relationships required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the interests or relationships required under this paragraph.

4.a.~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and provide a reserve funding plan or schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not

required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion

or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025 ~~2024~~, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its

financial resources on completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's or a ~~and~~ director's fiduciary relationship to the unit owners under s. 718.111(1). An officer or a director of an association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 7. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints ~~related to the procedural completion of milestone inspections under s. 553.899~~. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to review records and investigate complaints related only to:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15);

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a).

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g) and the milestone inspections under s. 553.899.

8. Completion of repairs required by a milestone inspection under s. 553.899.

9.~~8.~~ Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

10. The requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

or disperse funds of the association under s. 718.111(11)(h).

11. Board member education requirements under s. 718.112(2)(d)5.b.

12. Reporting requirements for structural integrity reserve studies under subsection (3) and under s. 718.112(2)(g)12.

(b)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms.

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

(c) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(d) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance.

(e) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the

unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to pay any restitution determined by the division to be owed, plus any accrued interest at the highest rate permitted by law, within 30 days after expiration of any appellate time period of a final order requiring payment of restitution or the conclusion of any appeal thereof, whichever is later, the division must bring an action in circuit or county court on behalf of any association, class of unit owners, lessees, or purchasers for restitution, declaratory relief, injunctive relief, or any other available remedy. The division may also temporarily revoke its acceptance of the filing for the developer to which the restitution relates until payment of restitution is made.

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or

conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the circuit court may impound or sequester the property of a party defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

5. The division may apply to the circuit court for an order of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed $5,000. The division shall adopt~~,~~ by rule~~,~~ penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county in which the violation occurred.

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who

was denied access to such records the produced official records without charge.

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show cause under paragraph (t). The civil penalty shall be at least $500 but no more than $5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.

9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance with this paragraph.

(f) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(g) The division may adopt rules to administer and enforce this chapter.

(h) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.

(i) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

(j) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(k) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.

(l) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in

mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt~~,~~ by rule~~,~~ additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any

right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

(o) Condominium association directors, officers, and employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department's investigation. The division shall refer to local law enforcement authorities any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.

(p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or

2. Accept grants-in-aid from any source.

(r) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and rules and common administrative practices.

(s) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.

(t) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a hearing, upon written request, in accordance with chapter 120.

(u) If the division receives a complaint regarding access to official records on the association's website or through an application that can be downloaded on a mobile device under s. 718.111(12)(g), the division may request access to the association's website or application and investigate. The division may adopt rules to carry out this paragraph.

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also

include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2)

(d) Each condominium association must create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all condominium associations must create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require condominium associations to provide such information no more than once per year, except that the division may require condominium associations to update the contact information in paragraph (a) within 30 days after any change. The division shall provide a condominium association at least a 45-day notice of any requirement to provide any information after the condominium association initially creates an online account. The information that the division may require from condominium associations is limited to:

(a) Contact information for the association that includes:

1. Name of the association.

2. The physical address of the condominium property.

3. Mailing address and county of the association.

4. E-mail address and telephone number for the association.

5. Name and board title for each member of the association's board.

6. Name and contact information of the association's community association manager or community association management firm, if applicable.

7. The hyperlink or website address of the association's website, if applicable.

(b) Total number of buildings and for each building in the association:

1. Total number of stories, including both habitable and uninhabitable stories.

2. Total number of units.

3. Age of each building based on the certificate of occupancy.

4. Any construction commenced within the common elements within the calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, condominium associations existing on or before July 1, 2022, must provide the following~~

~~information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The number of buildings on the condominium property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the condominium property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 8. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended, to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS

718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit must ~~shall~~ contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER

MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(e) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 9. Section 8 of chapter 2024-244, Laws of Florida, is amended to read:

Section 8. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended by this act, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter

period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to

each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

g. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

h.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

i.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

j.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

k.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

l.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

m.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

n.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

o.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

p.~~n.~~ The association's most recent structural integrity

reserve study, if applicable.

g.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.

s. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 10. Section 31 of chapter 2024-244, Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

created by this act, may not ~~are intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after October 1, 2024. ~~However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.~~

Section 11. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit members who are unit owners but not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to an inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or a co-owner of a unit with a board member or investment committee member. The investment

adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The

association shall have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments may be spent only on capital expenditures, planned maintenance,

structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds that exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 12. Paragraphs (j) and (k) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(j) *Annual budget.*—

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds $25,000 ~~$10,000~~. The amount to be reserved must be computed by means of a formula which is based upon estimated remaining

useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves.

c. For a budget adopted on or after December 31, 2024, a unit-owner-controlled association that must obtain a structural

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

integrity reserve study may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

d. If the local building official as defined in s. 468.603, determines that the entire cooperative building is uninhabitable due to a natural emergency as defined in s. 252.34, the board may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the cooperative building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the cooperative building and its structures habitable. Upon the determination by the local building official that the cooperative building is habitable, the association must immediately resume contributing funds to its reserves.

e.1. Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans.

2. A unit-owner-controlled association that must have a structural reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. Any line of credit or loan under this subparagraph requires the approval of a majority vote of the total voting interests of the association. The lines of credit or loans must be sufficient to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the lines of credit or loans must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. Any lines of credit or loans secured under this paragraph must be included in the financial report required under s. 719.104(4).

a. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year.

b. An association that has paused reserve contributions under this sub-subparagraph a. must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority

of the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for purposes other than the replacement or deferred maintenance costs of the components listed in paragraph (k). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

(k) *Structural integrity reserve study.*—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three stories or higher in height, as determined by the Florida Building Code, that includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subparagraph.

4.a.~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) for each building on the cooperative property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided

to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 13. Subsection (3) of section 719.501, Florida Statutes, is amended, paragraph (c) is added to subsection (2) of that section, and subsection (1) of that section is reenacted, to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 718, has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units; complaints related to the procedural completion of the structural integrity reserve studies under s.

719.106(1)(k); and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners

and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term “willfully and knowingly” means

that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. The division shall adopt~~,~~ by rule~~,~~ penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone

number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the

list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt~~,~~ by rule~~,~~ additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)

(c) A cooperative association shall create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all cooperative associations shall create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require cooperative associations to provide such information no more than once per year, except that the division may require cooperative associations to update their contact information in paragraph (a) within 30 days after any change. The division shall provide a cooperative association at least a 45-day notice of any requirement to provide any required information after the cooperative association creates an online account. The information that the division may require associations to provide is limited to:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(a) The contact information for the association that includes all of the following:

1. The name of the association.

2. The physical address of the cooperative property.

3. The mailing address and county of the association.

4. The e-mail address and telephone number for the association.

5. The name and board title for each member of the association's board.

6. The name and contact information of the association's community association manager or community association management firm, if applicable.

7. The hyperlink or website address of the association's website, if applicable.

(b) The total number of buildings and for each building in the association:

1. The total number of stories of each building, including both habitable and uninhabitable stories.

2. The total number of units.

3. The age of each building based on the certificate of occupancy.

4. Any construction commenced on the common elements within the previous calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department. The association must provide such materials within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, cooperative associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The number of buildings on the cooperative property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on cooperative property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the cooperative property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Section 14. Paragraph (d) of subsection (1) and paragraphs (c) and (d) of subsection (2) of section 719.503, Florida Statutes, are amended, to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(c) Each contract entered into after July 1, 1992, for the resale of an interest in a cooperative shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(d) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as

appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED

WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 15. Subsection (3) of section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics or the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation.

Section 16. For the 2025-2026 fiscal year, the recurring sum of $150,000 and nonrecurring sum of $100,000 are appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation to contract

with the University of Florida to implement s. 553.899(3)(f), Florida Statutes, as amended by this act. The unexpended balance of nonrecurring funds provided by this section shall revert and is appropriated for the same purpose for the 2026-2027 fiscal year.

Section 17. For the purpose of incorporating the amendment made by this act to section 718.111, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(3) The duties of the managing entity include, but are not limited to:

(e) Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the Department of Business and Professional Regulation, in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Business and Professional Regulation. The financial statements required by this section must be prepared on an accrual basis using fund accounting, and must be presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board of directors and officers of the owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is

available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 18. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 718.112(2)(g).

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 19. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is reenacted to read:

718.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish converter reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (6), or post a surety bond as provided by subsection (7). The developer shall fund the converter reserve accounts in amounts calculated as follows:

(d) In addition to establishing the reserve accounts specified above, the developer shall establish those other reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein. The vote to waive or reduce the funding or reserves required by s. 718.112(2)(f) does not affect or negate the obligations arising under this section.

Section 20. For the purpose of incorporating the amendment made by this act to sections 718.111, 718.112, and 718.503,

Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years, a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in compliance with s. 718.503(2);

(b) An updated Frequently Asked Questions and Answers sheet;

(c) The executed escrow agreement if required under s. 718.202; and

(d) The financial information required by s. 718.111(13). However, if a financial information report did not exist before the acquisition of title by the bulk assignee or bulk buyer, and if accounting records that permit preparation of the required financial information report for that period cannot be obtained despite good faith efforts by the bulk assignee or the bulk buyer, the bulk assignee or bulk buyer is excused from the requirement of this paragraph. However, the bulk assignee or bulk buyer must include in the purchase contract the following statement in conspicuous type:

ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH EFFORTS OF THE SELLER.

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 21. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (24) of section 719.103, Florida Statutes, is reenacted to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the cooperative property performed as required under s. 719.106(1)(k).

Section 22. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and

paragraph (c) of subsection (20) of section 719.504, Florida Statutes, are reenacted to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 719.106(1)(k).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 719.106(1)(k).

1. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 23. Except as otherwise provided in this act, this act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

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

4/2/25
Meeting Date

Rules
Committee

1742
Bill Number or Topic

295004
Amendment Barcode (if applicable)

Name Mark Anderson

Phone 813-205-0658

Address 110 S. Monroe St
Street

Email mark@consultanderson.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:

Association Reserves

☐ 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1742
Bill Number or Topic

295004
Amendment Barcode (if applicable)

Name Mark Anderson

Phone 813-205-0658

Address 110 S. Monroe St
Street

Email mark@consultanderson.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:

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

Chief Executive Officers of Management Companies

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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

1742
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 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:
Community Associations Institute + FirstService Residential

☐ 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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/SB 1760
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government Committee and Senator Grall
SUBJECT:	Public Officers and Employees
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	**Favorable**
2.	Davis	Betta	AEG	**Fav/CS**
3.	McVaney	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1760 places additional citizenship and residency requirements on state executive branch officers, limits political activities of public officials and employees, limits reimbursement of travel expenses for secretaries and executive directors of state departments in certain instances, and defines the term "office" for purposes of the constitutional prohibition on dual office-holding.

This bill is not expected to affect state or local government revenues or expenditures.

This bill takes effect July 1, 2025.

II. Present Situation:

Residency Requirements

A residency requirement is a mandate that certain public officers – elected and, in some cases, appointed—be residents of the area they serve or the area in which they work. Current law places specific residency requirements on the following public officers in Florida:

- Governor.[1]
- Lieutenant Governor.[2]
- Cabinet members (Attorney General, Chief Financial Officer, and Commissioner of Agriculture).[3]
- State legislators.[4]
- State attorneys.[5]
- Public defenders.[6]
- County commissioners.[7]
- School board members.[8]
- Judges (supreme court justices, district court of appeal judges, and circuit court judges).[9]

All candidates for state and county public office, except candidates for judicial office, must subscribe to an oath affirming they are qualified electors of their county at the time of qualifying for public office.[10] In order to be a qualified elector, one must be a U.S. citizen and a resident of the state as well as the county in which he or she registers to vote.[11] The Division of Elections within the Department of State has opined that, unless otherwise provided by the State Constitution, statute, or court ruling, the qualifications one must possess for public office, including residency, are determined as of the commencement of the term of office.[12] Accordingly, county constitutional officers[13] must be residents of the jurisdiction they serve at the time of assuming office.

[1] The Governor must be a state resident for seven years and an elector before being elected. FLA. CONST. art. IV, s. 5(b).
[2] The Lieutenant Governor must be a state resident for seven years and an elector before being elected. *Id.*
[3] Cabinet members must be state residents for seven years and an elector before being elected. *Id.*
[4] State legislators must be residents of the district from which they are elected, be an elector in the district from which they were elected, and have resided in Florida for at least two years prior to being elected. FLA. CONST. art. III, s. 15(c).
[5] State attorneys must be an elector of the state and reside in the territorial jurisdiction of the circuit in which they serve upon taking office. FLA. CONST. art. V., s. 17; *see also* Florida Division of Elections, *FAQ—Candidates*, https://dos.fl.gov/elections/contacts/frequently-asked-questions/faq-candidates/ (last visited Apr. 22, 2025).
[6] Public defenders must be an elector of the state and reside in the territorial jurisdiction of the circuit in which they serve upon taking office. FLA. CONST. art. V, s. 18; *see also* Florida Division of Elections, FAQ—Candidates, https://dos.fl.gov/elections/contacts/frequently-asked-questions/faq-candidates/ (last visited Apr. 22, 2025).
[7] County commissioners must be residents of the district from which they are elected at the time of election. FLA. CONST. art. VIII, s. 1(e); *see also* Florida Division of Elections Opinion 94-04; *State v. Grassi*, 532 So.2d 1055 (Fla. 1988).
[8] A school board member must be a resident of the district school board member residence area and be an elector in the district in which he or she serves at the time of qualifying. Sections 1001.34 and 1001.36, F.S.; *see also* Florida Division of Elections Opinion 94-04.
[9] Judges must reside in the territorial jurisdiction of the court they serve and be an elector of the state at the time of assuming office. FLA. CONST. art. V, s. 8; *see also Advisory Opinion to the Governor*, 192 So. 2d 757 (Fla. 1966).
[10] Section 99.021(1)(a)1., F.S. Note candidates for municipal office are not explicitly required by this statute to reside within the municipality in which they are running for office. Instead, residency requirements for municipal offices are typically established on a local level. *See Nichols v. State*, 177 So.2d 467 (Fla. 1965); *Marina v. Leahy*, 578 So.2d 382 (Fla. 3rd DCA 1991); Florida Division of Elections Opinion 94-04.
[11] Section 97.041(1)(a), F.S.
[12] Florida Division of Elections Opinion 94-04.
[13] The term "county constitutional officers" includes sheriffs, tax collectors, property appraisers, supervisors of elections, and clerks of circuit courts. FLA. CONST. art. VIII, s. 1(d).

Commissions

For purposes of ch. 20, F.S., a "commission" is "a body created by specific statutory enactment within a department,[14] the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor."[15] Commissions play an essential role, serving as regulatory oversight bodies across various policy areas. These entities are typically responsible for rulemaking, licensing, adjudicating disputes, or enforcing regulations.

Board of Trustees

For purposes of ch. 20, F.S., a "board of trustees" is a "board created by specific statutory enactment and appointed to function adjunctively to a department, the Governor, or the Executive Office of the Governor to administer public property or a public program."[16] While these entities may function within an executive department or under the Governor's authority, they often operate with a degree of autonomy, making policy decisions and managing public programs in alignment with statutory mandates. Florida college boards of trustees are required to reside in the service delivery area of the college,[17] while university boards of trustees do not have to reside in the state.[18]

The Board of Governors

The State University System of Florida consists of 12 public universities,[19] each governed by an individual board of trustees.[20] The Board of Governors (BOG) is responsible for overseeing, regulating, and managing the entire State University System.[21] Through its authority, the BOG ensures affordable access to higher education, promotes articulation with other educational institutions, and upholds fiscal responsibility and accountability across Florida's public universities.[22] The BOG consists of 17 members, 14 of which are "citizens" appointed by the Governor, subject to Senate confirmation.[23] The commissioner of education, the chair of the advisory council of faculty senates, and the president of the Florida student association are also members.[24]

[14] "Department" means the principal administrative unit within the executive branch of state government. Section 20.03(8), F.S.
[15] Section 20.03(4), F.S.
[16] Section 20.03(2), F.S. The definition specifically exempts boards created under ch. 253, F.S., relating to public lands and property.
[17] FLA. CONST. art. IX, s. 8(c).
[18] Section 1001.71(1), F.S.
[19] Section 1000.21(9), F.S.; *see* State University System, *Universities*, https://www.flbog.edu/universities/ (last visited Apr. 22, 2025).
[20] FLA. CONST. art. IX, s. 7(b), FLA. CONST.; s. 1001.71, F.S.
[21] *See* FLA. CONST. art. IX, s. 7(d).
[22] Section 20.155(4)(b), F.S.
[23] FLA. CONST. art. IX, s. 7(d); *see* s. 1001.70, F.S.
[24] FLA. CONST. art. IX, s. 7(d).

Licensing Boards

For purposes of ch. 20, F.S., a "licensing board" is "a board authorized to grant and revoke licenses to engage in regulated occupations."[25] The boards are typically established to oversee and enforce standards within various professions, ensuring that practitioners meet the requisite qualifications and that those practitioners adhere to established ethical and professional guidelines. The boards are commonly composed of professionals licensed in the respective fields and members of the public who represent consumer interests.

Quasi-public Entities

Throughout the Florida Statutes, entities have been established that are neither entirely governmental in nature nor entirely private but possess traits from both the public and private sectors. These entities are often referred to as quasi-public entities (QPEs). The reasons for their establishment in law vary from entity to entity. Some are independent entities created to advance certain policy goals. For example, the Florida Housing Finance Corporation was created to finance or refinance housing and related facilities.[26] Others, like the Florida Healthy Kids Corporation[27] and Citizens Property Insurance Corporation,[28] are created to administer government programs or to achieve a particular outcome in the state or in a community.

Just as the purposes of these QPEs vary, so too do their structures. For example, some are nonprofit corporations established completely independent of government and others are for-profit corporations funded through methods that allow the entity to be entirely self-sufficient. The governing bodies of QPEs, usually a board of directors or board of trustees, vary, too. The membership of these boards ranges from government officials and political appointees to private sector representatives and board-elected members.

Executive Departments

Florida's executive branch structure is set forth in the State Constitution and further refined by statute. The State Constitution provides that "[a]ll functions of the executive branch of state government [must] be allotted to among not more than twenty-five departments," excluding those explicitly created or authorized by the Constitution.[29] A "department" is the principal administrative unit within the executive branch of state government.[30] Each department is headed by a secretary[31] appointed by the Governor or an executive director[32] appointed by the Governor

[25] Section 20.03(9), F.S.
[26] Section 420.504(1), F.S.
[27] Florida Healthy Kids Corporation aims to improve children's health by providing comprehensive and affordable health insurance coverage. Section 624.91(2)(a), F.S.
[28] Citizens Property Insurance Corporation was created to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market. Section 627.351(6)(a)1., F.S.
[29] FLA. CONST. art. IV, s. 6.
[30] Section 20.03(8), F.S.
[31] *See* s. 20.03(12), F.S.
[32] *See* s. 20.03(10), F.S.

and Cabinet or a board.[33] Additionally, some departments house subunits that function independently of their parent department.[34] These department heads and administrative officers play a critical role in policy implementation, program administration, and regulatory enforcement.

Prohibited Political Activities of Public Officials and Employees

Section 104.31(1)(a), F.S., prohibits a state, county and municipal officer or employee from using his or her official authority or influence to interfere with an election or nomination of office or coercing or influencing another person's vote or affecting the result of an election. However, this prohibition does not limit the political activities of an elected officer or candidate for office or apply to an official appointed as a state agency head or a member of a state board or commission.

Section 104.31(1)(b), F.S., prohibits a public officer or employee from directly or indirectly coercing or attempting to coerce, command, or advise another officer or employee to contribute anything of value for political purposes. However, an employee may suggest to another employee in a noncoercive manner to voluntarily contribute to political funds.

Section 104.31(1)(c), F.S., prohibits a public officer or employee from coercing or attempting to coerce another officer or employee regarding where commodities might be purchased or otherwise interfering with the officer's or employee's personal rights.

A violation of any of these prohibitions is punishable as a first-degree misdemeanor.

Section 110.233(4), F.S., prohibits a state employee in the Career Service from holding, or being a candidate for, public office while employed by the state or to take any active part in a political campaign while on duty or during a time in which the employee is expected to perform services. A state employee in the Career Service is also prohibited from using the employee's authority of his position to secure support for, or oppose, any candidate, party, or issue in a partisan election.

Travel Reimbursement

Section 112.063, F.S., establishes the procedures and reimbursement policies for travel by public employees. All travel must be authorized and approved by the head of the agency, or a designated representative.[35] Travel expenses must be limited to those expenses necessarily incurred in the performance of a public purpose authorized by law to be performed by the agency.[36] Travel expenses include reimbursement of transportation expenses, reimbursement of lodging expenses, and per diem and meal allowances.

[33] For example, the executive director of the State Board of Administration is appointed by a majority vote of the Board of Trustees comprised of the Governor, the Chief Financial Officer, and the Attorney General. The Governor must vote on the prevailing side. Section 215.441, F.S.
[34] For example, the Division of Administrative Hearings is housed with the Department of Management Services but is not subject to the department's control, supervision, or direction. Section 120.65(1), F.S.
[35] Section 112.061(3)(a), F.S.
[36] Section 112.061(3)(b), F.S.

An officer's or employee's official headquarters is the city or town in which the officer or employee is assigned. For departmental secretaries and executive directors, the official headquarters is located typically in Tallahassee. A traveler may leave the assigned post to return home overnight, over a weekend, or during a holiday.[37] However, the traveler may not be reimbursed for travel expenses more than the established rate of per diem allowed had the traveler remained at the assigned post.[38] No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity.[39]

Travelers are allowed for each day of travel either $80 per diem or, if actual expenses exceed $80, the amounts permitted for subsistence plus actual expenses for lodging at a single-occupancy rate.[40] The allowable amounts for subsistence are $6 for breakfast, $11 for lunch, and $19 for dinner.[41]

Dual Office-holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously and applies to public offices in state, county, and municipal government.[42] The provision applies to both elected and appointed offices, ensuring that no single individual accumulates multiple governmental roles that could create a conflict of interest.[43] Neither the State Constitution nor the Legislature has defined the term "office," leaving the court to establish its meaning through case law. Florida courts have interpreted the term "office" in opposition to the term "employment," with the latter not being subject to prohibition on dual office-holding. An "office," the courts have held, refers to a position that exercises sovereign power, has a legally prescribed tenure, and is established by law rather than by contract.[44] The term "employment," by contrast, "does not comprehend a delegation of any part of the sovereign authority [of government]."[45] Positions such as department heads, members of governing boards, and elected officials have typically been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.[46]

Despite the general prohibition, Florida courts have recognized an ex officio exception that allows an individual to perform additional official duties if those duties are assigned by legislative designation to the office itself rather than to the individual holding it, provided that the additional duties are consistent with those already exercised.[47] For example, county commissioners and school board members may also serve ex officio on a property appraisal adjustment board if the law assigns this responsibility to their office rather than to the individual,

[37] Section 112.061(4)(c), F.S.
[38] *Id.*
[39] Section 112.061(5), F.S.
[40] Section 112.061(6)(1)(a), F.S.
[41] Section 112.061(6)(1)(b), F.S.
[42] FLA. CONST. art. II, s. 5(a).
[43] *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); *see Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).
[44] *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).
[45] *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).
[46] *See* Office of the Attorney General, *Dual Office-holding*, https://www.myfloridalegal.com/files/pdf/page/4FF72ECF62927EEA85256CC6007B4517/DualOfficeHoldingPamplet.pdf (last visited Apr. 22, 2025).
[47] *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981).

as their additional duties are consistent with their existing responsibilities. Additionally, the State Constitution explicitly exempts certain roles, such as notaries public, military officers, and members of advisory bodies from the dual office-holding prohibition.[48]

III. Effect of Proposed Changes:

Section 1 creates s. 20.71, F.S., effective October 1, 2025, to establish requirements of "U.S. citizenship" and "state residency" for individuals serving as:

- The secretary of a department (this includes most executive branch secretaries, except the departments of Legal Affairs; Financial Services; Agriculture and Consumer Services; and those departments noted below);
- The executive director of a department (this includes the executive directors of the departments of Revenue; Law Enforcement; Highway Safety and Motor Vehicles; Veterans' Affairs; Elderly Affairs; and Citrus; the executive director of the State Board of Administration; the Commissioner of Education; and the Adjutant General of the Department of Military Affairs);
- The chief administrative officer of any unit of state government housed under a department for administrative purposes but not subject to control by the department (this includes, but is not limited to, the executive directors of the Florida Gaming Control Commission; Florida Transportation Commission; Fish and Wildlife Conservation Commission; the director of the Agency for Persons with Disabilities; the Commissioner of Insurance Regulation; and the Commissioner of Financial Regulation, the Chief Judge of the Division of Administrative Hearings, the executive director of the Human Relations Commission, and the chair of the Public Employees Relations Commission);
- A member of a commission;
- A member of a licensing board;
- The chair of a governing board, or the chief executive of a statewide entity statutorily created for a public purpose or to carry out a government program, and that is not under the direct control of a governmental entity; or
- An appointee to state office in the executive branch.

Effective January 6, 2027, the bill requires:

- A member of a state university board of trustees to be a U.S. citizen and either a Florida resident or a graduate of the state university, the administration of which is overseen by such board of trustees.
- A member of the Board of Governors to be a U.S. citizen and either a Florida resident or a graduate of a [Florida] state university.

The office of an individual that does not meet the applicable residency and citizenship requirements under the bill is automatically deemed vacant.

Section 2 amends s. 104.31, F.S., to repeal the exemption that allows officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees to engage in certain political activities. Such officials will be subject to the same standards as all

[48] Members of a constitutional revision commission and taxation and budget reform commission are also exempt. FLA. CONST. art. II, s. 5(a).

other state, county, or municipal officers or employees, meaning he or she cannot use his or her official authority or influence to interfere with an election, nomination of office, or another's vote. The current exemption for elected officials or candidates for public office in the state or any county or municipality is maintained.

Section 3 amends s. 110.233, F.S., to prohibit a state career service employee from using the influence of his or her position to (a) directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay any part of his or her salary to any political purpose, and (b) directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to purchase commodities or otherwise interfere with the with the person's personal right.

Section 4 amends s. 112.061, F.S., to prohibit the payment of travel expenses for a department secretary or executive director when the person travels between the department's official headquarters (or assigned post) and the officer's permanent residence.

Section 5 creates s. 112.31251, F.S., to define the term "office" for purposes of the constitutional restriction on dual office-holding in Florida. The term "office" is defined to mean any position in state, county, or municipal government that:

- Delegates to the individual holding the position a portion of sovereign power of the government;
- Requires the exercise of independent governmental authority performed in an official capacity rather than solely based upon a contractual or employment relationship;
- Has a prescribed tenure; and
- Exists independently of the individual holding the position.

The following offices are enumerated as positions that meet the definition of "office":

- Governor, Lieutenant Governor, Cabinet officers;
- State senator and state representative;
- County commissioner, sheriff, tax collector, property appraiser, supervisor of elections, and clerk of circuit court;
- Member of the Board of Governors of the State University System;
- Member of a board of trustees for a state university;
- Member of a district school board;
- Member of a state, county, or municipal board or commission that exercises governmental authority and is not purely advisory in nature;
- Member of the Board of Governors for the Citizens Property Insurance Corporation;
- Member of the board of directors for the Florida Housing Finance Corporation;
- Member of the board of directors for the Florida Healthy Kids Corporation, other than the member nominated by the Florida Association of Counties and appointed by the Chief Financial Officer;
- Administrator or manager of a county, a municipality, corporation or the director of a county or municipal emergency management agency who exercises in his or her own right any sovereign power or any prescribed independent authority of a government nature;

- State, county, or municipal law enforcement officer with the authority to arrest without a warrant; and
- Any position that meets all criteria enumerated in s. 112.31251(1)(a), F.S.

The bill also exempts ex officio[49] designations and employment positions from the definition of "office." The bill defines "employment" to mean a relationship with a state, county, or municipal government where an individual does not exercise in his or her own right any sovereign power or any prescribed individual authority of a governmental nature.

Section 6 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, 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:

Art. IX, section 7(d) of the State Constitution provides that the Board of Governors of the State University System will be comprised of fourteen *citizen members dedicated to the purposes of the state university system.* Similarly, Art. IX, section 7(c) of the State Constitution provides that each board of trustees of a state university will be comprised of six *citizen* members appointed by the governor and five *citizen* members appointed by the Board of Governors.

[49] A person serving in an ex officio capacity serves "by virtue or because of an office." Black's Law Dictionary (12th ed. 2024).

Art. II, section 5(b) of the State Constitution requires each state and county officer to affirm:

> I do solemnly affirm that I will support, protect, and defend the Constitution and Government of the United States and the State of Florida; that I am duly *qualified to hold office under the Constitution of the state*; and that I will well and faithfully perform the duties of *the office on* which I am not about to enter. So help me God.[50]

Since the State Constitution explicitly places citizenship, dedication to the purposes of the state university system, and senate confirmation requirements on these appointees, it is unclear whether the legislature may add other qualifications (i.e., residency) that must be met for the officer.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill is not expected to affect state or local government revenues or expenditures.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends sections 104.31, 110.233, and 112.61 of the Florida Statutes.

This bill creates sections 20.71 and 112.31251 of the Florida Statutes

[50] Article II, s. 5(b), Fla. Const. (emphasis added).

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 Rules on April 21, 2025:
The committee substitute:

- Makes clarifying changes to the residency requirements for public officers. Under this amendment, the department secretaries and executive officers and other chief administrative officers must maintain residency throughout the period each holds office but will not be required to live within close proximity of the department's official headquarters.
- Clarifies that officers who have a residency requirement for appointment will have the respective position vacated if the officer fails to maintain the residency requirement.
- Prohibits the payment of travel expenses for department secretaries and executive directors when they travel between the department's official headquarters and the officer's permanent residence.
- Repeals a current law exemption that allows officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees to engage in certain political activities. Such officials will be subject to the same standards as all other state, county, or municipal officers or employees, meaning he or she cannot use his or her official authority or influence to interfere with an election, nomination of office, or another's vote. The current exemption for elected officials or candidates for public office in the state or any county or municipality is maintained.
- Prohibits a state career service employee from using the influence of his or her position to (a) directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay any part of his or her salary to any political purpose, and (b) directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to purchase commodities or otherwise interfere with the with the person's personal right.

CS by Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:
The committee substitute:

- Specifies effective dates for the bill's citizenship and residency requirements.
- As part of the citizenship and residency requirements:
  - Permits a secretary and executive director of a department, or the chief administrative officer of any unit of state government housed under a department for administrative purposes to reside within 75 miles of the department headquarters.
  - Allows a member of the State University System board of trustees to either be a graduate of the state university he or she oversees or a Florida resident.
  - Allows a member of the Board of Governors to either be a graduate of a state university or a Florida resident.

- Modifies the residency requirement for quasi-public entities to make them applicable only to the chairperson of the governing board or the chief executive officer.
- Removes local government attorneys from the dual-officeholding prohibition.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

441132

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 20.71, Florida Statutes, is created to read:

20.71 Residency requirements.—Notwithstanding any other law:

(1)(a) Effective October 1, 2025, each of the following persons must be a United States citizen and a resident of this state:

441132

1. The secretary of a department.

2. The executive director of a department.

3. The chief administrative officer of any unit of state government which is housed under a department for administrative purposes but is not subject to the control, supervision, or direction of such department.

4. A member of a commission.

5. A member of a licensing board.

6. The chair of the governing board, or the chief executive, of a statewide entity that is explicitly created or established by statute, regardless of its legal form, for a public purpose or to carry out a government program and that is not under the direct control of a governmental entity.

7. Any other person appointed to hold state office in the executive branch of state government.

(b) Section 114.01 applies to each office described in paragraph (a).

(2) Effective January 6, 2027, each member of a state university board of trustees must be a United States citizen and either a resident of this state or a graduate of the state university, the administration of which is overseen by such board of trustees. If any member of a state university board of trustees does not meet the requirements of this subsection, such member's office is automatically deemed vacant.

(3) Effective January 6, 2027, each member of the Board of Governors must be a United States citizen and either a resident of this state or a graduate of a state university as defined in s. 1000.21. If any member of the Board of Governors does not meet the requirements of this subsection, such member's office

441132

is automatically deemed vacant.

Section 2. Subsections (1) and (2) of section 104.31, Florida Statutes, are amended to read:

104.31 Political activities of state, county, and municipal officers and employees.—

(1) No officer or employee of the state, or of any county or municipality thereof, except as hereinafter exempted from provisions hereof, shall:

(a) Use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.

(b) Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any party, committee, organization, agency, or person for political purposes. Nothing in this paragraph or in any county or municipal charter or ordinance shall prohibit an employee from suggesting to another employee in a noncoercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.

(c) Directly or indirectly coerce or attempt to coerce, command, and advise any such officer or employee as to where he or she might purchase commodities or to interfere in any other way with the personal right of said officer or employee.

The provisions of this section may ~~shall~~ not be construed so as

441132

to prevent any person from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. The provisions of paragraph (a) may ~~shall~~ not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature, of elected officials or candidates for public office in the state or of any county or municipality thereof~~; and the provisions of paragraph (a) shall not be construed so as to limit the political activity in general or special elections of the officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees or of the members of state boards, commissions, or committees, whether they be salaried, nonsalaried, or reimbursed for expense. In the event of a dual capacity of any member of a state board, commission, or committee, any restrictive provisions applicable to either capacity shall apply. The provisions of paragraph (a) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature of the Governor, the elected members of the Governor's Cabinet, or the members of the Legislature~~. The provisions of paragraphs (b) and (c) shall apply to all officers and employees of the state or of any county or municipality thereof, whether elected, appointed, or otherwise employed, or whether the activity shall be in connection with a primary, general, special, bond, referendum, or other election of any kind or nature.

(2) An employee of the state or any political subdivision

441132

may not participate in any political campaign ~~for an elective office~~ while on duty.

Section 3. Paragraph (b) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(b) Use the authority or influence of his or her position for any of the purposes described in s. 104.31 ~~to secure support for, or oppose, any candidate, party, or issue in a partisan election or affect the results thereof~~.

Section 4. Subsection (4) of section 112.061, Florida Statutes, is amended, and paragraph (j) is added to subsection (3) of that section, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

(j) Reimbursement of transportation expenses as provided in subsection (7) may not be authorized or approved for travel of a person serving in a position described in s. 20.71(1)(a)1., 2., or 3. between the person's residence and his or her official headquarters. Per diem and subsistence allowances as provided in subsection (6) may not be authorized or approved for a person serving in a position described in s. 20.71(1)(a)1., 2., or 3. when that person remains overnight in the person's county of residence. For the purposes of this section, "residence" means



the dwelling in which the person permanently resides.

(4) OFFICIAL HEADQUARTERS.—The official headquarters of a person serving in a position described in s. 20.71(1)(a)1., 2., or 3. must be the city or town in which the department's official headquarters is located, and the official headquarters of any other ~~an~~ officer or employee assigned to an office must ~~shall~~ be the city or town in which the office is located except that:

(a) The official headquarters of a person located in the field must ~~shall~~ be the city or town nearest to the area where the majority of the person's work is performed, or such other city, town, or area as may be designated by the agency head provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

(b) When any state employee is stationed in any city or town for a period of more than ~~over~~ 30 continuous workdays, such city or town must ~~shall~~ be deemed to be the employee's official headquarters, and he or she may ~~shall~~ not be allowed per diem or subsistence, as provided in this section, after such ~~the said~~ period of 30 continuous workdays has elapsed, unless this period of time is extended by the express approval of the agency head or his or her designee.

(c) A traveler may leave his or her assigned post to return to his or her residence ~~home~~ overnight, over a weekend, or during a holiday, but any time lost from regular duties must ~~shall~~ be taken as annual leave and authorized in the usual manner. The traveler may ~~shall~~ not be reimbursed for travel expenses in excess of the established rate for per diem

441132

allowable had he or she remained at his or her assigned post. A person serving in a position described in s. 20.71(1)(a)1., 2., or 3. may not be reimbursed for travel expenses for travel between the person's assigned post and residence. However, when a traveler has been temporarily assigned away from his or her official headquarters for an approved period extending beyond 30 days, he or she is ~~shall be~~ entitled to reimbursement for travel expenses at the established rate of one round trip for each 30-day period actually taken to his or her residence ~~home~~ in addition to pay and allowances otherwise provided.

(d) A Lieutenant Governor who permanently resides outside of Leon County, may, if he or she so requests, have an appropriate facility in his or her county designated as his or her official headquarters for purposes of this section. This official headquarters may only serve as the Lieutenant Governor's personal office. The Lieutenant Governor may not use state funds to lease space in any facility for his or her official headquarters.

1. A Lieutenant Governor for whom an official headquarters is established in his or her county of residence pursuant to this paragraph is eligible for subsistence at a rate to be established by the Governor for each day or partial day that the Lieutenant Governor is at the State Capitol to conduct official state business. In addition to the subsistence allowance, a Lieutenant Governor is eligible for reimbursement for transportation expenses as provided in subsection (7) for travel between the Lieutenant Governor's official headquarters and the State Capitol to conduct state business.

2. Payment of subsistence and reimbursement for

441132

transportation between a Lieutenant Governor's official headquarters and the State Capitol shall be made to the extent appropriated funds are available, as determined by the Governor.

3. This paragraph expires July 1, 2025.

Section 5. This act shall take effect July 1, 2025.

========== 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 public officers and employees; creating s. 20.71, F.S.; requiring that, beginning on a specified date, secretaries and executive directors of departments, chief administrative officers of certain units of state government, members of commissions and licensing boards, chairs of governing boards or certain chief executives of certain statewide entities, or any persons appointed to hold state office in the executive branch of state government be United States citizens and residents of this state; providing that a specified provision applies to each such office; requiring that, beginning on a specified date, members of the board of trustees for state universities be United States citizens and residents of this state or graduates of the state university that the board oversees; requiring that, beginning on a specified date, members of the Board of Governors of the State University System be United

441132

States citizens and either residents of this state or have graduated from a state university; providing that if any such requirements are not met, the office is deemed vacant; amending s. 104.31, F.S.; revising construction of provisions relating to political activities of state, county, and municipal officers and employees; amending s. 110.233, F.S.; prohibiting career service employees from using the influence of their positions for specified purposes; amending s. 112.061, F.S.; prohibiting the authorization or approval of reimbursements for travel expenses to and from the person’s residence and his or her headquarters for specified positions; defining the term “residence”; requiring that the official headquarters for specified positions be the city or town in which the department’s official headquarters is located; prohibiting persons serving in specified positions from being reimbursed for certain travel expenses; providing an effective date.

512670

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 20.71, Florida Statutes, is created to read:

20.71 Residency requirements.—Notwithstanding any other law:

(1)(a) Effective October 1, 2025, each of the following persons must be a United States citizen and a resident of this state:

512670

1. The secretary of a department.

2. The executive director of a department.

3. The chief administrative officer of any unit of state government which is housed under a department for administrative purposes but is not subject to the control, supervision, or direction of such department.

4. A member of a commission.

5. A member of a licensing board.

6. The chair of the governing board, or the chief executive, of a statewide entity that is explicitly created or established by statute, regardless of its legal form, for a public purpose or to carry out a government program and that is not under the direct control of a governmental entity.

7. Any other person appointed to hold state office in the executive branch of state government.

(b) Section 114.01 applies to each office described in paragraph (a).

(2) Effective January 6, 2027, each member of a state university board of trustees must be a United States citizen and either a resident of this state or a graduate of the state university, the administration of which is overseen by such board of trustees. If any member of a state university board of trustees does not meet the requirements of this subsection, such member's office is automatically deemed vacant.

(3) Effective January 6, 2027, each member of the Board of Governors must be a United States citizen and either a resident of this state or a graduate of a state university as defined in s. 1000.21. If any member of the Board of Governors does not meet the requirements of this subsection, such member's office

512670

is automatically deemed vacant.

Section 2. Subsections (1) and (2) of section 104.31, Florida Statutes, are amended to read:

104.31 Political activities of state, county, and municipal officers and employees.—

(1) No officer or employee of the state, or of any county or municipality thereof, except as hereinafter exempted from provisions hereof, shall:

(a) Use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.

(b) Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any party, committee, organization, agency, or person for political purposes. Nothing in this paragraph or in any county or municipal charter or ordinance shall prohibit an employee from suggesting to another employee in a noncoercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.

(c) Directly or indirectly coerce or attempt to coerce, command, and advise any such officer or employee as to where he or she might purchase commodities or to interfere in any other way with the personal right of said officer or employee.

The provisions of this section may ~~shall~~ not be construed so as

512670

to prevent any person from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. The provisions of paragraph (a) may ~~shall~~ not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature, of elected officials or candidates for public office in the state or of any county or municipality thereof~~; and the provisions of paragraph (a) shall not be construed so as to limit the political activity in general or special elections of the officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees or of the members of state boards, commissions, or committees, whether they be salaried, nonsalaried, or reimbursed for expense. In the event of a dual capacity of any member of a state board, commission, or committee, any restrictive provisions applicable to either capacity shall apply. The provisions of paragraph (a) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature of the Governor, the elected members of the Governor's Cabinet, or the members of the Legislature~~. The provisions of paragraphs (b) and (c) shall apply to all officers and employees of the state or of any county or municipality thereof, whether elected, appointed, or otherwise employed, or whether the activity shall be in connection with a primary, general, special, bond, referendum, or other election of any kind or nature.

(2) An employee of the state or any political subdivision

512670

may not participate in any political campaign ~~for an elective office~~ while on duty.

Section 3. Paragraph (b) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(b) Use the authority or influence of his or her position for any of the purposes described in s. 104.31 ~~to secure support for, or oppose, any candidate, party, or issue in a partisan election or affect the results thereof~~.

Section 4. Subsection (4) of section 112.061, Florida Statutes, is amended, and paragraph (j) is added to subsection (3) of that section, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

(j) Reimbursement of transportation expenses as provided in subsection (7) may not be authorized or approved for travel of a person serving in a position described in s. 20.71(1)(a)1., 2., or 3. between the person's residence and his or her official headquarters. Per diem and subsistence allowances as provided in subsection (6) may not be authorized or approved for a person serving in a position described in s. 20.71(1)(a)1., 2., or 3. when that person remains overnight in the person's county of residence. For the purposes of this section, "residence" means

512670

the dwelling in which the person permanently resides.

(4) OFFICIAL HEADQUARTERS.—The official headquarters of a person serving in a position described in s. 20.71(1)(a)1., 2., or 3. must be the city or town in which the department's official headquarters is located, and the official headquarters of any other ~~an~~ officer or employee assigned to an office must ~~shall~~ be the city or town in which the office is located except that:

(a) The official headquarters of a person located in the field must ~~shall~~ be the city or town nearest to the area where the majority of the person's work is performed, or such other city, town, or area as may be designated by the agency head provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

(b) When any state employee is stationed in any city or town for a period of more than ~~over~~ 30 continuous workdays, such city or town must ~~shall~~ be deemed to be the employee's official headquarters, and he or she may ~~shall~~ not be allowed per diem or subsistence, as provided in this section, after such ~~the said~~ period of 30 continuous workdays has elapsed, unless this period of time is extended by the express approval of the agency head or his or her designee.

(c) A traveler may leave his or her assigned post to return to his or her residence ~~home~~ overnight, over a weekend, or during a holiday, but any time lost from regular duties must ~~shall~~ be taken as annual leave and authorized in the usual manner. The traveler may ~~shall~~ not be reimbursed for travel expenses in excess of the established rate for per diem

512670

allowable had he or she remained at his or her assigned post. A person serving in a position described in s. 20.71(1)(a)1., 2., or 3. may not be reimbursed for travel expenses for travel between the person's assigned post and residence. However, when a traveler has been temporarily assigned away from his or her official headquarters for an approved period extending beyond 30 days, he or she is ~~shall be~~ entitled to reimbursement for travel expenses at the established rate of one round trip for each 30-day period actually taken to his or her residence ~~home~~ in addition to pay and allowances otherwise provided.

(d) A Lieutenant Governor who permanently resides outside of Leon County, may, if he or she so requests, have an appropriate facility in his or her county designated as his or her official headquarters for purposes of this section. This official headquarters may only serve as the Lieutenant Governor's personal office. The Lieutenant Governor may not use state funds to lease space in any facility for his or her official headquarters.

1. A Lieutenant Governor for whom an official headquarters is established in his or her county of residence pursuant to this paragraph is eligible for subsistence at a rate to be established by the Governor for each day or partial day that the Lieutenant Governor is at the State Capitol to conduct official state business. In addition to the subsistence allowance, a Lieutenant Governor is eligible for reimbursement for transportation expenses as provided in subsection (7) for travel between the Lieutenant Governor's official headquarters and the State Capitol to conduct state business.

2. Payment of subsistence and reimbursement for

512670

transportation between a Lieutenant Governor's official headquarters and the State Capitol shall be made to the extent appropriated funds are available, as determined by the Governor.

3. This paragraph expires July 1, 2025.

Section 5. Section 112.31251, Florida Statutes, is created to read:

112.31251 Definition of the term "office."—

(1)(a) For purposes of s. 5(a), Art. II of the State Constitution, the term "office," when referring to an office in this state, means any position in state, county, or municipal government which all of the following apply:

1. Delegates to the individual holding such position a portion of the sovereign power of the government.

2. Requires the exercise of independent governmental authority, which is performed in an official capacity and is not based solely on a contractual or employment relationship.

3. Has a prescribed tenure.

4. Exists independently of the individual holding such position.

(b) The term "office" includes, but is not limited to, each of the following positions:

1. The Governor.

2. The Lieutenant Governor.

3. A member of the Cabinet.

4. A state senator.

5. A state representative.

6. A county commissioner.

7. A sheriff.

8. A tax collector.

512670

9. A property appraiser.

10. A supervisor of elections.

11. A clerk of the circuit court.

12. A member of the Board of Governors of the State University System.

13. A member of a board of trustees for a state university.

14. A member of a district school board.

15. A member of a state, county, or municipal board or commission that exercises governmental authority and is not purely advisory in nature.

16. A member of the Board of Governors for the Citizens Property Insurance Corporation established under s. 627.351(6).

17. A member of the board of directors for the Florida Housing Finance Corporation established under s. 420.504.

18. A member of the board of directors for the Florida Healthy Kids Corporation established under s. 624.91, other than the member appointed pursuant to s. 624.91(6)(a)9.

19. An administrator or a manager of a county, a municipality, or a corporation established under s. 420.504, s. s. 624.91, or s. 627.351(6) who exercises in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

20. The director of a county or municipal emergency management agency who exercises in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

21. A state, county, or municipal law enforcement officer with the authority to arrest without a warrant.

22. Any position that meets all the criteria enumerated in

512670

paragraph (a).

(2) The term "office" does not include either of the following:

(a) A legislative designation of an officer to perform ex officio the functions of another office; or

(b) The position of an individual whose relationship with a state, county, or municipal government is considered employment. For purposes of this paragraph, the term "employment" means a relationship with a state, county, or municipal government where an individual does not exercise in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

Section 6. This act shall take effect July 1, 2025.

========== 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 public officers and employees; creating s. 20.71, F.S.; requiring that, beginning on a specified date, secretaries and executive directors of departments, chief administrative officers of certain units of state government, members of commissions and licensing boards, chairs of governing boards or certain chief executives of certain statewide entities, or any persons appointed to hold state office in the executive branch of state government be United States citizens and residents of

512670

this state; providing that a specified provision applies to each such office; requiring that, beginning on a specified date, members of the board of trustees for state universities be United States citizens and residents of this state or graduates of the state university that the board oversees; requiring that, beginning on a specified date, members of the Board of Governors of the State University System be United States citizens and either residents of this state or have graduated from a state university; providing that if any such requirements are not met, the office is deemed vacant; amending s. 104.31, F.S.; revising construction of provisions relating to political activities of state, county, and municipal officers and employees; amending s. 110.233, F.S.; prohibiting career service employees from using the influence of their positions for specified purposes; amending s. 112.061, F.S.; prohibiting the authorization or approval of reimbursements for travel expenses to and from the person’s residence and his or her headquarters for specified positions; defining the term “residence”; requiring that the official headquarters for specified positions be the city or town in which the department’s official headquarters is located; prohibiting persons serving in specified positions from being reimbursed for certain travel expenses; creating s. 112.31251, F.S.; defining the term “office” for purposes of s. 5(a), Art. II of the State Constitution; defining the term “employment”;

512670

providing an effective date.

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Grall

601-03619-25 20251760c1

A bill to be entitled

An act relating to public officers and employees; creating s. 20.71, F.S.; requiring that, beginning on a specified date, members of commissions and licensing boards, chairs of governing boards or certain chief executives, or any persons appointed to hold state office be United States citizens and residents of this state; requiring that, beginning on a specified date, secretaries and executive directors of departments and certain chief administrative officers be United States citizens and be residents of, and reside in, specified areas; requiring that, beginning on a specified date, members of the board of trustees for state universities be United States citizens and residents of this state or graduates of the state university that the board oversees; requiring that, beginning on a specified date, members of the Board of Governors of the State University System be United States citizens and residents of this state or have graduated from a state university; providing that if any such requirements are not met, the office is deemed vacant; creating s. 112.31251, F.S.; defining the term "office" for purposes of s. 5(a), Art. II of the State Constitution; defining the term "employment"; amending s. 1001.71, 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:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

601-03619-25 20251760c1

Section 1. Section 20.71, Florida Statutes, is created to read:

20.71 Residency requirements.—Notwithstanding any other law:

(1)(a) Effective October 1, 2025, each of the following persons must be a United States citizen and a resident of this state:

1. A member of a commission.

2. A member of a licensing board.

3. The chair of the governing board, or the chief executive, of a statewide entity that is explicitly created or established by statute, regardless of its legal form, for a public purpose or to carry out a government program and that is not under the direct control of a governmental entity.

4. Any other person appointed to hold state office.

(b) If a person listed in subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not meet the requirements of paragraph (a), the office of such person is automatically deemed vacant.

(2)(a) Effective October 1, 2025, each of the following persons must be a United States citizen, must be a resident of this state, and must reside in the same county as his or her respective department headquarters or within 75 miles of the department headquarters:

1. The secretary of a department.

2. The executive director of a department.

3. The chief administrative officer of any unit of state government which is housed under a department for administrative purposes, but is not subject to the control, supervision, or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

direction of such department.

(b) If a person listed in subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not meet the requirements of paragraph (a), the office of such person is automatically deemed vacant.

(3) Effective January 6, 2027, each member of a state university board of trustees must be a United States citizen and either a resident of this state or a graduate of the state university, the administration of which is overseen by such board of trustees.

(4) Effective January 6, 2027, each member of the Board of Governors must be a United States citizen and either a resident of this state or a graduate of a state university as defined in s. 1000.21. If any member of the Board of Governors does not meet the requirements of this subsection, such member's office is automatically deemed vacant.

Section 2. Section 112.31251, Florida Statutes, is created to read:

112.31251 Definition of the term "office."—

(1)(a) For purposes of s. 5(a), Art. II of the State Constitution, the term "office," when referring to an office in this state, means any position in state, county, or municipal government which all of the following apply:

1. Delegates to the individual holding such position a portion of the sovereign power of the government.

2. Requires the exercise of independent governmental authority, which is performed in an official capacity and is not based solely on a contractual or employment relationship.

3. Has a prescribed tenure.

4. Exists independently of the individual holding such position.

(b) The term "office" includes, but is not limited to, each of the following positions:

1. The Governor.

2. The Lieutenant Governor.

3. A member of the Cabinet.

4. A state senator.

5. A state representative.

6. A county commissioner.

7. A sheriff.

8. A tax collector.

9. A property appraiser.

10. A supervisor of elections.

11. A clerk of the circuit court.

12. A member of the Board of Governors of the State University System.

13. A member of a board of trustees for a state university.

14. A member of a district school board.

15. A member of a state, county, or municipal board or commission that exercises governmental authority and is not purely advisory in nature.

16. A member of the Board of Governors for the Citizens Property Insurance Corporation established under s. 627.351(6).

17. A member of the board of directors for the Florida Housing Finance Corporation established under s. 420.504.

18. A member of the board of directors for the Florida Healthy Kids Corporation established under s. 624.91, other than the member appointed pursuant to s. 624.91(6)(a)9.

19. An administrator or a manager of a county, a municipality, or a corporation established under s. 420.504, s. s. 624.91, or s. 627.351(6) who exercises in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

20. The director of a county or municipal emergency management agency who exercises in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

21. A state, county, or municipal law enforcement officer with the authority to arrest without a warrant.

22. Any position that meets all the criteria enumerated in paragraph (a).

(2) The term "office" does not include either of the following:

(a) A legislative designation of an officer to perform ex officio the functions of another office; or

(b) The position of an individual whose relationship with a state, county, or municipal government is considered employment. For purposes of this paragraph, the term "employment" means a relationship with a state, county, or municipal government where an individual does not exercise in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

Section 3. Subsection (1) of section 1001.71, Florida Statutes, is amended to read:

1001.71 University boards of trustees; membership.—

(1) Pursuant to s. 7(c), Art. IX of the State Constitution, each local constituent university shall be administered by a

university board of trustees comprised of 13 members as follows: 6 citizen members appointed by the Governor subject to confirmation by the Senate; 5 citizen members appointed by the Board of Governors subject to confirmation by the Senate; the chair of the faculty senate or the equivalent; and the president of the student body of the university. The appointed members shall serve staggered 5-year terms. In order to achieve staggered terms, beginning July 1, 2003, of the initial appointments by the Governor, 2 members shall serve 2-year terms, 3 members shall serve 3-year terms, and 1 member shall serve a 5-year term and of the initial appointments by the Board of Governors, 2 members shall serve 2-year terms, 2 members shall serve 3-year terms, and 1 member shall serve a 5-year term. ~~There shall be no state residency requirement~~ For university board members, ~~but~~ the Governor and the Board of Governors shall consider diversity and regional representation. Beginning July 2, 2020, for purposes of this subsection, regional representation shall include the chair of a campus board established pursuant to s. 1004.341.

Section 4. This act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 16, 2025

I respectfully request that **Senate Bill #1760**, relating to Public Officers and Employees, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

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 Rules

BILL:	HB 259
INTRODUCER:	Representative Gerwig and others
SUBJECT:	Special Observances
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	Yeatman	RC	**Favorable**

I. Summary:

HB 259 designates August 21 of each year as "Fentanyl Awareness and Education Day" to increase awareness of the dangers of fentanyl and potential overdoses.

The bill encourages the Department of Health and Department of Children and Families, local governments, public schools, and other agencies to sponsor events to promote awareness of fentanyl's dangers, community resources for drug prevention, and substance use and abuse generally.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Holidays and Special Observances

Chapter 683, F.S., establishes legal holidays and special observance days in Florida. Legal holidays are listed in s. 683.01, F.S., while ss. 683.04 – 683.336, F.S., establish special observance days. Section 683.01, F.S., enumerates legal holidays, which under Florida law are also public holidays. This section also provides that if any legal holiday falls on a Sunday, the next following Monday is deemed a public holiday. Florida currently has 21 legal holidays.

Chapter 683, F.S., includes 40 special observances.[1] Unlike legal holidays, special observances do not directly affect the definition of "legal holidays" in contracts. Special observance days may apply throughout the state, or they may be limited to particular counties. For example, "Gasparilla Day"[2] is a legal holiday observed only in Hillsborough County, while "Bill of Rights

[1] *See* ss. 683.04–683.336, F.S.
[2] Section 683.08, F.S.

Day,"[3] if issued by the Governor, is observed throughout the state. While some special observance days encourage recognition in the public schools, others such as the Victims of Communism Day mandate 45 minutes of instruction for high school students enrolled in a required government course.[4]

In 2024, the Florida Legislature designated June 6 of each year as "Revive Awareness Day." In recognition, the Governor is permitted to annually issue a proclamation designating June 6 as "Revive Awareness Day," and the Department of Health is encouraged to raise awareness of the dangers of opioid overdose as well as opioid antagonists' ability to rapidly reverse the effect of opioids.[5] Several Florida counties held events for Revive Awareness Day throughout the state in 2024, including Duval,[6] Hillsborough,[7] Marion,[8] Miami-Dade,[9] Okaloosa,[10] Osceola,[11] St. Johns,[12] and Seminole[13] counties.

Fentanyl

"Fentanyl is a powerful synthetic opioid that is similar to morphine but is 50 to 100 times more potent. It is a prescription drug that is also used and made illegally." [14] In the late 1990s, health care providers began to prescribe opioid pain relievers at greater rates. This subsequently led to

[3] Section 683.25, F.S.
[4] Section 683.334, F.S.
[5] Ch. 2024-67, Laws of Fla.
[6] Florida Health Duval County, *Revive Awareness Day Event* (Mar. 30, 2024), https://duval.floridahealth.gov/events/2024/06/revive-awareness-day-event-06062024.html (last visited Apr. 16, 2025).
[7] Health News Florida, *On Florida's inaugural Revive Awareness Day, free Narcan and overdose awareness* (Jun. 7, 2024), https://health.wusf.usf.edu/health-news-florida/2024-06-07/health-departments-distribute-narcan-on-revive-awareness-day (last visited Apr. 16, 2025).
[8] Florida Health Marion County, *DOH-Marion to Host Revive Awareness Day Event* (Jun. 4, 2024), https://marion.floridahealth.gov/newsroom/2024/06/Revive-Awareness-Day.html (last visited Apr. 16, 2025).
[9] Florida Health Miami-Dade, *DOH-Miami-Dade Observes Revive Awareness Day* (Jun. 6, 2024), https://miamidade.floridahealth.gov/newsroom/2024/06/2024-06-06-RAD-Observance-PR-MDade.html#:~:text=Miami%2C%20Fla.,at%20305%2D324%2D2400.&text=1350%20NW%2014th%20St.&text=18255%20Homestead%20Ave.&text=All%20Floridians%20need%20to%20know,Limp%20body (last visited Apr. 16, 2025).
[10] Get the Coast, *Okaloosa County to host Revive Awareness Day event, announce new opioid epidemic efforts* (Jun. 4, 2024), https://www.getthecoast.com/okaloosa-county-to-host-revive-awareness-day-event-announce-new-opioid-epidemic-efforts/ (last visited Apr. 16, 2025).
[11] Florida Health Osceola County, *Revive Awareness Day* (May 31, 2024), https://osceola.floridahealth.gov/events/2024/05/revive-awareness-day.html (last visited Apr. 16, 2025).
[12] Florida Health-St. Johns County, *DOH-St. Johns County to Host Revive Awareness Day Event* (Jun. 3, 2024), https://stjohns.floridahealth.gov/newsroom/2024/06/2024-6-6-revive-awareness-day-pr.html (last visited Apr. 16, 2025).
[13] Click Orlando, *Seminole County continues fight against opioid crisis. Here's how: June 6 marks 'Revive Awareness Day'* (Jun. 6, 2024), https://www.clickorlando.com/news/local/2024/06/06/seminole-county-continues-fight-against-opioid-crisis-heres-how/ (last visited Apr. 16, 2025).
[14] National Institute on Drug Abuse, *Fentanyl DrugFacts* (June 2021), https://nida.nih.gov/publications/drugfacts/fentanyl (last visited Mar. 27, 2025). As a medicine, fentanyl is "typically used to treat patients with severe pain, especially after surgery[,]" and "is also sometimes used to treat patients with chronic pain who are physically tolerant to other opioids." *Id.*

widespread misuse of these medications.[15] In 2023, over 115 million pills seized by law enforcement contained illicit fentanyl, while in 2017, only 49,657 pills did.[16]

Fentanyl and other synthetic opioids are the most common drugs involved in drug overdose deaths in the United States.[17] In 2023, Fentanyl overdose was the second cause of drug-related deaths in Florida, but when Fentanyl and its analogs are combined, they represent the number-one cause of drug-related deaths.[18]

Fentanyl Awareness Day

August 21 is National Fentanyl Prevention and Awareness Day. Established by the federal government in 2022,[19] the day has since been recognized by numerous states, state departments, and local governments, including the Florida Department of Health.[20] This day of remembrance honors loved ones who have lost their lives due to fentanyl and aims to raise awareness of the dangers of illegally made fentanyl and the importance of overdose prevention.[21]

Florida Opioid and Fentanyl Crisis

Between the early 2000s and the early 2010s, Florida was infamous as the "pill mill capital" of the country. At the peak of the pill mill crisis, doctors in Florida bought 89 percent of all the oxycodone sold in the county.[22] Between 2009 and 2011, the Legislature enacted a series of reforms to combat prescription drug abuse.[23] Subsequently, between 2010 and 2014, deaths from prescription drugs dropped; deaths from illegal opioids, such as fentanyl, however, began to rise.[24] In 2022, the most recent year for which national data has been released, Florida ranks second behind California in the highest amount of fentanyl overdose deaths in the country.[25]

---

[15] Digital Communications Division, U.S. Dep't of Health and Human Services, *Opioid Facts and Statistics* (Dec. 16, 2022), https://www.hhs.gov/opioids/statistics/index.html (last visited Apr. 16, 2025).
[16] National Institute on Drug Abuse, *Number of Pills Containing Fentanyl Seized by Law Enforcement in the United States, 2017-2023* (May 13, 2024), https://nida.nih.gov/research-topics/trends-statistics/infographics/number-of-pills-containing-fentanyl-seized-by-law-enforcement-in-the-united-states-2017-2023 (last visited Apr. 16, 2025).
[17] National Institute on Drug Abuse, *Fentanyl DrugFacts*, *supra* note 14.
[18] Florida Statewide Drug Policy Advisory Council, *Statewide Drug Policy Advisory Council 2024 Annual Report* (Dec. 1, 2024), p. 6, https://www.floridahealth.gov/provider-and-partner-resources/dpac/StatewideDrugPolicyAdvisoryCouncilLegislativeReport.pdf (last visited Apr. 16, 2025).
[19] *See e.g.*, U.S. Center for Disease Control, *Overdose Prevention: National Fentanyl Prevention and Awareness Day Toolkit*, https://www.cdc.gov/overdose-prevention/php/toolkits/fentanyl-prevention-awareness-day.html#:~:text=August%2021%20marks%20National%20Fentanyl,made%20fentanyl%20and%20save%20lives (last visited Apr. 16, 2025); Press Release, U.S. Drug Enforcement Administration, *DEA Recognizes National Fentanyl Prevention and Awareness Day* (Aug. 20, 2024).
[20] Press Release, The Florida Dep't of Health, *The Florida Department of Health Recognizes National Fentanyl Awareness Day* (May 10, 2023), https://www.floridahealth.gov/newsroom/2023/05/20230509-national-fentanyl-awareness-day-pr.html (last visited Apr. 16, 2025).
[21] *See* supra note 11.
[22] Lizette Alvarez, *Florida Shutting 'Pill Mill' Clinics*, THE NEW YORK TIMES (Aug. 31, 2011), http://www.nytimes.com/2011/09/01/us/01drugs.html (last visited Apr. 16, 2025).
[23] *See* chs. 2009-198, 2010-211, and 2011-141, Laws of Fla.; Roger B. Handberg, The Florida Bar, *The Opioid Epidemic in Florida: 2000 to 2017*, 94 FL. BAR J. 18 (2020).
[24] Florida Dep't of Children and Families, *Patterns and Trends of the Opioid Epidemic in Florida: 2018*, p. 8, https://www.floridahealth.gov/statistics-and-data/e-forcse/fl-seow-annual-report-2018.pdf (last visited Apr. 16, 2025).
[25] National Center for Health Statistics, U.S. Center for Disease Control, *Drug Overdose Mortality by State* (Jan. 10, 2025), https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm (last visited Apr. 16, 2025).

According to Florida's Medical Examiner Commission, the majority of overdose deaths in Florida in 2023 were related to opioids, with 4,962 deaths caused by fentanyl."[26]

Recent Actions on Fentanyl and Other Opioids

In 2017, the CDC declared the opioid crisis an epidemic and shortly thereafter, on May 3, 2017, Governor Rick Scott signed executive order 17-146 declaring the opioid epidemic a public health emergency in Florida.[27] Subsequent Executive Orders extended the state of emergency through April 2, 2019.[28] On April 1, 2019, Governor DeSantis created a Statewide Task Force on Opioid Abuse to research and assess the nature of opioid drug abuse in Florida and develop a statewide strategy to identify best practices to combat the opioid epidemic through education, treatment, prevention, recovery, and law enforcement.[29] The Task Force published its findings and recommendations on April 1, 2020.[30]

In 2019, Florida Attorney General Ashley Moody convened an opioid working group with the primary goal of developing an overview of current programs and providing a practical set of recommendations for the Attorney General to combat the opioid crisis and addiction to opioids throughout the State of Florida. The working group published its findings on March 1, 2019, and concluded that Florida should combat this epidemic with a three-pronged approach to include prevention, enforcement, and treatment, with education being a crucial element of each prong. [31] In 2023, Florida Attorney General Ashley Moody issued a "warning to Floridians about the flesh-eating 'zombie drug,' xylazine," following a sharp increase in trafficked xylazine and fentanyl mixtures.[32]

---

[26] FDLE Medical Examiners Commission, *Drugs Identified in Deceased Persons by Florida Medical Examiners—23023 Annual Report* at 7 (Jan. 2025), https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2023-Annual-Drug-Report-FINAL.aspx (last visited Apr. 16, 2025).

[27] Office of the Governor, *Executive Order Number 17-146*, May 3, 2017 (Opioid Epidemic).

[28] Office of the Governor, *Executive Order Number 19-36*, February 1, 2019 (Opioid Epidemic Extension).

[29] Office of the Governor, *Executive Order Number 19-97*, April 1, 2019 ((Establishing the Office of Drug Control and the Statewide Task Force on Opioid Abuse to Combat Florida's Substance Abuse Crisis).

[30] Florida Statewide Task Force on Opioid Abuse, *Findings and Recommendations of the Statewide Task Force on Opioid Abuse* (Apr. 1, 2020), https://doseofrealityfl.com/pdfs/opioid-task-force-findings-recommendations-opioid-abuse.pdf (last visited Apr. 16, 2025).

[31] Attorney General's Opioid Working Group, *Florida's Opioid Epidemic: Recommendations and Best Practices* (March 1, 2019), https://www.myfloridalegal.com/files/pdf/page/4B6200E9AD8D8BC9852583B00079CEA7/AG+Opioid+Working+Group+Report+Final+2-28-2019.pdf, (last visited Apr. 16, 2025).

[32] News Release, Office of the Attorney General, The State of Florida, *Video: AG Moody Warns of Flesh-Eating Drug Mixed with Fentanyl* (Mar. 22, 2023), https://www.myfloridalegal.com/newsrelease/video-ag-moody-warns-flesh-eating-drug-mixed-fentanyl (last visited Apr. 16, 2025). Attorney General Ashley Moody said, "Floridians need to be aware that xylazine is making one of the deadliest drugs in history, fentanyl, even deadlier. Xylazine is a sedative, and therefore resistant to standard opioid reversal treatments such as Narcan. There has never been a more dangerous time to take a chance on any illicit substance, and this drug is only making the problem worse. I'm urging everyone to never use illicit drugs, just one pill or one use can kill." *Id.*

In 2023, the Florida Legislature established state funding under the State Assistance for Fentanyl Eradication (S.A.F.E.) in Florida program to conduct investigations designed to combat illegal fentanyl activity.[33]

"The Facts. Your Future" campaign focuses on supporting students statewide to ensure they receive prevention instruction and encouragement to protect and maintain their health, avoid substance misuse, and discourage risky. This campaign is an interactive approach to ensure students are informed and can make safe decisions as they grow.[34]

III. Effect of Proposed Changes:

Section 1 creates s. 683.3343, F.S., to designate August 21 of each year as "Fentanyl Awareness and Education Day" to increase awareness of the dangers of fentanyl and the potential to overdose.

The bill encourages the Department of Health, Department of Children and Families, local governments, public schools, and other agencies to sponsor events that promote public awareness and education on the dangers of fentanyl and potential overdoses, including, but not limited to, education on:

- The prevention of fentanyl abuse and addiction;
- The availability of resources for drug prevention at local schools and community resources, as well as any processes involved in accessing those resources; and
- Health issues relating to substance use and abuse, specifically in young people.

Section 2 provides that the act takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

[33] Florida Dep't of Law Enforcement, Office of Planning and Budgeting, *State Assistance for Fentanyl Eradication (S.A.F.E.)*, https://www.fdle.state.fl.us/FDLE-Grants/Office-of-Planning-and-Budgeting/Programs/SAFE (last visited Mar. 27, 2025).
[34] The Facts. Your Future, *About the Initiative*, https://thefactsyourfuture.org/ (last visited Mar. 27, 2025).

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Agencies, local governments, and schools are encouraged, but not required, to sponsor events and education to increase awareness about the dangers of Fentanyl.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 683.3343 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.

A bill to be entitled

An act relating to special observances; creating s. 683.3343, F.S.; designating August 21 of each year as "Fentanyl Awareness and Education Day"; encouraging specified agencies, local governments, and public schools to sponsor events to promote awareness of the dangers of fentanyl and potential overdoses, including education on specified topics; providing an effective date.

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

Section 1. Section 683.3343, Florida Statutes, is created to read:

683.3343 Fentanyl Awareness and Education Day.—

(1) The Legislature designates August 21 of each year as "Fentanyl Awareness and Education Day" to increase awareness of the dangers of fentanyl and potential overdoses.

(2) The Department of Health, the Department of Children and Families, local governments, public schools, and other agencies are encouraged to sponsor events to promote awareness of the dangers of fentanyl and potential overdoses, including, but, not limited to, education on the prevention of fentanyl abuse and addiction; the availability of local school and community resources for drug prevention and any processes

CODING: Words stricken are deletions; words underlined are additions.

FLORIDA HOUSE OF REPRESENTATIVES

HB 259 2025

involved in accessing those resources; and health issues, including information about substance use and abuse, specifically youth substance use and abuse.

Section 2. This act shall take effect July 1, 2025.

CODING: Words stricken are deletions; words underlined are additions.

hb259-00

The Florida Senate

APPEARANCE RECORD

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

4/21/25
Meeting Date

Rules
Committee

259
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Mazzola

Phone 407-855-7604

Address FLPTA 1717 Orlando Central PKWY
Street

Email vp.leadership@floridapta.org

Orlando FL 32809
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:
FLPTA

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. 2020-2022JointRules.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 Rules

BILL:	CS/CS/HB 481
INTRODUCER:	State Affairs Committee; Natural Resources & Disasters Subcommittee; Representatives Lopez and Rizo
SUBJECT:	Anchoring Limitation Areas
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Yeatman	RC	**Favorable**

I. Summary:

CS/CS/HB 481 creates an exception to allow local governments within counties with populations of 1.5 million or more to regulate vessels that anchor overnight for one hour or more for more than 30 days in any six-month period. This excludes any time vessels are anchored overnight in a mooring field or for marine construction, installation, or maintenance work.

The bill adds anchoring limitation areas in Biscayne Bay in Miami-Dade County, within which a person may not anchor a vessel at any time overnight. The anchoring limitation areas lie between:

- Palm Island and Star Island,
- Palm Island and Hibiscus Island,
- Palm Island and Watson Island,
- The Sunset Islands, and
- Sunset Island I and State Road 112.

The bill prevents the owner or operator of a vessel or floating structure from anchoring or mooring within 300 feet outward from the marked boundary of a public mooring field. The bill extends the prohibition from 100 to 300 feet.

II. Present Situation:

Anchoring

Anchoring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration.[1] Anchoring is accomplished using an anchor carried on the

[1] 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.

vessel.[2] Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.[3]

Anchoring and Mooring Prohibition

Florida law places statutory limitations on local regulations regarding vessels, but does not prohibit local governmental authorities from enacting or enforcing regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions or of any vessels within the marked boundaries of mooring fields.[4]

The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;
- Within 500 feet of a superyacht repair facility;[5] or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the Florida Fish and Wildlife Conservation Commission upon the request of a local government within which the mooring field is located.[6]

The above prohibitions do not apply to:

- A vessel owned or operated by a governmental entity;
- A construction or dredging vessel on an active job site;
- A commercial fishing vessel actively engaged in commercial fishing; and
- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.[7]

There are also exceptions related to mechanical failure of a vessel or weather-related conditions.[8] A violation related to anchoring or mooring is a noncriminal infraction,[9] for which the penalty is:

- For a first offense, up to a maximum of $100;
- For a second offense, up to a maximum of $250; and
- For a third or subsequent offense, up to a maximum of $500.[10]

[2] 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.
[3] Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida* at 2.
[4] Section 327.60(2)(f), (3), F.S.
[5] For this purpose, the term "superyacht repair facility" is defined to mean a facility that services or repairs a yacht with a water line of 120 feet or more in length.
[6] Section 327.4109(1)(a), F.S.
[7] Section 327.4109(1)(b), F.S.
[8] Section 327.4109(2), F.S.
[9] Section 327.4109(5), F.S.
[10] Section 327.73(1)(bb), F.S. These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes. Section 327.78(8), F.S.

State-Designated Anchoring Limitation Areas

State law designates certain densely populated urban areas as anchoring limitation areas.[11] These areas may 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 21st 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:
  - Palm Island and State Road A1A,
  - Rivo Alto Island and Di Lido Island,
  - San Marino Island and Di Lido Island,
  - San Marino Island and San Marco Island, and
  - San Marco Island and Biscayne Island.[12]

Within anchoring limitation areas established by statute, a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half house before sunrise unless otherwise exempt.[13]

County-Designated Anchoring Limitation Areas

Counties, except for Monroe County,[14] may establish an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.[15] The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways.[16]

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.[17]

Unless otherwise exempt, a 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.[18]

---

[11] Section 327.4108(1), F.S.
[12] *Id*.
[13] *Id*.
[14] Monroe County is designated as an anchoring limitation area within which, no less than once every 90 days, each vessel anchoring within the county within ten linear nautical miles of a public mooring field or a designated anchoring area must weigh anchor and move under its own propulsion to be re-anchored in a new location. Section 327.4108(3), F.S.
[15] Section 327.4108(2), F.S.
[16] *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. The term does include lakes or streams that have practical usefulness to the public as highways for transportation. *Id*.
[17] *Id*.
[18] *Id*.

Anchoring Limitation Area Exceptions

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.[19]

Vessels exempt from anchoring prohibitions in any 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.[20]

Anchoring Limitation Area Enforcement

For a vessel in a county-established anchoring limitation area, upon an inquiry by a law enforcement officer or agency,[21] 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.[22] If a vessel owner or operator fails or refuses to provide proof that the vessel has not exceeded the limitations, the officer or agency may issue a citation.

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.[23]

[19] Section 327.4108 (4), F.S.
[20] Section 327.4108(5), F.S.
[21] Law enforcement agencies or officers specified in section 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the 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.
[22] Section 327.4108(6), F.S.
[23] *Id*.

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.[24]

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.[25]

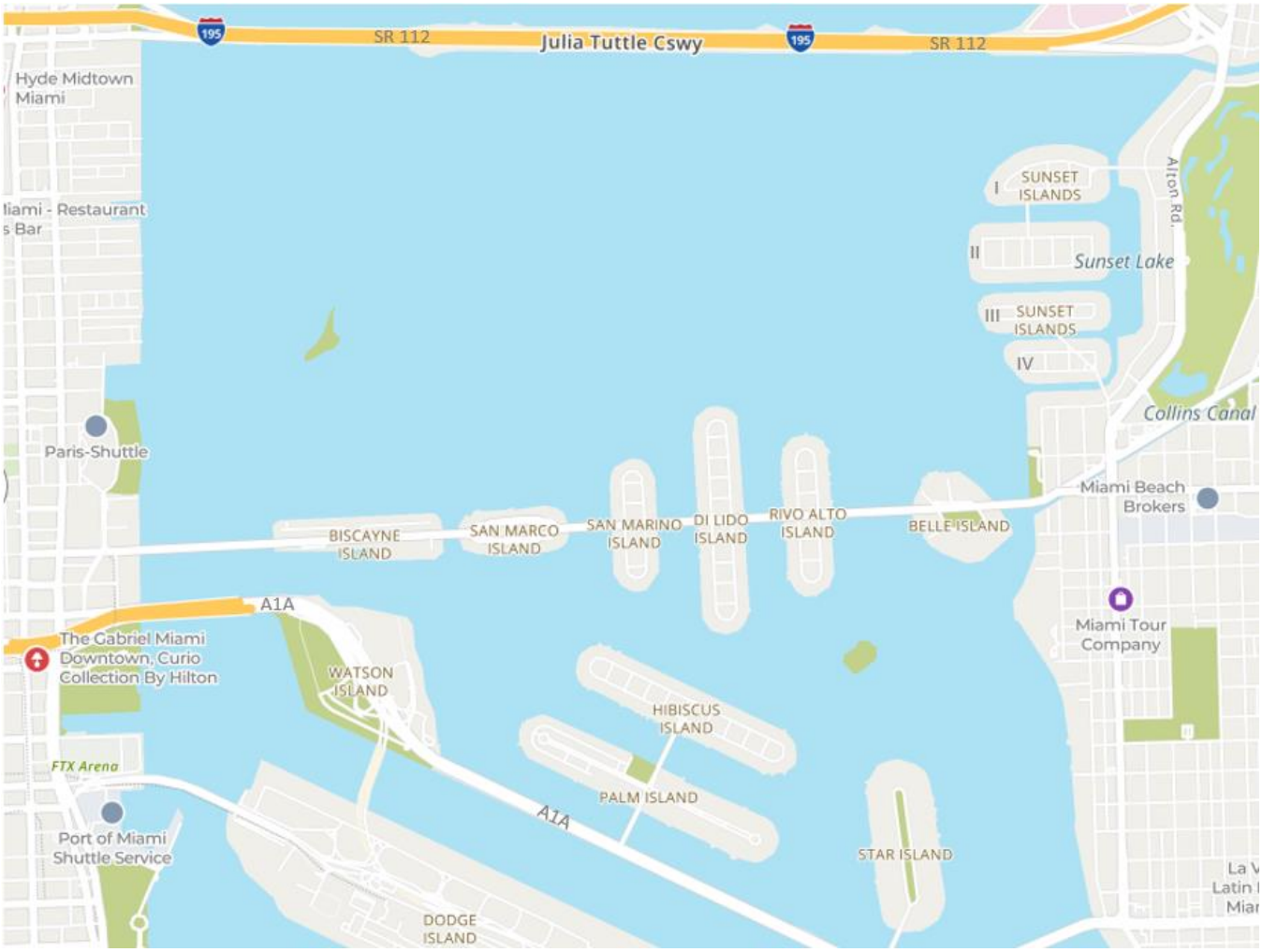
Any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws, be charged with a second degree misdemeanor, which is punishable by a maximum fine of $500 and imprisonment of no more than 60 days.[26]

Biscayne Bay

Biscayne Bay is a 428-square mile estuary extending nearly the entire length of Miami-Dade County.[27] It 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 like shrimp, crabs, lobster, and sponges.[28] Miami-Dade County is one of Florida's most populous counties, with approximately 2.8 million residents and millions of visitors each year.[29]

The map on the following page shows the islands and State Road A1A in Biscayne Bay that are currently used as landmarks for anchoring limitation areas. It also marks Star Island and Watson Island, which have been added by the bill.

[24] *Id*.
[25] Section 327.73(1)(z), F.S.
[26] Sections 327.73(1), 775.082, and 775.083, F.S.
[27] Miami-Dade County, *About Biscayne Bay*, https://www.miamidade.gov/global/economy/environment/about-biscayne-bay.page (last visited Feb. 3, 2024).
[28] U.S. Army Corps of Engineers, *Biscayne Bay Coastal Wetlands Project*, https://www.saj.usace.army.mil/BBCW/ (last visited March 20, 2025).
[29] Florida Department of Environmental Protection, *Biscayne Bay Aquatic Preserves*, https://floridadep.gov/rcp/aquatic-preserve/locations/biscayne-bay-aquatic-preserves (last visited March 20, 2025); Miami-Dade County, *About Biscayne Bay*.



III. Effect of Proposed Changes:

Section 1 amends s. 327.60, F.S., relating to the local regulation of vessels. Current law prohibits a local government from enacting an ordinance or local regulation that regulates anchoring outside the marked boundaries of mooring fields, with the exception of live-aboard vessels and commercial vessels, excluding commercial fishing vessels.

The bill adds another exception that allows a local government to regulate any vessel anchored in its jurisdiction that remains anchored overnight[30] for a period of one hour or more for more than 30 days in any six-month period within the jurisdiction of a county with a population of 1.5 million or more.[31] This excludes any time the vessel is anchored overnight within the boundaries

[30] Overnight is between one-half hour after sunset and one half-hour before sunrise.
[31] According to population estimates published in April 2024, there are five counties in Florida with over 1.5 million residents (Broward, Hillsborough, Miami-Dade, Orange, and Palm Beach counties). Of the five counties, only one is landlocked. Office of Economic and Demographic Research, *Florida Population Estimates by County and Municipality* (April 1, 2024), *available at* https://edr.state.fl.us/content/population-demographics/data/2024_Pop_Estimates.pdf. There are five areas of critical state concern designated in Florida (Big Cypress, Green Swamp, City of Key West, Florida Keys, and

of a marked mooring field or any time the vessel is anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work.

Section 2 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 overnight. The bill adds anchoring limitation areas between:

- Palm Island and Star Island,
- Palm Island and Hibiscus Island,
- Palm Island and Watson Island,
- The Sunset Islands, and
- Sunset Island I and State Road 112.

Section 3 amends s. 327.4109, F.S., relating to anchoring and mooring prohibitions. Current law prohibits the owner or operator of a vessel or floating structure from anchoring or mooring such that the nearest approach to the vessel or floating structure is within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the Florida Fish and Wildlife Conservation Commission upon request of the local government with jurisdiction over the mooring field.

The bill extends the anchoring or mooring prohibition from 100 to 300 feet.

Section 4 provides that the bill takes effect upon becoming law.

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.

Apalachicola Bay areas of critical state concern). These areas of critical state concern area located in the following six counties: Collier, Franklin, Lake, Miami-Dade, Monroe, and Polk counties. Florida Department of Commerce, *Areas of Critical State Concern Program*, https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern (last visited March 21, 2025).

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.[32] 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.[33] If a particular condition exists in only a portion of the state, enactments that reference the limited geographic area may be general laws.[34] "[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."[35]

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 sections 327.60, 327.4108, and 327.4109 of the Florida Statutes.

---

[32] *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).
[33] *Shelton v. Reeder*, 121 So. 2d 145, 151 (Fla. 1960). *But see also* FLA. CONST. Art. X, s. 11s.
[34] *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).
[35] *Id*. at 1056.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

A bill to be entitled

An act relating to anchoring limitation areas; amending s. 327.60, F.S.; restricting local regulation of vessels outside the marked boundaries of mooring fields in certain counties; amending s. 327.4108, F.S.; designating specified sections of Biscayne Bay in Miami-Dade County as grandfathered-in anchoring limitation areas; amending s. 327.4109, F.S.; increasing the prohibited anchoring and mooring distance of vessels and floating structures near public mooring fields; providing an effective date.

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

Section 1. Paragraph (f) of subsection (2) of section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(2) This chapter and chapter 328 do not prevent the adoption of any ordinance or local regulation relating to operation of vessels, except that a county or municipality may not enact, continue in effect, or enforce any ordinance or local regulation:

(f) Regulating the anchoring of vessels outside the marked boundaries of mooring fields permitted as provided in s. 327.40, except for:

1. Live-aboard vessels; ~~and~~

2. Commercial vessels, excluding commercial fishing vessels; and

3. Vessels anchored for a period of 1 hour or more between one-half hour after sunset and one-half hour before sunrise for more than 30 days in any 6-month period within the jurisdiction of a county with a population of 1.5 million or more, excluding any time the vessel is anchored overnight within the boundaries of a marked mooring field or any time the vessel is anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work;

Section 2. Paragraph (c) of subsection (1) of section 327.4108, Florida Statutes, is 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 lying between:

1. Palm Island and State Road A1A.

2. Palm Island and Star Island.

3. Palm Island and Hibiscus Island.

4. Palm Island and Watson Island.

5.~~2.~~ Rivo Alto Island and Di Lido Island.

6.~~3.~~ San Marino Island and Di Lido Island.

7.~~4.~~ San Marino Island and San Marco Island.

8.~~5.~~ San Marco Island and Biscayne Island.

9. The Sunset Islands.

10. Sunset Island I and State Road 112.

Section 3. Paragraph (a) of subsection (1) of section 327.4109, Florida Statutes, is amended to read:

327.4109 Anchoring or mooring prohibited; exceptions; penalties.—

(1)(a) The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

1. Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;

2. Within 500 feet of a superyacht repair facility. For purposes of this subparagraph, the term "superyacht repair facility" means a facility that services or repairs a yacht with a water line of 120 feet or more in length; or

3. Within 300 ~~100~~ feet outward from the marked boundary of

a public mooring field or a lesser distance if approved by the commission upon request of a local government within which the mooring field is located. The commission may adopt rules to implement this subparagraph.

Section 4. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

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

4.21.25
Meeting Date

Rules Com
Committee

HB 481
Bill Number or Topic

Amendment Barcode (if applicable)

Name Melissa Marsden

Phone 815 751 7445

Address PO 624958
Street

Email Melissa.Marsden.1@gmail.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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

4/2/25
Meeting Date

The Florida Senate

APPEARANCE RECORD

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

481
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Michael Bell

Phone 612-594-4429

Address 411 Walnut St #14920
Street

Email mbell28688@gmail.com

Green Cove Spgs, 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. 2020-2022JointRules.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

4/21/25
Meeting Date

Rules
Committee

481
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kingsley Ross

Phone 850 300 1378

Address 234 Harbour Pt Dr
Street

Crawfordville, FL 32327
City State Zip

Email Kingsleyrr@hotmail.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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

4/21/25
Meeting Date

The Florida Senate

APPEARANCE RECORD

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

481
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name BRYAN DESLOGE

Phone 850.841.9985

Address 1237 STONEHIST WAY
Street

Email DESLOGE.BRYAN@GMAIL.COM

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. 2020-2022JointRules.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

4/21/25
Meeting Date

481
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Missy Timmins (Margaret) Phone 850-264-3225

Address 2910 Kerry Forest Pkw D4-368 Email missy@timminsconsulting.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:
Marine Industries Association of FL
Marine Industries Association of PB

☐ 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

RULES

Meeting Date

4-21-25

Committee

The Florida Senate

APPEARANCE RECORD

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

981

Bill Number or Topic

Amendment Barcode (if applicable)

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

Address 111 N.W. 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

Committee Excusal Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Excusal Request

Date: April 17, 2025

Dear President Passidomo,

I respectfully request to be excused from the Monday, April 21st meeting of the Senate Committee on Rules. Thank you for your consideration on this matter.

Senator Danny Burgess
Florida Senate, District 23

CC: Tom Yeatman, Staff Director
CC: Cynthia Futch, Committee Administrative Assistant

File signed original with committee office

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Fiscal Policy, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Committee on Health and Human Services
Commerce and Tourism
Criminal Justice
Regulated Industries
Rules

JOINT COMMITTEES:
Joint Committee on Public Counsel Oversight
Joint Legislative Budget Commission

SENATOR JOE GRUTERS
22nd District

April 17, 2025

President Kathleen Passidomo
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

President Passidomo,

I would like to request an excused absence from the Committee on Rules meeting scheduled for Monday, April 21st due to a prior engagement.

Thank you for your consideration of this request.

Regards,



Joe Gruters

REPLY TO:
❒ 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
❒ 413 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: KB 412 **Case No.:** **Type:**
Caption: Senate Rules Committee **Judge:**

Started: 4/21/2025 2:01:39 PM
Ends: 4/21/2025 8:01:32 PM **Length: 05:59:54**

2:01:37 PM Chair Passidomo calls the meeting to order
2:01:49 PM Roll call
2:01:53 PM Quorum announced
2:02:30 PM Senators Gruters and Burgess are excused
2:02:40 PM Tab 12 CS/CS/SB 1264 is Temporarily Postponed
2:03:03 PM Chair Passidomo gives opening comments
2:03:34 PM Tab 19 CS/SB 1606 Patient Access to Records by Senator Grall
2:03:43 PM Senator Grall explains the bill
2:03:54 PM Amendment Barcode 668108
2:03:59 PM Senator Grall explains the amendment
2:06:36 PM Questions
2:06:44 PM Senator Berman
2:06:45 PM Senator Grall
2:07:11 PM Senator Berman
2:07:15 PM Senator Grall
2:07:38 PM Senator Rouson
2:07:41 PM Senator Grall
2:08:11 PM Senator Osgood
2:08:25 PM Senator Grall
2:08:38 PM Senator Osgood
2:09:01 PM Senator Grall
2:09:25 PM Senator Davis
2:10:23 PM Senator Grall
2:10:54 PM Senator Harrell
2:11:55 PM Senator Grall
2:13:02 PM Senator Harrell
2:14:01 PM Senator Grall
2:14:47 PM Senator Pizzo
2:14:51 PM Senator Grall
2:15:18 PM Senator Grall waives close
2:15:20 PM Amendment is adopted
2:15:24 PM Back on the Bill
2:15:27 PM Appearance Forms
2:15:33 PM Cynthia Henderson, AHIOS, speaks
2:18:12 PM Geri Newman, Director, Florida Health Information Management Assn, speaks
2:21:45 PM Guillermo Vargas speaks
2:24:44 PM Kelly Cooper speaks
2:27:24 PM Marjorie McNeill speaks
2:29:50 PM Debate
2:29:56 PM Senator Harrell
2:30:47 PM Senator Martin
2:32:31 PM Senator Davis
2:33:54 PM Senator Pizzo
2:35:03 PM Senator Osgood
2:36:01 PM Senator Grall closes
2:37:35 PM Roll call
2:39:23 PM CS/CS/SB 1606 is reported favorably
2:39:30 PM Tab 5 CS/CS/SB 712 Construction Regulations by Senator Grall
2:39:36 PM Senator Grall explains the bill
2:41:36 PM Amendment Barcode 564952
2:41:46 PM Senator Grall explains
2:42:07 PM Amendment to the Amendment Barcode 387298

2:42:10 PM Senator Grall explains
2:42:16 PM Senator Ingoglia
2:42:45 PM Senator Grall
2:44:19 PM Appearance Forms
2:44:23 PM Jeffrey Sharkey, Space X, waives
2:44:28 PM David Ramba, Florida Concrete and Products Assn, waives
2:44:32 PM Debate
2:44:38 PM Senator Ingoglia
2:46:35 PM Senator Simon
2:47:45 PM Senator Grall closes
2:47:53 PM Amendment to the Amendment is adopted
2:48:42 PM Back on main amendment
2:48:47 PM Senator Pizzo
2:48:54 PM Senator Grall
2:49:05 PM Appearance Forms
2:49:14 PM Peter Molodecki waives
2:49:21 PM Grant Handy, Paragon Pools, speaks
2:50:15 PM Donald Ball, The Poolworks of Florida, speaks
2:51:19 PM Dallas Thiesen, Florida Swimming Pool Assn, speaks
2:52:12 PM Ryan Roby waives
2:52:21 PM Ray Pearen waives
2:52:25 PM Lyndsey Shock waives
2:52:29 PM Elizabeth Alvi, Audubon Florida, waives
2:52:36 PM Senator Grall waives close
2:52:41 PM Amendment is adopted
2:52:45 PM Back on the Bill
2:52:47 PM Questions
2:52:50 PM Senator Osgood
2:53:01 PM Senator Grall
2:54:38 PM Senator Osgood
2:54:41 PM Senator Grall
2:55:45 PM Senator Osgood
2:55:48 PM Senator Grall
2:56:53 PM Senator Jones
2:57:08 PM Senator Grall
2:58:34 PM Appearance Forms
2:58:39 PM Carol Bowen, Associated Builders and Contractor of Florida, waives
2:58:41 PM Karen Woodall, Sierra Club Florida, waives
2:58:48 PM Kari Hebrank, NUCA of Florida Underground Contractors, waives
2:58:50 PM Carol Bowen, Synthetic Turf Council waives
2:59:06 PM Senator Grall waives close
2:59:10 PM Roll call
2:59:52 PM CS/CS/CS/SB 712 is reported favorably
2:59:58 PM Tab 14 CS/SB 1288 Parental Rights by Senator Grall
3:00:02 PM Senator Grall explains the bill
3:00:32 PM Amendment Barcode 725164
3:01:30 PM Senator Grall explains
3:01:45 PM Questions
3:01:50 PM Senator Jones
3:02:49 PM Senator Grall
3:03:25 PM Senator Jones
3:03:47 PM Senator Grall
3:04:52 PM Senator Jones
3:04:55 PM Senator Grall
3:06:19 PM Senator Berman
3:06:25 PM Senator Grall
3:06:45 PM Appearance Forms
3:06:51 PM Maxx Fenning speaks
3:07:14 PM Michelle Grimsley Shindano, FL Alliance of Planned Parenthood Affiliates, waives
3:07:59 PM Senator Grall closes
3:08:06 PM Amendment is adopted
3:08:10 PM Back on the Bill

3:08:11 PM Questions
3:08:12 PM Senator Jones
3:08:55 PM Senator Grall
3:08:59 PM Senator Jones
3:09:31 PM Senator Grall
3:10:28 PM Senator Jones
3:11:02 PM Senator Grall
3:13:26 PM Senator Berman
3:13:30 PM Senator Grall
3:13:52 PM Senator Berman
3:13:56 PM Senator Grall
3:14:10 PM Senator Berman
3:14:20 PM Senator Grall
3:15:28 PM Senator Berman
3:15:33 PM Senator Grall
3:16:06 PM Appearance Forms
3:16:22 PM Talya Davis speaks
3:17:43 PM Alessandra Borges speaks
3:19:08 PM Maxx Fenning, PRISM, speaks
3:20:56 PM Colton Tayler speaks
3:22:01 PM Kristin Nelson speaks
3:22:42 PM Jon Harris Maurer, Equality Florida, speaks
3:24:10 PM Yenisbel Vilorio, Six Action, speaks
3:25:41 PM Kara Gross, ACLU of Florida, speaks
3:27:04 PM Trenece Robertson speaks
3:28:11 PM John Labriola, Christian Family Coalition Florida, speaks
3:28:20 PM Questions
3:28:23 PM Senator Pizzo
3:29:18 PM Mr. Labriola
3:29:25 PM Senator Pizzo
3:29:30 PM Mr. Labriola
3:29:34 PM Senator Pizzo
3:29:43 PM Mr. Labriola
3:29:56 PM Chair Passidomo
3:30:00 PM Senator Pizzo
3:30:03 PM Mr. Labriola
3:30:17 PM Senator Jones
3:30:29 PM Mr. Labriola
3:30:46 PM Senator Jones
3:30:48 PM Mr. Labriola
3:31:07 PM Senator Jones
3:31:25 PM Maria Victoria Chacon-Briceno speaks
3:32:21 PM Parker Keaton speaks
3:33:31 PM Barbara Myers speaks
3:34:13 PM Emma Henry speaks
3:34:57 PM Constitutional Attorney Katherine Henry speaks
3:36:42 PM Maija Hahn speaks
3:37:39 PM Robert Lee speaks
3:39:09 PM Nicole Soza speaks
3:40:17 PM Aaron DiPietro, Florida Family Voice, speaks
3:41:48 PM Aun-Drey Brown speaks
3:42:53 PM Lisa Lloyd speaks
3:44:30 PM January Littlejohn speaks
3:45:30 PM Pam Wessling speaks
3:46:52 PM Patti Sullivan speaks
3:48:32 PM Miriam Gurniale speaks
3:50:06 PM India Miller speaks
3:51:28 PM Kylie Daum, League of Women Voters of Florida, waives
3:51:38 PM Yerimiah Evans, Rise Tallahassee, waives
3:51:41 PM Kevonte Ford waives
3:51:45 PM Lyric waives
3:51:49 PM Taylor waives

3:51:54 PM Tyrell waives
3:51:56 PM Thomas Kennedy waives
3:52:03 PM Yareliz Mendez-Zamora, America Frends Service Committee, waives
3:52:05 PM Laura Munoz, FLSP, waives
3:52:06 PM Karen Woodall, National Latino Institute for Reproductive Justice, waives
3:52:10 PM Barbara DeVane , FL NOW, waives
3:52:15 PM Tiffany Hankins, FLIC, waives
3:52:19 PM Jackson Oberlink, Florida Rising, waives
3:52:23 PM Michelle Grimsley Shindano, FL Alliance of Planned Parenthood Affiliates, waives
3:52:28 PM Debate
3:52:32 PM Senator Berman
3:56:37 PM Senator Jones
4:00:01 PM Senator Pizzo
4:01:27 PM Senator Osgood
4:05:22 PM Senator Harrell
4:06:07 PM Senator Grall closes
4:08:05 PM Roll call
4:09:54 PM CS/CS/SB 1288 is reported favorably
4:10:02 PM Tab 25 CS/SB 1760 Public Officers and Employees by Senator Grall
4:10:22 PM Amendment Barcode 512670
4:10:28 PM Senator Grall explains the amendment
4:12:02 PM Senator Grall closes
4:12:06 PM Amendment is adopted
4:12:11 PM Back on the Bill
4:12:20 PM Senator Grall waives close
4:12:30 PM Roll call
4:13:23 PM CS/CS/SB 1760 is reported favorably
4:13:39 PM Tab 8 CS/SB 1150 School Social Workers by Senator Calatayud
4:13:43 PM Senator Calatayud explains the bill
4:14:02 PM Appearance Form
4:14:06 PM Karen Mazzola, FLPTA, waives
4:14:19 PM Senator Calatayud waives close
4:14:24 PM Roll call
4:15:08 PM CS/SB 1150 is reported favorably
4:15:14 PM Tab 10 CS/CS/SB 1240 Substance Abuse and Mental Health Care by Senator Calatayud
4:15:17 PM Senator Calatayud explains the bill
4:15:35 PM Amendment Barcode 169294
4:16:00 PM Substitute Amendment Barcode 698782
4:16:14 PM Senator Calatayud explains the Substitute Amendment
4:16:46 PM Appearance Form
4:16:52 PM Chris Finkbeiner, Acadia Homecare, waives
4:17:06 PM Senator Calatayud waives close
4:17:10 PM Amendment is adopted
4:17:15 PM Back on the Bill
4:17:18 PM Questions
4:17:22 PM Senator Pizzo
4:17:27 PM Senator Calatayud
4:17:44 PM Senator Pizzo
4:17:46 PM Senator Calatayud
4:18:18 PM Senator Pizzo
4:18:20 PM Senator Calatayud
4:18:53 PM Senator Pizzo
4:18:55 PM Senator Calatayud
4:19:23 PM Senato Calatayud waives close
4:19:33 PM Roll call
4:20:14 PM CS/CS/CS/SB 1240 is reported favorably
4:20:22 PM Tab 22 CS/SB 1674 Unrated Bonds by Senator Calatayud
4:20:25 PM Senator Calatayud explains the bill
4:20:42 PM Appearance Form
4:20:47 PM Mat Forrest, Joe Abruzzo, Palm Beach County Clerk of Courts, waives
4:21:00 PM Debate
4:21:03 PM Senator Berman

4:21:41 PM Senator Calatayud waives close
4:21:44 PM Roll call
4:22:19 PM CS/SB 1674 is reported favorably
4:22:26 PM Tab 23 CS/SB 1726 Higher Education
4:22:31 PM Senator Calatayud explains the bill
4:24:30 PM Amendment Barcode 217134
4:25:30 PM Senator Calatayud explains the amendment
4:25:43 PM Appearance Form
4:26:15 PM Casey Welch, USF, waives
4:26:27 PM Senator Calatayud waives close
4:26:30 PM Amendment is adopted
4:26:32 PM Amendment Barcode 659702
4:26:42 PM Senator Calatayud explains the amendment
4:27:08 PM Senator Calatayud waives close
4:27:25 PM Amendment is adopted
4:27:28 PM Back on the Bill
4:27:30 PM Questions
4:27:31 PM Senator Gaetz
4:27:36 PM Senator Calatayud
4:28:34 PM Senator Ingoglia
4:28:49 PM Senator Calatayud
4:30:11 PM Senator Ingoglia
4:30:15 PM Senator Calatayud
4:30:31 PM Senator Ingoglia
4:30:35 PM Senator Calatayud
4:31:11 PM Senator Ingoglia
4:31:14 PM Senator Calatayud
4:31:58 PM Senator Davis
4:32:08 PM Senator Calatayud
4:32:51 PM Senator Davis
4:33:36 PM Senator Calatayud
4:34:57 PM Appearance Forms
4:35:01 PM Kylie Daum, League of Women Voters of Florida, waives
4:35:04 PM Teresa Hodge waives
4:35:14 PM Senator Calatayud closes
4:35:28 PM Roll call
4:36:20 PM CS/CS/SB 1726 is reported favorably
4:36:27 PM Tab 2 CS/SB 492 Mitigation Banks
4:36:31 PM Late-filed Delete-all Amendment Barcode 463698
4:36:48 PM Without objection-introduced
4:36:50 PM Senator McClain explains the amendment
4:37:21 PM Appearance Form
4:38:21 PM Elizabeth Alvi, Audubon Florida, speaks
4:39:58 PM Senator Pizzo
4:40:58 PM Senator McClain
4:41:50 PM Senator McClain waives close
4:41:57 PM Amendment is adopted
4:42:02 PM Back on the Bill
4:42:02 PM Questions
4:42:03 PM Senator Berman
4:42:07 PM Senator McClain
4:43:02 PM Senator Pizzo
4:43:08 PM Senator McClain
4:43:23 PM Senator Brodeur
4:43:38 PM Senator Pizzo
4:43:44 PM Senator McClain
4:44:08 PM Appearance Forms
4:44:11 PM Kahreem Golden, The Nature Conservancy, waives
4:44:18 PM Karen Woodall, Sierra Club Florida, Earth Justice, waives
4:44:23 PM Kylie Daum, Florida League of Women Voters of Florida, waives
4:44:26 PM Cameron Fink, Associated Industries of Florida, waives
4:44:29 PM Lori Killinger waives

4:44:37 PM Brendan Burke, Florida Home Builders Association, waives
4:44:42 PM Debate
4:44:47 PM Senator Berman
4:45:14 PM Senator Pizzo
4:45:56 PM Senator McClain closes
4:46:06 PM Roll call
4:47:07 PM CS/CS/SB 492 is reported favorably
4:47:14 PM Tab 11 SB 1242 Community Redevelopment Agencies by Senator McClain
4:47:24 PM Amendment Barcode 232314
4:47:34 PM Senator McClain explains the amendment
4:48:10 PM Amendment to the Amendment Barcode 487406
4:49:10 PM Senator McClain explains the amendment
4:49:24 PM Senator Ingoglia
4:49:49 PM Senator McClain
4:49:53 PM Appearance Form
4:49:57 PM Ryan Matthews, FL Redevelopment Association, waives
4:50:08 PM Senator McClain waives close
4:50:10 PM Amendment is adopted
4:50:12 PM Back on main amendment
4:50:19 PM Senator Jones
4:50:27 PM Senator McClain
4:50:52 PM Appearance Forms
4:51:05 PM Chadwick Leonard, 1000 Friends of Florida, waives
4:51:10 PM Mayor JP O'Connor waives
4:51:15 PM David Cruz, Florida League of Cities, waives
4:51:24 PM Debate
4:51:27 PM Senator Wright
4:51:41 PM Chair Passidomo
4:52:02 PM Senator McClain closes
4:52:10 PM Amendment is adopted
4:52:17 PM Back on the bill
4:52:22 PM Appearance Forms
4:52:26 PM Stuart Tettemer, Mayor of Panama City, speaks
4:53:44 PM Derick Tabertshofer, Americans for Florida, waives
4:53:52 PM Pamela Burch-Fort, NAACP Florida State Conference, waives
4:53:59 PM Mayor JP O'Connor waives
4:54:17 PM Debate
4:54:20 PM Senator Ingoglia
4:54:40 PM Senator Jones
4:55:33 PM Senator Rodriguez
4:55:46 PM Senator Osgood
4:55:57 PM Senator Simon
4:56:20 PM Senator McClain closes
4:56:58 PM Roll call
4:58:24 PM CS/SB 1242 is reported favorably
4:58:27 PM Tab 16 CS/CS/SB 1514 Anaphylaxis in Public and Charter Schools by Senator Smith
4:58:32 PM Senator Smith explains the bill
4:59:44 PM Appearance Forms
5:00:46 PM Sherry Isler speaks
5:02:39 PM Lincoln Isler speaks
5:04:05 PM Liberty Isler speaks
5:04:24 PM Karen Mazzola, Florida PTA, waives
5:04:34 PM Debate
5:04:37 PM Senator Pizzo
5:04:52 PM Senator Harell
5:05:45 PM Senator Brodeur
5:06:14 PM Senator Smith closes
5:06:45 PM Roll call
5:07:46 PM CS/CS/SB 1514 is reported favorably
5:07:47 PM Chair Passidomo
5:07:55 PM Tab 26 HB 259 Special Observances by Representative Gerwig
5:08:34 PM Senator Polsky explains the bill

5:08:44 PM Appearance Form
5:08:59 PM Karen Mazzola, FLPTA, waives
5:09:08 PM Senator Polsky closes
5:09:17 PM Roll call
5:09:57 PM HB 259 is reported favorably
5:10:09 PM Tab 1 CS/SB 444 Human Trafficking Awareness by Senator Avila
5:10:15 PM Senator Avila explains the bill
5:10:59 PM Questions
5:11:15 PM Senator Davis
5:11:18 PM Senator Avila
5:12:02 PM Senator Davis
5:12:05 PM Senator Avila
5:13:11 PM Senator Davis
5:13:13 PM Senator Avila
5:13:55 PM Senator Davis
5:13:58 PM Senator Avila
5:16:01 PM Appearance Forms
5:16:07 PM Kevonte Ford waives
5:16:12 PM Karen Mazzola, Florida PTA, waives
5:16:15 PM Lauren Evans and Tazara Fields, Human Trafficking and Exploitation Law Project, waive
5:16:27 PM Senator Avila closes
5:16:38 PM Roll call
5:17:34 PM CS/SB 444 is reported favorably
5:17:40 PM Tab 3 SB 674 Bonuses for Employees of County Tax Collectors and Property Appraisers by Senator Wright
5:17:45 PM Senator Wright explains the bill
5:18:01 PM Late-filed Amendment Barcode 246180
5:18:16 PM Without objection-introduced
5:18:20 PM Senator Wright explains the amendment
5:18:37 PM Senator Wright waives close
5:18:40 PM Amendment is adopted
5:18:43 PM Back on the Bill
5:18:47 PM Appearance Forms
5:18:49 PM Ron Pierce, Brevard County Property Appraiser, waives
5:18:56 PM Ron Pierce, Hillsborough Property Appraiser, waives
5:19:02 PM Loren Levy, Property Appraisers' Assn of Fla, waives
5:19:09 PM Senator Wright waives close
5:19:14 PM Roll call
5:19:53 PM CS/SB 674 is reported favorably
5:20:02 PM Tab 6 CS/SB 822 Education by Senator Rodriguez
5:20:04 PM Senator Rodriguez explains the bill
5:20:25 PM Amendment Barcode 856780
5:20:34 PM Senator Rodriguez explains the amendment
5:20:38 PM Appearance Form
5:20:49 PM Lina Rojas, FSU, waives
5:20:59 PM Senator Rodriguez waives close
5:21:04 PM Amendment is adopted
5:21:08 PM Back on the Bill
5:21:13 PM Questions
5:21:19 PM Senator Davis
5:21:21 PM Senator Rodriguez
5:21:46 PM Appearance Forms
5:21:48 PM Andreina Figueroa, Academica, waives
5:21:56 PM Derick Tabertshofer, Americans for Prosperity, waives
5:22:01 PM Senator Rodriguez waives close
5:22:06 PM Roll call
5:22:54 PM CS/CS/SB 822 is reported favorably
5:23:01 PM Tab 7 CS/CS/SB 954 Certified Recovery Residences by Senator Gruters
5:23:07 PM Senator Rouson explains the bill
5:24:19 PM Late-filed Amendment Barcode 726196
5:25:19 PM Without objection-introduced
5:25:29 PM Senator Rouson explains the amendment

5:25:55 PM Appearance Forms
5:26:57 PM Sam Wagoner, Florida League of Cities, waives
5:27:01 PM Chadwick Leonard, 1000 Friends of Florida
5:27:05 PM Courtney Mooney, Florida Association of Counties, waives
5:27:16 PM Debate
5:27:17 PM Senator Harrell
5:28:05 PM Senator Rouson closes
5:28:35 PM The amendment is adopted
5:28:38 PM Back on the Bill
5:28:40 PM Appearance Forms
5:28:47 PM Mayor JP O'Connor waives
5:28:53 PM Jared Willis, Better Tomorrow Treatment Center, waives
5:29:01 PM Senator Rouson waives close
5:29:10 PM Roll call
5:29:47 PM CS/CS/CS/SB 954 is reported favorably
5:29:54 PM Tab 9 CS/SB 1224 Administration of Controlled Substances by Senator Harrell
5:29:59 PM Senator Harrell explains the bill
5:30:56 PM Appearance Form
5:31:02 PM Chief Mike Choate, President, Florida Fire Chiefs Association, waives
5:31:13 PM Senator Harrell waives close
5:31:17 PM Roll call
5:31:57 PM SB 1224 is reported favorably
5:31:59 PM Senator Pizzo with recognition
5:32:51 PM Tab 15 CS/SB 1450 Arrest and Detention of Individuals with Significant Medical Conditions
5:32:57 PM Senator Burton explains
5:34:21 PM Appearance Form
5:34:24 PM David Shepp, Polk County Sheriff's Office, waives
5:34:34 PM Senator Burton waives close
5:34:37 PM Roll call
5:35:17 PM CS/SB 1450 is reported favorably
5:35:22 PM Tab 17 CS/SB 1568 Electronic Prescribing by Senator Brodeur
5:35:30 PM Senator Brodeur explains the bill
5:35:48 PM Appearance Form
5:35:49 PM Paul Ledford, FL Hospice & Palliative Care Association, waives
5:36:14 PM Senator Brodeur waives close
5:36:20 PM Roll call
5:37:00 PM CS/SB 1568 is reported favorably
5:37:07 PM Tab 18 CS/SB 1580 Infrastructure and Resiliency by Senator Rodriguez
5:37:11 PM Senator Rodriguez explains the bill
5:37:22 PM Appearance Form
5:37:41 PM Slater Bayliss, The Environmental Defense Fund
5:37:57 PM Senator Rodriguez waives close
5:38:03 PM Roll call
5:38:54 PM CS/SB 1580 is reported favorably
5:39:00 PM Chair Passidomo
5:39:03 PM Pursuant to Rule 2.10 - meeting extended
5:39:16 PM Tab 20 SB 1622 Recreational Customary Use of Beaches by Senator Trumbull
5:40:03 PM Amendment Barcode 642792
5:40:03 PM Senator Trumbull explains the bill
5:40:10 PM Senator Trumbull explains the amendment
5:40:33 PM Appearance Form
5:40:40 PM Tony Anderson, Walton County Commissioner, waives
5:40:56 PM Senator Trumbull waives close
5:40:59 PM Amendment is adopted
5:41:06 PM Back on the Bill
5:41:07 PM Questions
5:41:08 PM Senator Davis
5:41:19 PM Senator Trumbull
5:42:09 PM Senator Davis
5:42:12 PM Senator Trumbull
5:43:09 PM Appearance Forms
5:43:20 PM Christine Boulos, Walton County Homeowner, speaks

5:45:06 PM Tony Anderson, Walton County Commission, waives
5:45:23 PM Karen Doyle speaks
5:46:20 PM Sara Day speaks
5:47:47 PM Pepper Uchino, FL Shore & Beach Preservation Assoc., waives
5:48:47 PM Barbara waives
5:48:55 PM John Dillard speaks
5:50:14 PM Kim Clark speaks
5:50:54 PM Stacy Slavichuk speaks
5:53:17 PM Carol Wynn waives
5:53:24 PM Donna R. Hardin waives
5:53:30 PM Barbara DeVane waives
5:53:31 PM Tami Dillard waives
5:53:37 PM Gary Hunter, Walton County Beachfront Owners, waives
5:53:40 PM Pamela Burch Fort waives (called in error - card for different bill)
5:53:44 PM Karen Woodall, Sierra Club Florida, waives
5:53:49 PM William Horn waives
5:53:51 PM Mike Duffey waives
5:53:56 PM Alyssa Fjeran waives
5:54:01 PM Dillon Welde waives
5:54:05 PM Samuel Welde waives
5:54:10 PM Andra Welde waives
5:54:29 PM Chair Passidomo in debate
5:56:03 PM Senator Trumbull closes
5:57:41 PM Roll call
5:59:21 PM CS/SB 1622 is reported favorably
5:59:26 PM Tab 13 CS/CS/SB 1270 Department of Health
5:59:39 PM Senator Collins explains the bill
6:00:06 PM Amendment Barcode 649992
6:00:36 PM Senator Collins explains the amendment
6:01:35 PM Senator Collins waives close
6:01:42 PM Amendment is adopted
6:01:42 PM Back on the Bill
6:01:46 PM Questions
6:01:49 PM Senator Davis
6:02:16 PM Senator Collins
6:03:26 PM Senator Davis
6:03:29 PM Senator Collins
6:04:40 PM Senator Davis
6:05:11 PM Senator Collins
6:05:48 PM Senator Davis
6:05:53 PM Senator Collins
6:06:17 PM Senator Davis
6:06:21 PM Senator Collins
6:07:59 PM Senator Davis
6:08:03 PM Senator Collins
6:08:20 PM Senator Davis
6:08:25 PM Senator Collins
6:09:57 PM Senator Jones
6:10:05 PM Senator Collins
6:10:54 PM Senator Jones
6:10:58 PM Senator Collins
6:11:52 PM Senator Jones
6:12:24 PM Senator Collins
6:13:21 PM Senator Harrell
6:14:38 PM Senator Collins
6:15:25 PM Senator Hooper
6:15:33 PM Senator Collins
6:16:26 PM Senator Pizzo
6:16:41 PM Senator Collins
6:17:12 PM Senator Pizzo
6:17:15 PM Senator Collins
6:17:34 PM Appearance Forms

6:17:35 PM Constitutional Attorney Katherine Henry speaks
6:19:21 PM Senator Pizzo
6:20:20 PM Ms. Henry
6:21:23 PM Emma Henry waives
6:21:31 PM Maija Hahn speaks
6:23:31 PM Dr. Joseph Ladapo, Florida Surgeon General, speaks
6:26:40 PM Questions
6:26:47 PM Senator Jones
6:26:55 PM Dr. Ladapo
6:27:14 PM Senator Jones
6:27:20 PM Dr. Ladapo
6:28:40 PM Senator Jones
6:28:58 PM Dr. Ladapo
6:30:17 PM Senator Pizzo
6:30:32 PM Dr. Ladapo
6:31:25 PM Senator Pizzo
6:31:31 PM Dr. Ladapo
6:31:37 PM Senator Pizzo
6:31:42 PM Dr. Ladapo
6:32:31 PM Senator Pizzo
6:32:45 PM Dr. Ladapo
6:33:32 PM Senator Pizzo
6:33:39 PM Chair Passidomo
6:34:13 PM Senator Pizzo
6:34:18 PM Chair Passidomo
6:34:24 PM Senator Pizzo
6:34:37 PM Chair Passidomo
6:34:48 PM Dr. Ladapo
6:35:33 PM Senator Pizzo
6:35:38 PM Dr. Ladapo
6:35:53 PM Chair Passidomo
6:36:01 PM Senator Berman
6:36:07 PM Dr. Ladapo
6:37:28 PM Senator Berman
6:37:32 PM Dr. Ladapo
6:38:25 PM Senator Berman
6:38:29 PM Dr. Ladapo
6:39:47 PM Debate
6:39:48 PM Senator Jones
6:41:37 PM Senator Harrell
6:42:52 PM Senator Berman
6:43:21 PM Senator Boyd
6:45:40 PM Senator Burton
6:48:52 PM Senator Davis
6:53:17 PM Senator Gaetz
6:54:00 PM Senator Pizzo
6:55:49 PM Senator Collins closes
6:59:45 PM Roll call
7:01:35 PM CS/CS/CS/SB 1270 is reported favorably
7:01:44 PM Tab 24 CS/CS/SB 1742 Condominium and Cooperative Associations by Senator Bradley
7:01:51 PM Senator Bradley
7:01:59 PM Amendment Barcode 295004
7:02:08 PM Senator Bradley explains
7:03:41 PM Appearance Form
7:03:53 PM Mark Anderson, Association Reserves, waives
7:04:01 PM Mark Anderson, Chief Executive Officers of Management Companies, waives
7:04:12 PM Senator Bradley waives close
7:04:20 PM Amendment is adopted
7:04:22 PM Back on the Bill
7:04:24 PM Questions
7:04:28 PM Senator Berman
7:04:31 PM Senator Bradley

7:05:16 PM Appearance Form
7:05:20 PM Travis Moore, Community Associations Institute and First Service Residential, waives
7:05:33 PM Senator Bradley closes
7:05:49 PM Roll call
7:07:03 PM CS/CS/CS/SB 1742 is reported favorably
7:07:12 PM Tab 27 CS/CS/HB 481 Anchoring Limitation Areas
7:07:20 PM Senator Martin explains the bill
7:08:08 PM Questions
7:08:11 PM Senator Ingoglia
7:08:18 PM Senator Martin
7:08:36 PM Senator Ingoglia
7:08:55 PM Chair Passidomo
7:09:02 PM Senator Martin
7:09:09 PM Senator Rodriguez
7:09:17 PM Appearance Forms
7:09:27 PM Melissa Marsden speaks
7:11:42 PM Michael Bell speaks
7:13:14 PM Kingsley Ross speaks
7:16:10 PM Bryan Desloge speaks
7:17:23 PM Missy Timmons, Marine Industries Association of FL and Marine Industries Association of PB, speaks
7:18:19 PM Jess McCarty, Executive Assistant County Attorney representing Miami-Dade County, waives
7:18:33 PM Debate
7:18:46 PM Senator Garcia
7:19:15 PM Senator Martin closes
7:21:03 PM Roll call
7:22:48 PM CS/CS/HB 481 is reported favorably
7:22:55 PM Tab 4 CS/CS/SB 676 Minimum Wage Requirements
7:23:01 PM Amendment Barcode 401928
7:23:26 PM Senator Martin explains the amendment
7:24:13 PM Questions
7:24:14 PM Senator Davis
7:24:21 PM Senator Martin
7:24:43 PM Senator Davis
7:24:45 PM Senator Martin
7:25:08 PM Senator Davis
7:25:30 PM Senator Martin waives close
7:25:49 PM Amendment is adopted
7:25:52 PM Back on the Bill
7:25:59 PM Questions
7:26:01 PM Senator Pizzo
7:26:08 PM Senator Martin
7:26:23 PM Senator Jones
7:26:27 PM Senator Martin
7:27:10 PM Senator Jones
7:27:14 PM Senator Martin
7:27:28 PM Senator Jones
7:27:52 PM Senator Martin
7:30:13 PM Senator Osgood
7:31:38 PM Senator Martin
7:31:45 PM Senator Davis
7:32:04 PM Senator Martin
7:34:48 PM Senator Davis
7:34:54 PM Senator Martin
7:36:29 PM Senator Pizzo
7:36:33 PM Senator Martin
7:36:52 PM Senator Pizzo
7:37:00 PM Senator Martin
7:37:44 PM Senator Pizzo
7:37:49 PM Senator Martin
7:38:13 PM Senator Pizzo
7:38:17 PM Senator Martin
7:39:13 PM Senator Berman

7:39:34 PM Senator Martin
7:40:21 PM Senator Berman
7:40:40 PM Senator Martin
7:41:14 PM Senator Berman
7:41:18 PM Senator Martin
7:41:31 PM Senator Berman
7:41:36 PM Senator Martin
7:41:59 PM Senator Bradley
7:42:04 PM Senator Martin
7:42:31 PM Senator Bradley
7:42:36 PM Senator Martin
7:43:48 PM Senator Bradley
7:43:50 PM Senator Martin
7:44:00 PM Senator Bradley
7:44:14 PM Senator Martin
7:44:44 PM Senator Burton
7:45:36 PM Senator Martin
7:46:11 PM Appearance Forms
7:46:56 PM Dr. Rich Templin, Florida AFL-CIO, speaks
7:50:06 PM Jackson Oberlink, Florida Rising, speaks
7:52:22 PM Thomas Kennedy speaks
7:53:55 PM Yareliz Mendez-Zamora, America Friends Service Committee, speaks
7:55:26 PM Laura Munoz, FLSP, speaks
7:58:06 PM Karen Woodall, Florida Center for Fiscal & Economic Policy, National Latina Institute for Reproductive Justice, speaks
7:59:13 PM Senator Martin Temporarily Postpones the bill
7:59:28 PM Votes After Motions
7:59:33 PM Senator Rouson
7:59:51 PM Senator Jones
7:59:56 PM Senator Harrell
8:00:03 PM Senator Gaetz
8:00:33 PM Senator Simon
8:00:40 PM Senator Brodeur
8:00:49 PM Senator Bradley
8:00:56 PM Senator Boyd
8:01:06 PM Without objection, motions adopted
8:01:13 PM Senator Boyd moves to adjourn the meeting
8:01:18 PM Without Objection
8:01:21 PM Meeting adjourned