

Tab 1	CS/SB 12 by JU, Gruters ; Similar to CS/H 06511 Relief of L.P., a Minor, by the Department of Children and Families					
Tab 2	CS/SB 132 by BI, Rodriguez (CO-INTRODUCERS) Gruters, Burgess ; Similar to CS/H 00999 Legal Tender					
570732	D	S	RCS	AP, Rodriguez	Delete everything after	04/22 05:15 PM
764388	AA	S	RCS	AP, Rodriguez	Delete L.8:	04/22 05:15 PM
Tab 3	CS/SJR 318 by FT, Truenow ; Identical to CS/H 01215 Ad Valorem Tax Exemption					
Tab 4	CS/CS/SB 818 by RC, TR, McClain ; Compare to CS/H 00703 Utility Relocation					
742582	D	S	RCS	AP, McClain	Delete everything after	04/22 05:29 PM
Tab 5	CS/SB 820 by GO, Yarborough ; Similar to CS/H 00293 Office of Faith and Community					
Tab 6	CS/SB 1050 by CF, Bradley ; Similar to CS/CS/H 01103 Services for Individuals with Developmental Disabilities					
454718	D	S	RCS	AP, Bradley	Delete everything after	04/22 05:25 PM
Tab 7	CS/SB 1060 by AHS, Brodeur (CO-INTRODUCERS) Pizzo, Harrell ; Similar to H 00935 Medicaid Oversight					
Tab 8	CS/CS/SB 1348 by ATD, TR, Trumbull ; Similar to CS/CS/H 00961 Department of Highway Safety and Motor Vehicles					
512774	A	S	LRCS	AP, Trumbull	Delete L.324:	04/22 05:31 PM
Tab 9	CS/CS/SB 1664 by FT, CA, Trumbull ; Compare to CS/CS/H 01221 Local Option Taxes					
Tab 10	SB 7032 by AHS ; Identical to CS/CS/H 01227 Medicaid Enrollment for Permanently Disabled Individuals					
Tab 11	CS/CS/HB 1133 by CRM, NRD, Shoaf ; Fish and Wildlife Conservation Commission					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Hooper, Chair
Senator Rouson, Vice Chair

MEETING DATE: Tuesday, April 22, 2025
TIME: 11:00 a.m.—6:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Hooper, Chair; Senator Rouson, Vice Chair; Senators Berman, Brodeur, Burgess, Collins, DiCeglie, Garcia, Grall, Harrell, Martin, McClain, Pizzo, Polsky, Sharief, Smith, Trumbull, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 12 Judiciary / Gruters (Similar CS/H 6511)	Relief of L.P., a Minor, by the Department of Children and Families; Providing for the relief of L.P., a minor, by the Department of Children and Families; providing an appropriation to a special needs trust, to compensate L.P. for injuries and damages sustained due to the negligence of employees and caseworkers of the department; providing a limitation on compensation and the payment of fees and costs, etc. SM JU 04/01/2025 Fav/CS AHS 04/15/2025 Favorable AP 04/22/2025 Favorable	Favorable Yeas 17 Nays 0
2	CS/SB 132 Banking and Insurance / Rodriguez (Similar CS/H 999)	Legal Tender; Revising the sales and use tax of coin or currency tax exemption; specifying, beginning on a specified date, that gold coin and silver coin are legal tender for a specified purpose; requiring custodians of gold coin or silver coin which hold public deposits to meet certain requirements; prohibiting money services businesses from being required to offer certain products or services; prohibiting a person from engaging in or advertising that they engage in the activity of a custodian of gold or coin or silver coin for compensation without a license, etc. BI 03/31/2025 Fav/CS AP 04/22/2025 Fav/CS	Fav/CS Yeas 18 Nays 0
3	CS/SJR 318 Finance and Tax / Truenow (Similar HJR 1215)	Ad Valorem Tax Exemption; Proposing amendments to the State Constitution to exempt certain tangible personal property from ad valorem taxation, etc. AG 02/18/2025 Favorable FT 04/15/2025 Fav/CS AP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Tuesday, April 22, 2025, 11:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/CS/SB 818 Rules / Transportation / McClain (Compare CS/H 703)	Utility Relocation; Requiring that a specified percentage of a local communications services tax levied by municipalities and counties be distributed to the Department of Commerce to fund the Utility Relocation Reimbursement Grant Program; requiring a service provider to perform communications services facility relocation work under certain circumstances; authorizing a service provider to apply to the Utility Relocation Reimbursement Grant Program for reimbursement of relocation expenses; requiring a department to provide a reasonable offer for joint participation in certain relocation costs under certain conditions, etc. RI 03/25/2025 Favorable TR 04/01/2025 Fav/CS RC 04/16/2025 Fav/CS AP 04/22/2025 Fav/CS	Fav/CS Yeas 17 Nays 0
5	CS/SB 820 Governmental Oversight and Accountability / Yarborough (Similar CS/H 293)	Office of Faith and Community; Establishing the Office of Faith and Community within the Executive Office of the Governor for a specified purpose; providing for the appointment of a liaison for faith and community; providing that the Office of Faith and Community provides administrative support to the Florida Faith-Based and Community-Based Advisory Council, etc. GO 04/01/2025 Fav/CS AEG 04/15/2025 Favorable AP 04/22/2025 Favorable	Favorable Yeas 14 Nays 4
6	CS/SB 1050 Children, Families, and Elder Affairs / Bradley (Similar CS/CS/H 1103)	Services for Individuals with Developmental Disabilities; Requiring the Agency for Persons with Disabilities to post its quarterly reconciliation reports on its website within a specified timeframe; providing a requirement for the online application system to allow an applicant to apply for crisis enrollment; requiring the agency to implement a specified Medicaid waiver program to address the needs of certain clients, etc. CF 04/01/2025 Fav/CS AHS 04/15/2025 Favorable AP 04/22/2025 Fav/CS	Fav/CS Yeas 17 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Tuesday, April 22, 2025, 11:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 1060 Appropriations Committee on Health and Human Services / Brodeur (Similar H 935)	Medicaid Oversight; Establishing the Joint Legislative Committee on Medicaid Oversight for specified purposes; requiring the Auditor General and the Agency for Health Care Administration to enter into a data sharing agreement by a specified date; providing that the committee must be given access to certain records, papers, and documents, etc. HP 03/18/2025 Favorable AHS 04/15/2025 Fav/CS AP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
8	CS/CS/SB 1348 Appropriations Committee on Transportation, Tourism, and Economic Development / Transportation / Trumbull (Similar CS/CS/H 961, Compare S 994, CS/S 1280, CS/CS/S 1290, CS/CS/CS/S 1662)	Department of Highway Safety and Motor Vehicles; Revising penalties for the use of a wireless communications device while operating a motor vehicle; prohibiting a person from selling or offering to sell certain service appointments without the written authorization of the department or a tax collector; authorizing tax collectors to deliver by mail or make available at the tax collector's office certificates of title; revising the year by which the Legislature intends that the transition of certain services to certain tax collectors be completed, etc. TR 04/01/2025 Fav/CS ATD 04/15/2025 Fav/CS AP 04/22/2025 Fav/CS	Fav/CS Yeas 17 Nays 0
9	CS/CS/SB 1664 Finance and Tax / Community Affairs / Trumbull (Similar CS/H 1221)	Local Option Taxes; Requiring that specified taxes be renewed or reenacted by an ordinance in a specified manner; requiring that specified taxes have an expiration date and are subject to approval in a specified manner; requiring that specified taxes be reenacted by an ordinance in a specified manner; requiring that specified taxes be renewed or continued by an ordinance in a specified manner, etc. CA 03/25/2025 Fav/CS FT 04/15/2025 Fav/CS AP 04/22/2025 Favorable	Favorable Yeas 11 Nays 6
10	SB 7032 Appropriations Committee on Health and Human Services (Identical CS/CS/H 1227)	Medicaid Enrollment for Permanently Disabled Individuals; Requiring that certain persons who receive specified Medicaid-covered services and who are permanently disabled be presumed eligible for continued Medicaid coverage during redetermination processes; requiring the Agency for Health Care Administration to continue to make payments for such services; requiring certain persons to notify the agency and the Department of Children and Families of certain changes in disability or economic status; requiring the agency to seek federal authorization to exempt certain persons from annual redetermination of eligibility, etc. AP 04/22/2025 Favorable	Favorable Yeas 17 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

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Tuesday, April 22, 2025, 11:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	CS/CS/HB 1133 Criminal Justice Subcommittee / Natural Resources & Disasters Subcommittee / Shoaf	Fish and Wildlife Conservation Commission; Provides for regional representation on FWCC; revises membership & terms; authorizes commission to define geographic boundaries of regions; specifies conditions under which commission officers & personnel may enter private property. AP 04/22/2025 Favorable	Favorable Yeas 17 Nays 0

Other Related Meeting Documents



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

DATE	COMM	ACTION
03/27/2025	SM	Favorable
04/01/25	JU	Fav/CS
04/14/25	AHS	Favorable
04/21/25	AP	Favorable

March 27, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 12** – Judiciary Committee and Senator Gruters
HB 6511 – Representative Busatta
Relief of L.P. by the Department of Children and Families

SPECIAL MASTER'S FINAL REPORT

THIS IS A CLAIM FOR \$28 MILLION BASED ON A JURY VERDICT AGAINST THE DEPARTMENT OF CHILDREN AND FAMILIES ("DEPARTMENT") FOR INJURIES AND DAMAGES ARISING FROM THE DEPARTMENT'S NEGLIGENCE THAT RESULTED IN L.P.'S MOTHER STABBING HER 14 TIMES ON JUNE 26, 2015.

Background

L.P. is the biological daughter of Ashely Parker.¹ The two lived together in Sarasota in a home owned by Ms. Parker's mother, Valerie Carey (V.D.C), up until June 26, 2015. Records indicate that L.P. does not have a relationship with her biological father.² V.D.C. and Sidney Carey (S.C.), V.D.C.'s husband, adopted L.X.C. with a name change from L.X.P. to L.X.C. on March 30, 2017.³

L.P. is 15 years old and lives with her adoptive parents, her grandparents, where she enjoys living. She is in 9th grade and

¹ Claim Bill Hearing 2:28:30-2:28:57 (Jan. 31, 2025) (hereinafter referred to as "Hearing").

² Plaintiff's Trial Exhibit 110, Shahnasarian, M. *Vocational Rehabilitation Evaluation of L.X.C.*, 12 (Aug. 30, 2021) (hereinafter referred to as "Evaluation").

³ Hearing at 4:52:47-4:52:50; Evaluation at 9.

attends high school.⁴ After school, she practices gymnastics and attends therapy every Monday.⁵ On the weekends, she hangs out with her friends. She wants to attend the University of South Florida (USF) and become a marine biologist.⁶

History of Interactions with Police Department

V.D.C. denied any knowledge of Ms. Parker having a juvenile record. However, she testified that Ms. Parker got into a fight with S.C. and V.D.C. called the police. She does not recall how old Ms. Parker was when the incident occurred. She also testified about a fight that happened at school.⁷

March 9, 2015: Ms. Parker contacted Sarasota Police Department (SPD) alleging that her ex-boyfriend, Mr. Mattson, wanted her dead and was trying to kill her. She reported not knowing why or how he was going to hurt her but suggested that Parker (sic) cuts her brakes on her truck every night. SPD saw no evidence of any signs that Ms. Parker's brakes had been cut and advised her to call 911 if Mattson came over. No action was taken.⁸

March 11, 2009: Ms. Parker was charged with making a false report to the law enforcement authorities which she pled guilty to on March 3, 2010.⁹

March 11, 2009: Ms. Parker was charged with neglect of a child-with great harm, a second-degree felony. On February 16, 2010, Ms. Parker entered into a plea agreement and was given five (5) years of probation.¹⁰

September 14, 2009: Ms. Parker was charged with four (4) counts of making false reports of commission of crime which she pled guilty to on March 3, 2010.¹¹

⁴ Hearing at 1:58:00-2:06:24.

⁵ *Id.* at 5:34:00-5:34:35.

⁶ *Id.* at 1:58:00-2:06:24.

⁷ *Id.* at 4:56:30-4:59:48.

⁸ Department's Composite Exhibit, *Callouts to AP's home (unredacted)*, 5 (June 26, 2015) (hereinafter referred to as "Callouts").

⁹ *State of Florida v. Ashley Yvonne Parker*, case no. 2009MM012141 (Mar. 3, 2010).

¹⁰ Lopez T-IV 1065: 19-20; *State of Florida v. Ashley Yvonne Parker*, 2009CF003576 (Mar. 11, 2009). The Department reports that an investigation was conducted in connection with this case. The child victim was a foster child who was placed with Ms. Parker before L.P. was born. The case closed with "Some Indicators of Inadequate Supervision and Some Indicators of Threatened Harm."

¹¹ *State of Florida v. Ashley Yvonne Parker*, case no. 2009MM013313 (Sept. 14, 2009).

March 26, 2015: Ms. Parker contacted SPD alleging that someone was threatening to kidnap her and L.P. Ms. Parker reported hearing a “suspicious noise” near her home.¹²

April 17, 2015: Ms. Parker sent a suicide note to SPD. Officer Luciano spoke with Ms. Parker and V.D.C. at Ms. Parker’s home and both denied that Ms. Parker was suicidal. Ms. Parker denied writing any such note. Ms. Parker was highly agitated and expressed that she was “scared of police.” V.D.C. declined to give her name or any other information.¹³

May 13, 2015: SPD responded to Ms. Parker’s home at 11:21 p.m. where she reported that she could not come outside due to a man holding a gun to her head which SPD noted that “clearly there was no one around her.” Ms. Parker exited the home and began making statements, for instance, that people were going to kill her and that her cousin had sent her a video of her daughter, L.P., being molested. SPD took Ms. Parker into custody under a Baker Act and transported her to Sarasota Memorial Hospital for evaluation. SPD spoke to L.P. who appeared fine and not in any distress or danger. Based on this limited observation, the SDP determined that, “It did not appear the allegations of L.P. being molested to be true due to the deranged state Parker was in when she alleged such.”¹⁴ There was no corresponding abuse report made on this date.

Note: Ms. Parker was evaluated at Sarasota Memorial Hospital which resulted in clinical impressions/a problem list of psychosis and medical clearance. Ms. Parker’s disposition was reported as stable, and her status was reported as transfer. She was transported to Coastal for psychiatric evaluation. The evaluation determined that there was no psychosis present, and she was discharged by 9:00 a.m. on May 14, 2015, less than ten hours after arrival.¹⁵

¹² Claimant’s Exhibit 13, *15-015709 Incident Report*, 2 (Mar. 26, 2015).

¹³ Callouts at 9.

¹⁴ Claimant’s Exhibit 16, *15-024631 Incident Report*, 3 (May 13, 2015).

¹⁵ Department’s Exhibit 9, *Coastal Behavioral Healthcare* (May 14, 2015). Ms. Parker was Baker Acted once before this Baker Act in May 2015 because of her fight with S.C. She was in a facility for months. Ms. Parker was a teenager living with V.D.C. in Bradenton. V.D.C. testified that Ms. Parker was Baker Acted a total of two times. Hearing at 4:56:55-5:59:48.

May 15, 2015: SPD attempted to contact Ms. Parker at her home in Sarasota, in reference to a suspicious incident but no one was home.¹⁶

May 29, 2015: Ms. Parker walked into SPD to report multiple suspicious incidents over a span of several months. Officers asked her if the threats/harassment calls had been previously reported and Ms. Parker confirmed that she had. SPD asked Ms. Parker to write a statement. The officer noted that there were reports in March, April, and May and she was Baker Acted on May 13, 2015 (reference case number: 15-024631). SPD described her statement as “piece meal and some claims appeared to reveal her to be of special interest.”

Ms. Parker prepared a lengthy five-and-a-half page written statement that, in part, made allegations against the police, neighbors, and relatives. Allegations against the police included suggestions that: (a) they were flooding Ms. Parker’s home with gas and carbon monoxide, (b) they were planning to kidnap her, (c) they would kill her entire family because she is a snitch, and (d) the KKK within the police department ordered her dead.¹⁷

June 25, 2015: Ms. Parker’s cousin, Jesse Ashford, received a video from Ms. Parker that he thought was suspicious and possibly pointing to Ms. Parker being suicidal. He requested a well check on Ms. Parker and L.P. The video received by Mr. Ashford was sent to SPD. The video was Ms. Parker giving a basic will advising what she wanted done with her house and with the care of her daughter if she died.

SPD made repeated attempts to get Ms. Parker to come to the door after which she stated that she had sent the video to numerous family members stating her wishes in case something happened to her. SPD reported that Ms. Parker and L.P. appeared fine.¹⁸

June 26, 2015: regarding the stabbing incident that gave rise to this claim bill and is described below, Ms. Parker was found guilty on September 23, 2016 of attempted murder and aggravated battery of L.P., and resisting an officer with violence. She is sentenced to 40 years in prison followed by

¹⁶ Claimant’s Exhibit 17, 15-024905 Incident Report, 2 (May 15, 2015).

¹⁷ Claimant’s Exhibit 18, 15-027448 Incident Report, 2 (May 29, 2015).

¹⁸ Claimant’s Exhibit 19, 15-032701 Incident Report, 2 (June 25, 2015).

probation for life with respect to the attempted murder and resisting an officer with violence. She is sentenced to 125.7 months in prison for cruelty toward child-aggravated battery to run concurrent with the 40-year sentence. The court ordered Ms. Parker to have no contact with L.P.¹⁹

Ms. Parker calls and speaks with S.C. or V.D.C. to ask for money. When she asks about L.P., V.D.C. tells her that L.P. is fine. V.D.C. sends Ms. Parker \$30 per month.²⁰

History of Abuse Reports with the Department

2009-098932 (June 14, 2009): On June 14, 2009, Ms. Parker filed a police report alleging the paternal aunt intentionally pushed a stroller twice causing the stroller to topple over while L.P. was inside. Hospital records show that Ms. Parker went to the hospital on June 11, 2009, but left a couple of hours after arriving. The hospital reported that Ms. Parker brought L.P. to the hospital on June 9, 2009, with allegations that L.P. rolled off of a chest and hit her head on the concrete floor, causing no known injuries.²¹

2010-016983 (January 29, 2010): The allegations were that about a year ago, Ms. Parker had another child removed from her care and the child was not returned. She now has L.P. in her care and seems to be displaying behaviors that suggest she may be mentally unstable, and it may not be a safe environment for L.P. Ms. Parker reportedly displays erratic behavior. There is an injunction against L.P.'s father for unknown reasons and he is not allowed to have contact with her.

The case closed with "No Indicators of Threatened Harm," it was assessed as "Low to Moderate Risk." It was noted that Ms. Parker and L.P. lived with the maternal grandmother, V.D.C., and there were no safety concerns for the child in the care of Ms. Parker and V.D.C.²²

2010-210977 (October 13, 2010): The allegations were against the daycare for leaving L.P. and 13 other children unsupervised allowing another child to bite L.P., causing a

¹⁹ *State of Florida v. Ashley Yvonne Parker*, case no. 2015CF10327 (June 29, 2015).

²⁰ Hearing at 5:23:41-5:24:33.

²¹ Department's Composite Exhibit 7, *Intake Report with Reporter Narrative*, (June 14, 2009).

²² Department's Composite Exhibit 6, *Intake Report with Reporter Narrative*, 3, 7-8 (Jan. 29, 2010).

deep bite to her cheek. The case was closed with “No Indicators.”²³

2013-177775 (June 27, 2013): The allegations were that Ms. Parker refused to allow L.P. to attend a field trip with the daycare and was advised not to bring the child to school but brought her anyway. The mother pushes and screams at L.P. sometimes. The case was closed with “No Indicators of Inadequate Supervision.” It was noted that Ms. Parker was uncooperative with the Department.²⁴

2015-135492 (May 18, 2015): The allegations in this report are that a child at L.P.’s school had touched her inappropriately. L.P. had been crying and not wanting to go to school. She was examined and “nothing abnormal” had been identified. CPI Munoz was assigned to the case and it was closed with no services with the notation that Ms. Parker has a history with the Department of making false allegations and not cooperating with investigations. It should be noted that besides this report, there was no mention of any other “false allegations” made by Ms. Parker to the Department.²⁵

Unreported Abuse

Therapy records indicate that, before the stabbing incident described below, L.P. reported to her therapist that Ms. Parker killed her seven bunnies, tried to drown her in a toilet and bathtub, and tried to poison her with pills. L.P. reported being put in the bathtub and Ms. Parker attempting to drown her two or three times.²⁶ On November 30, 2018, L.P. Reported to Dr. Forrest that she is afraid of swimming because her mother tried to drown her in the toilet.²⁷

The Department Investigation at Issue

On June 25, 2015, at 4:31 p.m., the Department received report number 2015-172495-01 (the “June 2015 report”). A decision was made regarding the intake report on June 25,

²³ Department’s Composite Exhibit 5, *Intake Report with Reporter Narrative*, 2, 9 (Oct. 13, 2010).

²⁴ Department’s Composite Exhibit 4, *Intake Report with Reporter Narrative*, 2, 8 (June 27, 2013).

²⁵ Department’s Exhibit 2, *Confidential Assessment Summary Child-on-Child Assessment (without Reporter Information)*, 1-2 (May 18, 2015).

²⁶ Evaluation at pp. 42-43; Hearing at 2:55:00-2:55:25.

²⁷ Plaintiff’s Trial Exhibit 1-6, *Psychotherapy Notes, Office of Dr. Sharon D. Forrest Ed. D, LMFT #2750*, 3 (Feb. 15, 2019); Hearing at 2:55:00-2:55:25.

2015, at 4:48 pm. The reporter was a deputy from SPD. The Hotline assigned the case as an immediate response time.²⁸

Allegation Narrative:

On June 25, 2015, law enforcement responded to the home due to a suicide threat. The mother sent a video of her last will and testament stating:

“...Ashley Yvonne Parker being of sound mind do hereby leave the trust of this house [] to my daughter [L.P.] and the executor of the estate to my mother [V.D.C.] to raise [L.P.] with [S.C.]. In case they can't do it, Kenneth Adams. I leave the house to [L.P.] if and when she does turn 30 years old. I also leave custody to Kenneth if anything was to happen to [V.D.C.] or [S.C.]. Next would be Jessie Ashford Junior, my uncle. And if they can't take care of [L.P.] next would be [Mr. Adams] of West Palm Beach, Florida.”²⁹

The June 2015 report explained efforts law enforcement had to make to have contact with Ms. Parker, raised concerns about her truthfulness, and raised issues about her mental health and past Baker Act. Law enforcement left L.P. in the care of Ms. Parker and reported they felt that it was a safe environment.

Pre-Commencement Supervisor Consultation

Child Protective Investigator (CPI) Supervisor Tucker and CPI Cheree Lopez completed the required pre-commencement consultation at 7:00 p.m. on June 25, 2015. Notes from the meeting highlight some of the following relevant points:³⁰

- Ms. Parker has a history of mental health, and additional information is required on this issue.
- Prior Department reports were reviewed and prior charges for false reports and neglect were known.
- Concerns raised regarding Ms. Parker's willingness to cooperate with child protective services and other agencies.

²⁸ The Department's Exhibit, *Intake Report with Reporter Narrative*, 1-3 (June 25, 2015) (hereinafter referred to as "June report").

²⁹ Claimant's Trial Exhibit 74, *Suicide Video 6-25-2015* (June 25, 2025).

³⁰ Claimant's Trial Exhibit 53, *Pre-Commencement 6-25-2015* (June 25, 2015).

Home Visit on June 25, 2015

CPI Supervisor Tucker and CPI Lopez arrived for a home visit at 7:44 p.m. on June 25, 2015, at Ms. Parker's residence.³¹ They were wearing badges and had on shirts that identified them as working for the Department.³² They approached the residence, knocked on the door, and were greeted by Ms. Parker who stayed behind the door. The door was cracked but it was dark so she could not see inside. Ms. Parker misidentified herself as L.P.'s godmother named Valencia Dubois, so CPI Lopez was asking her questions about Ms. Parker and L.P. all of which were answered positively.³³ CPI Lopez asked Ms. Parker to go inside the house but Ms. Parker refused because she reported she was not dressed.³⁴ Ms. Parker was laughing and joking around so her tone was not concerning to CPI Lopez.³⁵

V.D.C. walked up to the residence after CPI Supervisor Tucker and CPI Lopez arrived when they had been speaking with Ms. Parker.³⁶ CPI Supervisor Tucker and CPI Lopez were a few feet from the front door.³⁷ V.D.C. was agitated and reported being in a car accident that day.³⁸ CPI Supervisor Tucker informed Ms. Parker and V.D.C. who they were and that they were there for an investigation.³⁹ V.D.C. claimed the report was false.⁴⁰ V.D.C. was present when CPI Lopez was speaking with Ms. Parker,⁴¹ but given her hearing deficits it is reasonable to infer that she did not hear the conversation.

V.D.C. indicated that she had power of attorney because Ms. Parker travels back and forth to Orlando, and she showed CPI Supervisor Tucker and CPI Lopez a copy of the power of attorney. CPI Tucker did not read the power of attorney in totality.⁴²

³¹ June Report at 3-4.

³² Hearing at 6:49:40-6:49

³³ *Id.* at 6:44:30-6:45:25; Tucker T-VII 1929: 2-5.

³⁴ *Id.* at 6:45:45-6:46:11.

³⁵ *Id.* at 7:32:15-7:33:00.

³⁶ Hearing at 6:46:11-6:46:32; Tucker T-VII 1983:20-25; 1984: 1-5.

³⁷ *Id.* at 5:05:07-5:05:21.

³⁸ *Id.* at 6:45:15-6:45:31.

³⁹ *Id.* at 6:49:50-6:50:08.

⁴⁰ Hearing at 7:35:25-7:35:58; 2015-172495 Chronological Notes Report, 4 (June 26, 2015) (hereinafter referred to as "Chronological Notes").

⁴¹ Hearing at 6:46:32-6:46:59. 5:05:39-5:05:53.

⁴² Tucker T-VII 1923: 22-25; 1925: 21-25; 1926: 1-7; Lopez T-IV 1035: 14-21; V.D.C. T-VI 1691: 11-13.

Conflicting testimony and evidence regarding where Ms. Parker reportedly was located when CPI Supervisor Tucker and CPI Lopez were at Ms. Parker's residence was offered in discovery and hearing testimony. CPI Supervisor Tucker and CPI Lopez suggested that V.D.C. informed them that Ms. Parker was in Orlando and V.D.C.'s testimony that she informed them Ms. Parker was in the house.⁴³ However, Chronological Notes entered the day after the home visit on June 26, 2015, at 3:17 p.m., which the undersigned finds more credible, suggests that "CPI [Lopez] was unable to get contact and whereabouts information regarding the mother from either the maternal grandmother [V.D.C.] or the Godmother [Ms. Parker]."⁴⁴

CPI Supervisor Tucker and CPI Lopez asked to speak with L.P.⁴⁵ V.D.C. went inside to get L.P. and they went back outside together.⁴⁶ L.P. presented very well cared for and clean with her hair done and wearing matching clothes.⁴⁷ The CPI Supervisor asked about several topics: school, activities, her appearance, and living at home⁴⁸ for approximately 30 minutes.⁴⁹ L.P. did not express any concerns about Ms. Parker and did not appear scared.⁵⁰

When CPI Supervisor Tucker and CPI Lopez were leaving, V.D.C. and L.P. went to the door to go inside but it was locked. V.D.C. knocked on the door three times and she said, "Ashley open the door, Ashley open the door, open the door Ashley."⁵¹ They were in the yard but starting to go down the road⁵² so they would not have heard her call Ms. Parker's name.

After CPI Supervisor Tucker and CPI Lopez left and V.D.C. went inside, she asked Ms. Parker what if anything she told them. Ms. Parker told V.D.C. that she used a different name and V.D.C. yelled at her for not using her correct name.⁵³ V.D.C. and S.C. testified that Ms. Parker was reportedly acting

⁴³ Hearing at 5:06:07-5:06:34; 6:47:00-6:47:20; 6:49:05-6:49:24; Tucker T-VII 1920: 19-25.

⁴⁴ Chronological Notes at 4.

⁴⁵ Hearing at 5:03:00-5:03:16.

⁴⁶ *Id.* at 5:05:21-5:05:39.

⁴⁷ *Id.* 6:48:22-6:49:00.

⁴⁸ *Id.* at 5:05:39-5:05:53; 7:34:30-7:35:25.

⁴⁹ Hearing at 5:07:55-5:08:00.

⁵⁰ *Id.* at 5:07:20-5:07:36.

⁵¹ *Id.* at 5:11:35-5:12:03.

⁵² *Id.* at 5:12:07-5:12:24.

⁵³ Hearing at 5:17:00-5:18:00.

normal on this night,⁵⁴ and Ms. Parker gave them no indication that she was going to stab L.P. the next day.⁵⁵

Stabbing Incident on June 26, 2015

On the morning of June 26, 2015, V.D.C., S.C., Ms. Parker, and L.P. ran errands.⁵⁶ Then, V.D.C. and S.C. dropped off Ms. Parker and L.P. at the house.⁵⁷ S.C. had no concerns for L.P.'s safety when leaving her with Ms. Parker.⁵⁸ Ms. Parker wouldn't let L.P. go to the store with V.D.C. and S.C.⁵⁹ S.C. did not see a knife and denies that L.P. asked him not to leave the house.⁶⁰

L.P. reported to her therapist that, while V.D.C. and S.C. were gone, she was placed fully clothed in a filled bathtub, inverted, and that she could not breathe and reported feeling "my heart stop."⁶¹ She also reported having an unknown substance in her mouth.⁶² According to police reports who later responded to the scene, there was a strong odor of chemicals and the bathtub was half full of water.⁶³

After Ms. Parker attempted to drown L.P., Ms. Parker was pacing back and forth and speaking out loud. She laid L.P. on the bed, started scratching L.P.'s back with her nails and then began to stab her. L.P. described to Dr. Forrest the pain she felt when she was being stabbed and how she tried to stop Ms. Parker from stabbing her in the shoulder which resulted in her stabbing the bed. Then Ms. Parker turned L.P. over and cut open her stomach which resulted in her intestines coming out (the "stabbing incident"). L.P. reports "slithering" down the hallway to get away from Ms. Parker.⁶⁴

V.D.C. and S.C. were gone for about an hour.⁶⁵ When V.D.C. and S.C. arrived back at the house, they could not get inside

⁵⁴ *Id.* at 5:18:10-5:18:25.

⁵⁵ *Id.* at 2:22:00-2:22:20; 2:23:45-2:24:00; 2:26:55-2:27:15.

⁵⁶ *Id.* at 2:24:00-2:24:50; 2:22:35-2:22:45.

⁵⁷ Hearing at 2:24:50-2:25:13.

⁵⁸ *Id.* at 2:27:42-2:28:02.

⁵⁹ *Id.* at 2:49:17-2:49:28.

⁶⁰ *Id.* at 2:49:30-2:50:22.

⁶¹ Evaluation at 30.

⁶² *Id.*

⁶³ *Id.* at 14.

⁶⁴ *Id.* at 42.

⁶⁵ Hearing at 2:54:00-2:54:21.

because V.D.C.'s key would not open the door.⁶⁶ This was unusual because the key usually worked, and she had been able to use it recently.⁶⁷ V.D.C. knocked on the front and back doors yelling for Ms. Parker to open the door.⁶⁸ When Ms. Parker opened the door, she had a long butcher knife in her hand and told them that somebody broke in the house.⁶⁹ S.C. looked at the lock and saw that there was no damage. He said "If somebody broke in the house, where is the baby?"⁷⁰

S.C. went looking for L.P. and found her cuddled up under a blanket.⁷¹ S.C. said, "Baby, let's go" and L.P. said "Pop, pop."⁷² S.C. looked down, said, "Oh my God." He called 911.⁷³ He asked L.P. who hurt her, and she replied, "Mommy."⁷⁴

Sarasota County Fire Department arrived on scene, administered emergency care, and transported L.P. to Sarasota Memorial Hospital.⁷⁵ Dr. Ali Al-Rawi is a trauma and critical care surgeon and Dr. Russell Jaicks is a trauma surgeon at Sarasota Memorial Hospital.⁷⁶ Both surgeons treated L.P. on June 25, 2015.⁷⁷ L.P. was intubated, and a CT scan was performed.⁷⁸ L.P. was put under general anesthetic.⁷⁹ She had a total of 14 stab wounds,⁸⁰ including a laceration to the bowl and colon and contamination of the abdomen.⁸¹ Dr. Al-Rawi and Dr. Jaicks performed procedures, such as stapling the lacerations, to stop the bleeding and leakage.⁸² L.P. was transported to Johns Hopkins All Children's Hospital (JHACH) once she was stable on June 26, 2015, where she received care until July 6, 2015, when she was discharged.⁸³

⁶⁶ *Id.* at 2:25:20-2:25:48.

⁶⁷ *Id.* at 2:54:00-2:54:21.

⁶⁸ *Id.* at 2:25:50-2:26:06.

⁶⁹ Hearing at 2:26:07-2:26:28.

⁷⁰ *Id.* at 2:26:28-2:26:41.

⁷¹ *Id.* at 2:56:00-2:56:32.

⁷² *Id.* at 2:56:32-2:56:50.

⁷³ Hearing at 2:56:50-2:56:56.

⁷⁴ S.C. T-V 1404: 4-7.

⁷⁵ Claimant's Exhibit 1-8, *Sarasota County Fire Department-19993*, 4-5 (June 25, 2015).

⁷⁶ Al-Rawi T-III 693:2-3; Jaicks T-III 626: 11-12.

⁷⁷ Al-Rawi T-III 697: 13-18.

⁷⁸ *Id.* at 701: 15-16; 702: 3.

⁷⁹ *Id.* at 703:2-4.

⁸⁰ *Id.* at 703: 21.

⁸¹ Al-Rawi T-III 705: 2-5.

⁸² *Id.* at 704: 6-22; 706: 3-25; 707: 1-15.

⁸³ *Id.* at 697: 8-12; Claimant's Exhibit 1-7, *Johns Hopkins All Children's Hospital*, 1 (June 26, 2015).

Damages

V.D.C. testified that L.P.'s mind reverted to an infant after the stabbing incident, and she still does things that a three- or four-year-old does,⁸⁴ such as playing with toys in the bathtub.⁸⁵ L.P. sees a psychiatrist every three months.⁸⁶ L.P. has anxiety and she takes Adderall.⁸⁷ Dr. Forrest, L.P.'s treating licensed marriage and family counselor, reported L.P. has post-traumatic stress disorder from the stabbing incident.⁸⁸ In the past, S.C. has witnessed L.P. awake in the middle of the night appearing to "make believe talking to someone,"⁸⁹ and expressed concern because Ms. Parker, who is diagnosed with multiple personality disorder, started acting the same way on ADHD medication around the same age.⁹⁰ On April 12, 2019, V.D.C. and S.C. informed Dr. Forrest that L.P. has angry conversations out loud with Ms. Parker while Ms. Parker is not actually present.⁹¹

L.P. was practicing gymnastics for eight years, but she stopped this year because she reports that sometimes her stomach hurts.⁹² L.P. cries often, has nightmares⁹³ and does not like her hair washed because Ms. Parker tried to drown her.⁹⁴ She is very frightened of the bathtub and afraid of drowning.⁹⁵ L.P. struggles to take responsibility for things, such as chores, but V.D.C. acknowledged that this may be L.P. being a normal teenager.⁹⁶ On January 14, 2021, Dr. Sheshani quoted, "She does something, and then blames it on 'Little []'."⁹⁷

⁸⁴ Hearing at 4:46:05-4:46:20.

⁸⁵ *Id.* at 5:27:00-5:27:50.

⁸⁶ *Id.* at 2:19:15-2:19:29.

⁸⁷ *Id.* at 2:42:30-2:43:00.

⁸⁸ Evaluation at 14.

⁸⁹ *Id.* at 44.

⁹⁰ *Id.* at 50.

⁹¹ *Id.* at 40.

⁹² Hearing at 4:49:30-4:49:39; 2:13:30-2:14:10.

⁹³ *Id.* at 2:14:10-2:15:15.

⁹⁴ *Id.* at 2:15:30-2:15:48.

⁹⁵ Evaluation at 44.

⁹⁶ Hearing at 5:34:00-5:35:00.

⁹⁷ Evaluation at 54.

Evaluation

Dr. Michael Shahnasarian⁹⁸ prepared a Vocational Rehabilitation Evaluation of L.P. dated August 30, 2021 (the “evaluation”). The Careys reported L.P. experiences the following problems that Ms. Carey reported she did not experience before her attempted murder in June 2015:⁹⁹

- Scarring on abdomen, lower extremities, and back secondary to stabbing injuries
- Complaints of abdominal pain
- Complaints of nightmares
- Apprehensive/fear reaction to being touched and to receiving medical care
- Attentional difficulties and hypervigilance
- Emotional lability
- Trouble with organization and initiation
- Impaired social relations
- Impaired scholastic performance
- Impaired self-care and independence skills
- Impaired memory

Dr. Shahnasarian conducted several tests with respect to the evaluation of L.P. which are summarized below:¹⁰⁰

- Test of cognitive ability of her intellectual skills and abilities - scored in the 39th percentile for her age group.
- Test of basic skills:
 - Reading – Grade 4.4
 - Spelling – Grade 3.9
 - Arithmetic – Grade 5.1
- Test measuring levels of her self-esteem resulted in her general and global being low, and her social self-esteem being very low.
- Children’s Depression Inventory – total score was 16 (Slightly above average range)

L.P. was in the sixth grade, after having repeated the third grade, at the time of the test.

⁹⁸ *Id.* at 2-4 (Aug. 30, 2021) (Dr. Michael Shahnasarian, who founded and works for Career Consultants of America, Inc., is a licensed psychologist who has three degrees in psychology, including a Ph.D. in counseling psychology from Florida State University. He specializes in rehabilitation psychology and subspeciality in life care planning and vocational rehabilitation. Dr. Shahnasarian has a lengthy resume of credentials that support his expertise in these areas).

⁹⁹ *Id.* at 2.

¹⁰⁰ *Id.* at 57-58.

Dr. Shahnasarian's opinions are based on a reasonable degree of vocational assessment and rehabilitation certainty.¹⁰¹ When he interviewed L.P., she was in a special school for children with special needs. She had an individualized education plan which extended several accommodations for her, such as three days to take a test.¹⁰² She was having a lot of issues at that time including mental health issues, such as having anxiety and disability adjustment issues in many areas. She was delayed socially which was evident in his testing.¹⁰³ L.P. had difficulty making friends at school and she does not form social bonds.¹⁰⁴

When questioned about how the life plan may be impacted given L.P.'s testimony that she hangs out with friends on the weekend signifying some ability to form bonds, Dr. Shahnasarian explained that he would expect there to be some changes/minor variances (e.g. change in medication or child forming friendships) but the life care plan in total provides a very good blueprint of what Dr. Shahnasarian expects to see with respect to L.P.'s needs.¹⁰⁵ Despite this opinion, the life care plan provides for several updated life care plans at various intervals of L.P.'s life.¹⁰⁶

In summary, Dr. Shahnasarian's opinion regarding L.P.'s vocational capacity are that, without intensive intervention, she would not be able to pursue even unskilled employment that offers the minimum wage rate. She has a number of vocational handicaps that would likely further erode her earning capacity by 70 percent to 80 percent that she would have under a best case scenario, such as diminished access to work opportunities, need for accommodations, likelihood of absences from the workplace during periods of symptom exacerbation, employer bias, and vulnerabilities to reductions in force.¹⁰⁷ Dr. Shahnasarian noted that L.P. is receiving extraordinary accommodations in school that might not be extended to her in the workplace.¹⁰⁸ Dr. Shahnasarian opined that the social, emotional, and psychological problems she

¹⁰¹ Hearing at 3:22:26-3:22:50.

¹⁰² *Id.* at 2:34:30-2:35:00; 4:46:48-4:47:30.

¹⁰³ *Id.* at 3:11:42-3:14:51.

¹⁰⁴ *Id.* at 3:52:00-3:54:10.

¹⁰⁵ Hearing 3:52:00-3:54:10.

¹⁰⁶ Plaintiff's Trial Exhibit 78, Shahnasarian, M. *1st Update Life Care Plan Prepared for L.X.C.*, 6 (Feb. 14, 2022) (hereinafter referred to as "Life Care Plan")

¹⁰⁷ Hearing at 3:11:42-3:14:51.

¹⁰⁸ *Id.* at 3:19:30-3:19:51.

was experiencing at the time are likely to persist as they had been to date.¹⁰⁹

Life Plan

Dr. Shahnasarian prepared a life care plan for L.P. dated February 14, 2022 (the “life care plan”).¹¹⁰ A life care plan identifies current and future rehabilitation interventions that are probable given the trauma that L.P. has acquired.¹¹¹ The life care plan consists of several costs that L.P. is expected to or may incur throughout her life as a result of the stabbing incident,¹¹² including: residential care options, evaluations, therapeutic needs, aids for independent living, drug and supply needs, home/facility care, educational needs, procedures, and potential complications.¹¹³ Dr. Shahnasarian’s opinions set forth in the life care plan are held within a reasonable degree of life care plan certainty.¹¹⁴

Life care plans are created based on fair market value. There are no discounts or negotiated collateral offsets to the life care costs, such as health insurance.¹¹⁵ They do not take into account any potential outside sources for programs that may be available to L.P., such as state paid tuition.¹¹⁶

The life care plan sets out three residency options:¹¹⁷

1. Option A: Live in attendant from age 18 – 21 to life, 7 days per week, 365 days per year.
2. Option B: Attendant care/companion services from age 18-21 to life, the frequency is to be determined.
3. Option C: Independent living with case management from age 18-21 to life.

¹⁰⁹ *Id.* at 3:20:00-3:20:46.

¹¹⁰ *Id.* at 3:45:45-3:47:17 (Dr. Shahnasarian noting that the last time he saw L.P. face-to-face was in August 2021. He has not received any updated recommendations and reports on L.P.’s progress since that time except for consultations with contributors to the life care plan noted on page 3 of the report in September 2021. Dr. Shahnasarian would not be surprised if there are any changes either for the better or the worse but, materially in terms of her overall level of damages and vocational ability, he would be very surprised if there are any changes).

¹¹¹ Hearing at 3:22:00-3:22:26; 3:22:50- 3:23:11.

¹¹² *Id.* at 3:43:08-3:43:29.

¹¹³ Life Care Plan at 5-14. The life care plan notes that, “Year 1 in the duration section of this life care plan begins on the date this life care plan is published.” *Id.* at 3.

¹¹⁴ Hearing at 3:43:29-3:43:39.

¹¹⁵ *Id.* at 3:47:48-3:48:03.

¹¹⁶ *Id.* at 3:48:03-3:48:13.

¹¹⁷ Life Care Plan at 5.

Dr. Shahnasarian's report notes that "Per Dr. Forrest, it is unlikely L.X.C. will be capable of independent living." Dr. Shahnasarian testified that L.P. is most likely to require option A with a live in attendant.¹¹⁸ He reached this opinion based upon standards required of certified life care plan specialists.¹¹⁹ When questioned about the kind of activities Dr. Shahnasarian thinks L.P. is unable to do to take care of herself, he relied on her activities of daily living in his report, such as concerns she needs prompting to tie her shoes or comb her hair requiring supervision,¹²⁰ and an gave example about L.P. experiencing a lot of anxiety so things like her going out in public and being able to shop for her anticipated grocery needs on her own.¹²¹ Dr. Shahnasarian testified that option C is the least likely scenario.¹²² He does not consider option C is likely at all but he included it for consideration.¹²³

Three types of evaluations are recommended as follows:¹²⁴

- A cosmetic surgeon evaluation to determine whether the remaining scars on her legs and abdomen can be revised and what would be the nature of the procedure.¹²⁵
- A neuropsychological evaluation to address her cognitive status.¹²⁶
- Updated life care plans with a cost of \$7,000 for each update. Updated life care plans are recommended including one between the ages of 17 and 22 as she nears or enters adulthood, and three between the age of 30 and the remainder of her life at 10 year intervals.¹²⁷

Several therapeutic needs are anticipated, including:¹²⁸

- Psychiatrist follow up for one session per month for the first year, followed by one session every three months for the remainder of her life.¹²⁹
- Psychological counseling required to supplement psychiatric treatment on a graduated schedule.

¹¹⁸ Hearing 3:26:15-3:28:05.

¹¹⁹ *Id.*

¹²⁰ Evaluation at 11-12.

¹²¹ Hearing at 4:02:30-

¹²² *Id.* at 3:28:05-3:28:35.

¹²³ *Id.* at 3:54:10-3:56:00.

¹²⁴ Life Care Plan at 6.

¹²⁵ Hearing at 3:30:00-3:30:32.

¹²⁶ *Id.* at 3:30:32-3:30:50.

¹²⁷ Life Care Plan at 6.

¹²⁸ *Id.* at 3.

¹²⁹ Hearing at 3:33:00-3:33:54.

- Group counseling: to be determined.¹³⁰
- Family counseling from year one to age 21 for six to 12 sessions per year.¹³¹ L.P. is not currently engaged in any family counseling.¹³²
- Hairdresser from years one to five once every two weeks at a cost of \$55-\$130 each visit.¹³³ Dr. Shahnasarian testified that the cost for a hairdresser included in the life plan is not a luxury item. Ms. Carey described the extreme difficulty Ms. Carey has had getting L.P. to wash her own hair or even worse when Ms. Carey attempts to wash L.P.'s hair. L.P. was responding to a hairdresser washing and fixing her hair.

Aids for independent living included in the life care plan are:¹³⁴

- Emotional support animal, which is of no charge.¹³⁵
- Miscellaneous adaptive aids/patient education from year one for life at a cost of \$1,200 per year for items such as security system/devices and topical creams for scars.

With respect to drug and supply needs, Dr. Sheshani recommended Folcalin XR (Dexmethylphenidate ER) 10 mg, which has been replaced with an Adderall prescription.¹³⁶ The life care plan anticipates L.P. taking one tablet per day at a cost of \$408.59-\$567.99 per 30 tablets.¹³⁷ L.P. currently has medical insurance through the Department.¹³⁸ The life care plan includes SSRI medications to address anxiety that is to be determined.¹³⁹

Three home/facility care services are recommended in the life care plan, including:¹⁴⁰

- Housekeeper with a cost of \$125-\$150 per visit but the duration and frequency is to be determined.
- Option A and B: Case manager beginning year one for life for two to three hours per month at a cost of \$110 per hour.

¹³⁰ *Id.*

¹³¹ Life Care Plan at 7.

¹³² Hearing at 3:48:13-3:49:21.

¹³³ Life Care Plan at 7.

¹³⁴ Life Care Plan at 9.

¹³⁵ Hearing at 3:36:50-3:37:21.

¹³⁶ Evaluation at 10.

¹³⁷ Life Care Plan at 10.

¹³⁸ Hearing at 3:48:17-3:48:40.

¹³⁹ Life Care Plan at 10.

¹⁴⁰ *Id.* at 11.

- Guardian beginning age 18-21 for life for one to two hours per month at a cost of \$95 per hour.

Several recommendations were made with respect to L.P.'s educational needs, including:¹⁴¹

- Private school placement from year one to grade eight at \$15,750 per year and grade nine to grade 12 at \$14,000 per year. The life care plan does not take into consideration sources for children who have been in out of home placement such as scholarships that might be available for use at private schools.¹⁴²
- Tutorial assistance at a cost of \$60 per hour from year one to year eight at five-eight hours per week and year nine to 12 at 10-12 hours per week. V.D.C. testified that L.P. received tutoring when she was younger, but she is not receiving it now.¹⁴³
- Vocational guide services one time between age 17 to 22 at a cost of \$5,000 to \$7,000.
- Life skills coach for four to six hours per week at a cost of \$60 per hour from year one to age 21. Dr. Shahnasarian testified that a life skills coach would facilitate her ability to perform self-care activities and develop more adaptive activities of daily living skills but not to the point where she would be able to completely live independently.¹⁴⁴ L.P. has not begun receiving these services.¹⁴⁵

Dr. Shahnasarian opined it is not within a reasonable degree of vocational rehabilitation certainty that L.P. could attend a mainstream college like the University of South Florida (USF) without any accommodations. He thinks L.P. is lacking insight into her deficits if her testimony is that she wants to attend USF.¹⁴⁶

Dr. Patti, a plastic surgeon, recommends procedures that include laser regimens, scar revisions between age 18 to 21 as needed at a minimum cost of \$25,000.¹⁴⁷

¹⁴¹ *Id.* at 12.

¹⁴² Hearing at 3:47:17-3:48:16.

¹⁴³ *Id.* at 4:45:40-4:46:05.

¹⁴⁴ *Id.* at 4:02:50-4:04:50.

¹⁴⁵ Hearing at 4:08:10-4:09:01.

¹⁴⁶ *Id.* at 3:58:05-3:59:28.

¹⁴⁷ Life Care Plan at 12.

Dr. Shahnasarian and Dr. Forrest opine that L.P. is at a greater risk of multiple inpatient psychiatric hospitalizations given, for instance, her trauma, impaired growth, and issues establishing bonds.¹⁴⁸

Economic Damages

Brenda Mulder and Kristi Kirby prepared an Analysis of Economic Damages re: L.X.C. (Minor) dated February 15, 2022 (the “economic damages report”).¹⁴⁹ Their conclusions are summarized below:

- Total economic damages June 26, 2015, to February 28, 2022: \$30,248.33

Time Period of Future Economic Damages	
Ms. L.X.C.’s Work Life to Age 67:	49 years (from 6/1/27: Age 18)
Ms. L.X.C.’s Work Life to Age 67	45 years (from 5/21/34: Age 25)
Ms. L.X.C. Life Expectancy	66.9 years (2018 Data – B. Female)

- Present value of lifetime earning capacity: high school graduate: \$30,325 annual basis; present value to age 67: \$1,170,184 to \$1,905,466.
- Present value of lifetime earning capacity: associate degree: \$36,950 annual basis; present value to age 67: \$1,262,142 to \$1,916,929.
- Potential offset for residual earning capacity: minimum wage: present value to age 67: (\$300,987) to (\$490,112).
- Present value of future medical expenses: \$7,932,170 to \$14,002,766. A significant portion of the future medical expenses is the live-in attendant for life beginning at age 18 to 21 which totals \$6,579,413 to \$11,976,608 with an average annual cost of \$146,000.

¹⁴⁸ Hearing at 4:18:11-4:22:59.

¹⁴⁹ Plaintiff’s Trial Exhibit 79, Mulder & Kirby Economists, Inc., *Analysis of Economic Damages Re: L.X.C. (Minor)* (February 15, 2022) (hereinafter referred to as “Economic Damages Report”).

Civil Jury Verdict

On March 11, 2022, the jury rendered the following verdict on damages:¹⁵⁰

What is the total amount of Plaintiff, L.X.C.'s damages incurred in the past as a result of the June 26, 2015, incident for medical expenses? \$30,248.33

What is the total amount of Plaintiff, L.X.C.'s future medical expenses to be incurred over future years as a result of the June 26, 2015, incident reduced to present value? \$14,002,766

What is the total amount of Plaintiff, L.X.C.'s future loss of earnings capacity to be incurred over future years as a result of the June 26, 2015, incident reduced to present value? \$1,500,000

Please state the amount of damages incurred by Plaintiff, L.X.C. as a result of the June 26, 2015 incident for pain, suffering, disability, disfigurement, mental anguish, inconvenience and/or loss of capacity for the enjoyment of life:
In the past? \$4,155,661.60
In the future? \$8,311,323.87

What are the total damages of Plaintiff, L.X.C.? \$28,000,000

LITIGATION HISTORY:

On May 15, 2017, V.D.C. and S.C. filed a complaint against the Department in the Circuit Court of the Twelfth Judicial Circuit on behalf of the minor L.X.C. (referred to in the claim bill as L.P.). The complaint alleged negligence on the part of the Department through its CPIs when they conducted a Pre-Commencement Meeting at the Department's Sarasota Offices and subsequent home visit/investigation into L.P.'s mother on June 25, 2015, and failed to implement a safety plan thereby causing L.P.'s mother to stab her 14 times the following morning. A jury verdict was rendered on March 11,

¹⁵⁰ V.D.C. and S.C., on behalf of L.X.C., a minor v. Department of Children and Families, 2017 CA 2405 NC (Mar. 11, 2022).

2022, which was 100% in favor of the claimant in the amount of \$28,000,000.00.

A final judgment was entered in favor of Claimants on April 7, 2022. The Department then appealed to the Second District Court of Appeal. The decision for the claimant was affirmed by the appellate court *per curiam* on September 15, 2023. Thus, all administrative and/or other remedies have been exhausted. The Department has since paid the statutory cap of \$200,000 all of which has gone to Claimant's counsel.

CONCLUSIONS OF LAW:

The claim bill hearing was a *de novo* proceeding for the purpose of determining, based on the evidence presented to the special master, whether the Department is liable in negligence for the injuries suffered by L.P.

The claimant must prove four elements for a negligence claim under Florida law, namely: (1) duty of care, (2) breach of care, (3) proximate causation, and (4) damages.¹⁵¹

Duty of Care

Whether a duty of care exists is a matter of law.¹⁵² Where the “express intention of the legislature is to protect a class of individuals from a particularized harm, the governmental entity entrusted with the protection owes a duty to individuals within the class.”¹⁵³ Section 39.001(1)(a), of the Florida Statutes, provides that one purpose of the chapter is “[t]o prevent the occurrence of child abuse, neglect and abandonment.” Thus, chapter 39, of the Florida Statutes, designates children as a protected class of individuals from abuse, neglect and abandonment, and the Department as the entity entrusted with the protection of such children owes them a duty of care. The Florida Legislature reinforced the Department's duty in the provisions that: (a) require reporting child abuse to protect children,¹⁵⁴ and (b) in part III, chapter

¹⁵¹ *Limonas v. School Dist. of Lee County*, 161 So. 3d 384, 389 (Fla. 2015).

¹⁵² *McCain v. Fla. Power Corp.*, 593 So. 2d 500, 502 (Fla. 1992).

¹⁵³ *Dept. of Health and Rehabilitative Svcs. v. Yamuni*, 498 So. 2d 441, 442-43 (Fla. 3d DCA 1986) (noting that the child was a member of the class protected under a specific statute and the [Department of Health and Rehabilitative Services] owed a statutory duty to protect him from abuse and neglect) (affirmed by *Department of Health and Rehabilitative Svcs v. Yamuni*, 529 So.2d 258 (Fla. 1988)).

¹⁵⁴ Section 39.201, F.S.

39, of the Florida Statutes, that set out the Department's requirements for protective investigations.¹⁵⁵

"HRS [the Department of Health and Rehabilitative Services, a precursor to the Department] is not merely a police agency and its relationship with an abused child is far more than that of a police agency to the victim of a crime...[T]he primary duty of HRS is to immediately prevent any further harm to the child and that the relationship established between HRS and the abused child is a very special one."¹⁵⁶ The Department has a duty to adequately and reasonably investigate complaints of child abuse, abandonment or neglect.¹⁵⁷

The Florida Supreme Court opined that "as the risk grows greater, so does the duty, because the risk to be perceived defines the duty that must be undertaken...each defendant who creates a risk is required to exercise prudent foresight whenever others may be injured as a result. This requirement of reasonable, general foresight is the core of the duty element."¹⁵⁸ The Court held that the defendant had "a duty to take reasonable actions to prevent the general type of injury that occurred" in the case.¹⁵⁹

Therefore, the Department had a duty to protect L.P. from abuse, abandonment, neglect, including any future harm, and a duty to adequately and reasonably investigate the allegations of inadequate supervision.

Breach of Duty

The U.S. Supreme Court held "[w]hat usually is done may be evidence of what ought to be done, but what ought to be done is fixed by a standard of reasonable prudence, whether it usually is complied with or not."¹⁶⁰ A fact finder must decide whether a defendant exercised the degree of care that an ordinarily prudent person, or CPI in this instance, would have under the same or similar circumstances.¹⁶¹ While any

¹⁵⁵ See s. 39.301(8), F.S.

¹⁵⁶ *Dept. of Health and Rehabilitative Svcs. v. Yamuni*, 529 So. 2d 258, 261 (Fla. 1988).

¹⁵⁷ *Dept. of Children and Family Svcs. v. Amora*, 944 So. 2d 431 (Fla. 4th DCA 2006).

¹⁵⁸ *McCain*, 593 So. 2d at 503.

¹⁵⁹ *Id.* at 502.

¹⁶⁰ *Texas & Pacific Railway Co. v. Behymer*, 189 U.S. 468, 470 (1903).

¹⁶¹ *Russel v. Jacksonville Gas Corp.*, 117 So. 2d 29, 32 (Fla 1st DCA 1960) (defining negligence as, "the doing of something that a reasonable and prudent person would not ordinarily have done under the same or similar

applicable laws set baseline requirements, the reasonably prudent CPI standard can impose a higher duty so a party who complies with a regulation, if any, does not automatically absolve a party from liability if additional precautions would have been reasonable.¹⁶²

The Claimant submits that the Department has breached its duties in this case, such as duties to:

- Check for local law enforcement call outs before the home visit,
- Speak to the mandatory reporter before the home visit,
- Respond to Ms. Parker's home within two hours for the initial home visit,
- Properly assess present and impending danger, and
- Implement a safety plan, including supervised visitation with the mother.

The Department responds by arguing that it was either not required by law (e.g. to obtain local police reports or contact the reporter before the home visit)¹⁶³ or not authorized by law to perform the duties (e.g. implement a safety plan without present or impending danger) for which the Claimant alleges it has breached. However, case law establishes a reasonably prudent CPI standard, not solely whether the law has been complied with, that determines whether a defendant has breached its duty.

Pre-commencement Phase

For the reasons summarized below, a reasonably prudent CPI would have taken additional reasonable efforts to obtain the call outs and contact the reporter. The Department faxed a request for prior police reports to the SPD after L.P. was stabbed.¹⁶⁴ Although CPI Lopez testified and evidence suggests that she contacted Officer Tschetter, Officer Kennedy, and Mr. Ashford at 6:21 pm, 6:22 p.m., and 6:24 p.m., respectively,¹⁶⁵ Officer Tschetter testified at the trial,¹⁶⁶

circumstances, or the failure to do that which a reasonable and prudent person would have done under the same or similar circumstances").

¹⁶² *McCain*, 593 So. 2d at 503 (noting that foreseeability of harm determines the scope of the duty); *The T.J. Hooper*, 60 F.2d 737, 740 (2d Cir. 1932) (Judge Learned Hand held a tugboat owner negligent for failing to equip a vessel with radios, even though there were no legal requirements to do so, because a reasonable operator would have taken that precaution.).

¹⁶³ Sections 39.301(6), and (9)(a)1., F.S.; Rule 65C-29.009(1), F.A.C.

¹⁶⁴ Tucker T-VII 1884: 18-20.

¹⁶⁵ Chronological Notes at 1-3.

¹⁶⁶ Tschetter T-II 363: 20-22.

and he and Officer Kennedy testified at the claim bill hearing,¹⁶⁷ that they did not receive calls or voicemails from CPI Lopez. Officer Kennedy testified that there were several ways that CPI Lopez could have contacted him on June 25, 2015, such as calling dispatch or the front desk.¹⁶⁸

If CPI Lopez had spoken with Officer Tschetter, he could have provided her with a copy of the video and concerns that Ms. Parker's cousin, Mr. Ashford, had presented to him. With respect to the Baker Act that occurred in May 2015, Officer Tschetter could have informed CPI Lopez about the fact that Ms. Parker had been Baker Acted. Also, he could have pulled up the report to explain why Ms. Parker had been contacted and why she had been Baker Acted but he did not have access to the Baker Act form. He would not have been able to inform CPI Lopez of the Baker Act's disposition but simply that she had been Baker Acted and what facility she was taken to if that information was in the report.¹⁶⁹ He also could have retrieved the prior police reports that had been uploaded to the reporting system and informed CPI Lopez of their content.¹⁷⁰

The Department failed to gather adequate collateral information and instead relied on: (a) Ms. Parker's lies when CPI Supervisor Tucker and CPI Lopez received information from Ms. Parker as L.P.'s purported godmother and (b) representations made by V.D.C., who had a history of denying Ms. Parker's suicidal ideations.¹⁷¹ Had CPI Supervisor Tucker or CPI Lopez requested the police reports or made contact with the reporter, they would have relevant and important information regarding Ms. Parker's mental health issues, such as the information contained in the letter attached to the police report dated May 29, 2015, and Officer Tschetter's explanation of his previous encounter with Ms. Parker. In these circumstances, a reasonably prudent person would have obtained additional collateral information before conducting the home visit.

¹⁶⁷ Hearing at 23:30-24:50; 36:00-36:50.

¹⁶⁸ *Id.* at 43:30-43:43.

¹⁶⁹ *Id.* 52:00-53:34.

¹⁷⁰ *Id.* at 53:34-53:57; 1:03:40-1:04:03.

¹⁷¹ Callouts at 9 (V.D.C. averring Ms. Parker was not suicidal).

Home Visit

For the reasons summarized below, a reasonable prudent CPI would have taken the following steps:

- Responded to the home within two (2) hours,
- Confirmed Ms. Parker's identity,
- Requested law enforcement assistance,
- Conducted adequate interviews, and
- Implemented a safety plan with supervised visitation.

Response Time

On the date of the June 2015 report, the Florida Administrative Code defined "immediate" or "immediately" to mean as soon as possible, but no later than two (2) hour timeframe.¹⁷² However, the Department relies on its Safety Methodology Practice Guidelines, Investigations (the "Guidelines"), which was in effect on June 25, 2015, that provides a report requiring an immediate response time "requires the investigator to attempt to make the initial face-to-face contact with the alleged child victim as soon as possible but no later than four (4) hours following assignment by the Hotline."¹⁷³ The Florida Administrative Code contains rules which are binding whereas the Department's Guidelines are not.

The Department received the June 2015 report at 4:31 pm and the decision time was 4:48 pm. CPI Lopez testified that the response time is calculated from the time the decision has been made.¹⁷⁴ which means that the CPI would have to be at the home visit no later than 6:48 pm under the two (2) hour maximum time limit in Rule 65c-30.001(65), of the Florida Administrative Code. According to Chronological Notes, the home visit began at 7:44 pm, which is almost three (3) hours after the June 2015 decision time and approximately one (1) hour after the maximum time for which the home visit was required to begin.

If CPI Supervisor Tucker and CPI Lopez had arrived at Ms. Parker's residence within two (2) hour, V.D.C. would not have been present and they would not have been able to rely on her representations as a collateral source in the first instance.

¹⁷² Rule 65C-30.001(65), F.A.C. (2015); This Rule was amended effective February 25, 2016, after the date of the June 2015 report, to change the maximum response time from two (2) hours to four (4) hours.

¹⁷³ Plaintiff's Trial Exhibit 92, *Safety Methodology Practice Guidelines, Investigations*, p. 9 (Aug. 8, 2014).

¹⁷⁴ Lopez T-IV 830: 1-3.

Evidence suggests that V.D.C. had to go inside of the house to get L.P. to meet CPI Supervisor Tucker and CPI Lopez outside. If V.D.C. was not there at the time of the home visit and Ms. Parker refused to open the door, as she had done on June 25, 2015, a reasonably prudent CPI would have called law enforcement to be able to observe and speak with L.P. and, if Officer Tschetter and Kennedy responded as they testified they would, then law enforcement would have been able to identify Ms. Parker.

Identifying Ms. Parker

Regardless of whether CPI Supervisor Tucker and CPI Lopez had responded within two (2) hours, a reasonably prudent CPI would have taken additional steps to confirm Ms. Parker's identity. Indeed, on a prior occasion, CPI Munoz relied upon a Driver and Vehicle Identification Database (DAVID) image of Ms. Parker when she reported to her residence for an earlier abuse report.¹⁷⁵ A reasonably prudent CPI would take this or a similar step, such as asking L.P. where her mother is located, given Ms. Parker's history of false reports.¹⁷⁶

Request Law Enforcement Assistance

A reasonably prudent CPI would have called law enforcement for assistance, especially if V.D.C. had not been present if the CPI Supervisor Tucker and CPI Lopez had arrived within two (2) hours. Given Ms. Parker's history of lies and uncooperativeness and that the police were there hours earlier and met with her, there should have been a suspicion the person behind the door was Ms. Parker. Officer Tschetter testified that law enforcement is available to assist the Department if a person in the home would not identify herself and would have done so in this case if he had received a call.¹⁷⁷ All the Department had to do was make the call to request the assistance and it should have done so in these circumstances.

Adequate Interviews

A reasonably prudent CPI would have interviewed V.D.C. and L.P. separately and asked additional relevant questions to gain a greater understanding of the totality of the

¹⁷⁵ Munoz T-II 452:18-25; 453: 1-15.

¹⁷⁶ Callouts at 9 (V.D.C. averring Ms. Parker was not suicidal). Similarly, on Jun. 25, 2015, V.D.C. reported to the Department that the report made earlier that day was false. Hearing at 7:35:25-7:35:58; 2015-172495; Chronological Notes at 4.

¹⁷⁷ *Id.* at 24:50-25:35.

circumstances. The Department's policy is "[W]ith few exceptions, household members should be interviewed separately in the home when possible, in the following order, using information gathered from one interview to assist in the development of questions for the next interview:

- (1) Identified child victim.
- (2) Siblings or other children in the household.
- (3) Non-maltreating parents and caregivers, including all adult household members.
- (4) Other parent (as a collateral contact when parent no longer lives in the same household).
- (5) Maltreating parent/caregiver.¹⁷⁸

The facts of this claim bill are not one of the exceptions that would warrant interviewing witnesses in front of each other. V.D.C. was claiming the report was false, which may have influenced L.P.'s willingness to report any harm caused by Ms. Parker. For these reasons, CPI Supervisor Tucker and CPI Lopez should have interviewed L.P. separately.

Further, the evidence presented suggests that the Department should have asked additional questions on the following topics:

- Question all witnesses as to where Ms. Parker was on June 25, 2015.¹⁷⁹ To the extent V.D.C. may have suggested Ms. Parker was in Orlando, details regarding her trip should have been sought since law enforcement was at the home and met with Ms. Parker several hours earlier (e.g. questions like: when did she leave to go to Orlando, how long she would be there, and when she would be home?).¹⁸⁰
- V.D.C. and Valencia Dubois (i.e. Ms. Parker) regarding Ms. Parker's mental health history (e.g. prior Baker Acts and suicide threats).¹⁸¹
- L.P. regarding whether Ms. Parker ever tried to hurt her.¹⁸²

Safety Plan

A reasonably prudent CPI would have implemented a safety plan with L.P. cared for by V.D.C. and S.C. with supervised visitation between Ms. Parker and L.P. Safety plan is defined

¹⁷⁸ The Department, *CFOP 170-5 Child Protective Investigations*, 14-1 (Apr. 8, 2024).

¹⁷⁹ Hearing at 7:18:55-7:19:10; Tucker T-VII 1922: 16-21.

¹⁸⁰ Hearing at 7:24:15-7:24:55.

¹⁸¹ *Id.* at 7:36:00-7:36:11.

¹⁸² Chronological Notes at 4 (With respect to the face-to-face with L.P, indicating "no disclosures of harm or being scared.").

as “a plan created to control present or impending danger using the least intrusive means appropriate to protect a child when a parent, caregiver, or legal custodian is unavailable, unwilling, or unable to do so.”¹⁸³

A safety plan is required if “present or impending danger is identified.”¹⁸⁴ Impending danger is defined as a “state of danger in which family behaviors, attitudes, motives, emotions or situations pose a threat that may not be currently active but can be anticipated to have severe effect on a child at any time.”¹⁸⁵ Impending danger requires five criteria to be present: (1) imminence; (2) severity; (3) observability; (4) out-of-control of the family; and (5) vulnerability.¹⁸⁶ Parental consent is required to implement a safety plan.¹⁸⁷

Ms. Parker’s mental health issues, prior Baker Acts, previous suicidal notes, and suicide video are sufficient evidence that Ms. Parker was suicidal when she sent the video on June 25, 2015. The video was of Ms. Parker putting her affairs in order, suggesting further actions compounding her previous suicide threats, and establishing that a suicide attempt may have been imminent. Her erratic behavior and misleading statements did not dispel this evidence. The Department did not know Ms. Parker’s whereabouts or when she would be home, which, it turns out, she was there when CPI Supervisor Tucker and CPI Lopez were conducting the home visit. If Ms. Parker had committed suicide with only L.P. present, L.P. may have experienced harm by witnessing it and she would have been at risk of harm for being unsupervised at such a young age – the reason for which the June 2015 report was received. For these reasons, the five criteria for impending danger are met in these specific circumstances.¹⁸⁸

V.D.C.’s power of attorney for L.P. did not eliminate the need for a safety plan. “Power of attorney” is defined as “[a]n instrument granting someone authority to act as agent or

¹⁸³ Section 39.01(78), F.S.

¹⁸⁴ See s. 39.301(9)(a)6., F.S.

¹⁸⁵ Claimant’s Exhibit 56. at 1.

¹⁸⁶ *Id.* at 1-2.

¹⁸⁷ Rule 65C-30.002(3)(a), F.A.C.; Section 39.401, F.S. (providing that a child may only be taken into custody in specified circumstances). Section 39.01(88), F.S. defines “taken into custody” as the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child’s release or placement.

¹⁸⁸ Section 39.301(9)(a)6., F.S., requires the CPI to implement a safety plan as soon as necessary to protect the child or take the child into custody if impending danger is identified.

attorney-in-fact for the grantor.”¹⁸⁹ V.D.C.’s power of attorney for L.P. gave her legal authority to take certain actions or make decisions but did not provide her with custody of L.P. Without a clear understanding of the Department’s expectations, V.D.C. could have, and indeed did, leave L.P. with Ms. Parker unsupervised. In other words, the power of attorney authorizing V.D.C. to make decisions, for instance, about L.P.’s medical issues did not mean, standing alone, that V.D.C. was not going to leave Ms. Parker alone with L.P. or that she would ensure Ms. Parker would not harm her. If the Department expected V.D.C. to undertake this role, the Department ought to have memorialized this understanding in a written safety plan with supervised visitation in these specific circumstances.

Accordingly, the Department failed to take steps that an ordinary prudent CPI would have taken in this instance. For these reasons, the undersigned finds that the Department breached the foregoing duties when conducting its investigation of L.P.’s potential inadequate supervision.

Proximate Cause

In order to prove negligence, the claimant must show that the breach of duty caused the specific injury or damage to the plaintiff.¹⁹⁰ Proximate cause is generally concerned with “whether and to what extent the defendant’s conduct foreseeably and substantially caused the specific injury that actually occurred.”¹⁹¹ To prove proximate cause, the plaintiff generally must submit evidence that “there is a natural, direct, and continuous sequence between the [Department’s] negligence and [the children’s] injuries such that it can reasonably be said that but for the [Department’s] negligence, the abuse [or neglect] to [L.P.] would not have occurred.”¹⁹²

In the proximate cause context, “foreseeability is concerned with the specific, narrow factual details of the case, not with the broader zone of risk the defendant created.”¹⁹³ Harm is proximate “if prudent human foresight would lead one to

¹⁸⁹ Garner, B., *Definition of Power of Attorney*, Black’s Law Dictionary (12th ed. 2024), available at [POWER OF ATTORNEY | Secondary Sources | FE | Westlaw Edge](#) (last visited Feb. 27, 2025).

¹⁹⁰ *Stahl v. Metro Dade Cnty.*, 438 So. 2d 14 (Fla. 3rd DCA 1983).

¹⁹¹ *Amora*, 944 So. 2d at 435 (quoting *Goldberg v. Fla. Power & Light Co.*, 899 So.2d 1105, 116 (Fla. 2005) (quoting *McCain v. Fla. Power Corp.*, 593 So. 2d 500, 502 (Fla. 1992)).

¹⁹² *Id.* at 436.

¹⁹³ *McCain*, 593 So. 2d at 504.

expect that similar harm is likely to be substantially caused by the specific act or omission in question. In other words, human experience teaches that the same harm can be expected to recur if the same act or omission is repeated in a similar context.”¹⁹⁴ The Florida Supreme Court held “...it is immaterial that the defendant could not foresee the precise manner in which the injury occurred or its exact extent”¹⁹⁵...an injury caused by a freakish and improbable chain of events would not be ‘proximate’ precisely because it is unquestionably unforeseeable, even where the injury may have arisen from a zone of risk.”¹⁹⁶ (emphasis added). The Florida Supreme Court held:

“On the issue of the fact of causation, as on other issues essential to his cause of action for negligence, the plaintiff, in general, has the burden of proof. He must introduce evidence which affords a reasonable basis for the conclusion that it is more likely than not that the conduct of the defendant was a substantial factor in bringing about the result. A mere possibility of such causation is not enough; and when the matter remains one of pure speculation or conjecture, or the probabilities are at best evenly balanced, it becomes the duty of the court to direct a verdict for the defendant.”¹⁹⁷

Florida Standard Jury Instruction 401.12 on legal cause (causation), which is the standard applicable to claimant’s negligence claim provides in *Part A* of the Instruction:

Negligence is a legal cause of injury if it directly and *in natural and continuous sequence produces or contributes substantially to producing such injury so that it can reasonably be said that, but for the negligence, the injury would not have occurred.* (Emphasis added).

Importantly, *Part B* of the instruction reads:

¹⁹⁴ *Id.* (citing *Cone v. Inter County Tel. & Tel. Co.*, 40 So.2d 148, 149 (Fla. 1949)).

¹⁹⁵ *Id.* (citing *Restatement (Second) of Torts* s. 435 (1965)).

¹⁹⁶ *McCain*, 593 So.2d, at 504

¹⁹⁷ *Gooding v. Univ. Hosp. Supply*, 445 So.2d 1015, 1018 (Fla. 2013).

In order to be regarded as a legal cause of an injury or damage, negligence need not be the only cause. Negligence may be a legal cause of injury or damages even though it operates in combination with the act of another, (such as A.P.) some natural cause, or some other cause if the negligence contributes substantially to producing such loss, injury, or damage. (Emphasis added).

In *Amora*, the Fourth District Court of Appeal held that “Although not specifically addressed in *Yamuni*, implicit in the supreme court’s opinion affirming the verdict is that [the Department’s] negligent failure to place the infant in protective supervision was the proximate cause of his injuries.”¹⁹⁸

The Department’s failure to implement the safety plan with supervised visitation left L.P. at a foreseeable risk of harm. Like *Amora*, but for the Department’s failure to implement a safety plan with supervised visits, Ms. Parker would not have attempted to murder L.P. Based on the totality of the circumstances set out above, the Department’s breaches are the proximate cause of L.P.’s injuries. This finding is supported by the jury verdict in the underlying civil case.

For these reasons, the undersigned finds that there is sufficient evidence to hold that the Department’s breach of duty was the proximate cause of L.P.’s injuries.

Damages

Florida law allows recovery for both economic (e.g. medical expenses) and non-economic (e.g. pain and suffering) damages.¹⁹⁹ Future economic damages may be awarded “when such damages are established with reasonable certainty.”²⁰⁰ “In tort cases damages are to be measured by the jury’s discretion.”²⁰¹ However, Florida courts have considered whether awards are excessive.²⁰²

The claimant presented evidence of economic damages and non-economic damages. The damages explained above in

¹⁹⁸ *Amora*, 944 So. 2d at 437.

¹⁹⁹ *Florida Patient’s Compensation Fund v. Scherer*, 558 So. 2d 411 (Fla. 1990).

²⁰⁰ *Auto-Owners Ins. Co. v. Tompkins*, 651 So. 2d 89, 91 (Fla. 1995).

²⁰¹ *Bould v. Touchette*, 349 So. 2d 1181, 1184 (Fla. 1977).

²⁰² *ACandS, Inc. v. Redd*, 703 So.2d 492, 495 (Fla. 3rd DCA 1997) (finding a jury award for \$7.2 million for five and a half years of loss of consortium to be excessive).

the factual findings detail the jury verdict in the underlying civil case for which the amount of damages is sought, and which is supported by the expert reports in this claim bill. The undersigned did not have the benefit of hearing evidence from experts from both parties but relied upon the totality of the evidence to make the findings set out below.

Economic damages (present value) based on the economic damages report are summarized as follows:²⁰³

Past medical expenses:	\$30,248.33
Lifetime earning capacity:	\$1,170,184 to \$1,916,929
Potential offset for earning capacity:	(\$300,987) to (\$490,112)
Future Medical Expenses:	<u>\$7,932,170 to \$14,002,766</u>
<u>Subtotal</u>	\$8,831,615.33 to 15,459,831.33
<u>Total economic damages:</u>	<u>\$8,304,351.33 to \$14,651,891.33</u>

Future Medical Costs

There is little to no evidence to support awarding the high-end (\$14,002,766) versus the low-end (\$7,932,170) future medical costs. The difference between the two totals is a significant amount totaling \$6,070,596, most of which is attributable to the live in attendant residential option discussed below. The economic damages report suggests the remaining differences are based on, for instance, a range of costs, number of hours, or number of sessions per service. The range of frequency and costs were presented but choosing the higher range, rather than the lower range, was not substantiated. The burden of proof is on the claimant and the claimant has presented insufficient evidence to support the high-end costs.

Residential Option

Dr. Shahnasarian's recommendation of a live-in attendant beginning at age 18 to 21 for life is supported by his competent testimony. During the claim bill hearing issues were raised about whether the following may impact the life care plan and, in particular, the live-in attendant recommendation, such as (a) Dr. Shahnasarian's last interview or updates he has received about L.P. was in August and September 2021, respectively, over three (3) years ago, (b) L.P. has made progress since he interviewed her, such as forming social bonds with friends, and (c) L.P. has not been engaging in all of the recommended services in the life care plan that are supposed to serve as interventions

²⁰³ Economic Damages Report at 2-9.

to improve her prospects of requiring such an intensive intervention as a live-in attendant. However, Dr. Shahnasarian addressed these issues and confirmed that his life care plan conclusions have not changed.

In light of the issues raised, the undersigned considered the other residential options B and C set out in the life care plan. These other options recommend less frequent attendant services, but the economists did not include a present value or calculate an average annual base cost for these possible options.²⁰⁴ Although the life care plan sets out a duration, frequency and estimated cost for Option C so a cost for this intervention could be estimated, given Dr. Shahnasarian's testimony that Option C is unlikely, there is insufficient evidence to award damages under options B or C as presented for consideration.

Offsets and Services Not Received for Other Future Medical Recommended Services

The life care plan does not account for L.P.'s current Medicaid coverage, future insurance coverages, scholarships that may be available to assist with the private school tuition and the potential and actual cessation of services as indicated at the claim bill hearing where it was discovered that her only services currently are the weekly sessions with Dr. Cortman, psychiatric services, private school tuition, and medications that are likely covered by Medicaid. Further, V.D.C. and S.C. receive an adoption subsidy from the Department²⁰⁵ and could apply for an enhanced subsidy based on L.P.'s special needs.²⁰⁶ The claim bill also fails to take into account existing medical liens by Simply Health and Optum totaling \$30,248.33 which will need to be satisfied should the bill pass.

Based on this, the undersigned recommends reducing the low-end economic damages sought by the following adjustments:

Family counseling:	(\$12,873)
Tutoring Year 1 to Grade 8:	(\$44,899)
Life skills (Year 1 to 3) cost of \$15,600 per year:	(\$46,800)
Prescription drugs:	<u>(\$288,777)</u>

²⁰⁴ *Id.*

²⁰⁵ Hearing at 4:53:44-4:53:50.

²⁰⁶ *Id.* at 4:53:55-4:54:15.

Totals: (\$393,349)

Based on the foregoing, the recommended economic damages are summarized as follows:

Economic damages (present value) based on the economic damages report are summarized as follows:²⁰⁷

Past medical expenses (medical liens):	\$30,248.33
Lifetime earning capacity: ²⁰⁸	\$1,500,000
Future Medical Expenses:	<u>\$7,538,821</u>
Total economic damages:	<u>\$9,069,069.33</u>

Non-economic Damages

The jury in the underlying civil claim awarded \$12,466,985.47 in non-economic damages. The Second District Court of Appeal affirmed *per curiam* the final judgment in the underlying civil claim. However, the amount of non-economic damages awarded by the jury of \$12,466,985.47 exceed the amount of economic damages supported by the record and recommended by the undersigned of \$9,069,069.33. Precedence for claim bills regarding child welfare is limited and the undersigned did not identify any that are sufficiently analogous to the nature of this claim to be able to recommend a comparable amount of non-economic damages. The Legislature may wish to determine, as a matter of grace, an amount of non-economic damages, if any, that should be awarded in this claim bill.

COMPARATIVE FAULT:

Although the Department denies being negligent in its June 2015 report investigation, the Department submits that should SB 12 be reported favorably that V.D.C. is liable for a percentage of fault under the doctrine of comparative fault.

Claimant's Position

The Claimant submits that under the *Knight*²⁰⁹ case V.D.C. had no duty to protect L.P. and therefore she is not comparatively negligent. The *Knight* case sets out the general rule that "there is no duty to control the conduct of a third

²⁰⁷ Economic Damages Report at 2-9.

²⁰⁸ The lifetime earning capacity is based on the jury verdict which the undersigned has determined to be reasonable.

²⁰⁹ *Knight v. Merhige*, 133 So. 3d 1140 (2014).

person to prevent [that person] from causing physical harm to another.”²¹⁰ However, a legal duty may be imposed when:

- There is a special relationship between the plaintiff and the defendant,²¹¹
- The defendant controls the premises, instrumentality or person causing the injury,²¹² or
- The defendant’s “affirmative acts or omissions create a foreseeable high risk of harm.”²¹³

In the *Knight* case parents failed to prevent their adult child from killing other family members at a Thanksgiving dinner. The court declined to impose a duty on a parent for their adult child’s criminal actions. The Department stipulates that V.D.C. did not have a legal duty to speak with the Department. The undersigned finds that the facts of this claim bill are analogous to the *Knight* case to the extent that none of the three tests for imposing a legal duty in the *Knight* case apply in this claim bill.

The Department’s Position

The Department submits that V.D.C. is liable under comparable fault based on the Restatement (Second) of Torts ss. 324A and 311 (1965). The Claimant submits these provisions do not apply; the *Knight* case is controlling law that establishes a “lack of duty and the inapplicability of the undertaker doctrine.” Although the Legislature is not bound by the findings of the courts in this matter, it should be noted the claimant represented that the trial court granted the claimant’s Motion in Liminie “...precluding comparative negligence arguments against V.D.C.”²¹⁴ and, although the Department represented that the issue was argued on appeal,²¹⁵ the Second District Court of Appeal affirmed the judgment of the civil case *per curiam*.²¹⁶

The Department submits, however that, even if V.D.C. has no duty to provide information to the investigators, V.D.C. had an “undertaker duty”; once she decided to answer questions for

²¹⁰ *Id.* at 1145 (citing *Carney v. Gambel*, 751 So. 2d 653, 654 (Fla. 4th DCA 1999; see also *Boynton v. Burglass*, 590 So. 2d 446, 448 (Fla. 3d DCA 1991)).

²¹¹ *Id.* at 1144.

²¹² *Id.*

²¹³ *Koenig v. London*, 968 N.W. 2d 646, 656 (2021).

²¹⁴ Email from Damian Mallard, Attorney at Mallard Perez for the claimant, to Jacqueline Moody, Florida Senate Special Master, *RE: SB 12 – LXC (LP) v. DCF*, (Feb. 15, 2025) (on file with Senate Special Master).

²¹⁵ Email from Cheryl Westmoreland, Attorney for the Department, to Jacqueline Moody, Florida Senate Special Master, *RE: SB 12 – LXC (LP) v. DCF*, (Feb. 17, 20215) (on file with Senate Special Master).

²¹⁶ Limited documents were provided to support these assertions.

the Department she was required to do that voluntary act in a non-negligent manner.

“Whenever one undertakes to provide a service to others, whether one does so gratuitously or by contract, the individual who undertakes to provide the service—i.e., the ‘undertaker’—thereby assumes a duty to act carefully and not to put others at an undue risk of harm.”²¹⁷

The undertaker’s doctrine, as set out in The Restatement (Second) of Torts s. 324A (“Section 324A”) states:

“One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of a third person or his things, is subject to liability to the third person for physical harm resulting from his failure to exercise reasonable care to protect his undertaking, if:

(a) His failure to exercise reasonable care increases the risk of such harm, or

(b) He has undertaken to perform a duty owed by the other to the third person, or

(c) The harm is suffered because of reliance of the other or the third person upon the undertaking.

The Restatement (Second) of Torts is not binding. No Florida cases have been identified that directly apply section 324A to situations where a third party provides information to child protective services. There are limited cases in other states that have considered the doctrine – but found no duty owed - involving child welfare²¹⁸ and at least one Florida court applied the doctrine involving the protection of third parties by another.²¹⁹

²¹⁷ *Clay Elec. Co-op., Inc. v. Johnson*, 873 So.2d 1182, 1186 (Fla. 2003)

²¹⁸ *See Roe ex rel. Roe v. Department of Social & Rehabilitation Services*, 278 Kan. 584 (2004) (holding that the Department of Social & Rehabilitative Services did not owe a duty under the Restatement (Second) of Torts s. 324A given the facts of the case).

²¹⁹ *See Wallace v. Dean*, 3 So. 3d 1035 (Fla. 2009) (holding the Restatement (Second) of Torts s. 324A applied where a law enforcement officer who responded to a 911 call and undertook a safety check on an individual assumed a duty to exercise reasonable care).

However, in such instances, an entity provided the services, not an individual. Section 324A has been applied to other types of cases where individuals have rendered services.²²⁰ But no Florida case has been identified directly applying Section 324A to situations where an individual, in a non-official capacity, provides information that is deemed a service.

The Department simply argues that V.D.C. undertook a duty to act carefully when she voluntarily went out to meet and provided information to the investigators. With respect to applying section 324A, this submission falls short of the requirement of (b) [V.D.C.] undertook to perform a duty owed by the other person [Ms. Parker or the Department] to a third person [L.P.]. Providing information was not a duty of the Department or Ms. Parker. Applying section 24 to the evidence in this claim bill:

- (a) V.D.C.'s failure to exercise reasonable care increased the risk of harm to L.P. by leaving Ms. Parker alone with L.P.
 - (b) V.D.C. may have undertaken responsibility that another (the Department or Ms. Parker) originally had toward L.P. by presenting the power of attorney and suggesting that she was caring for her, but she did not give any undertaking for how long she planned to care for her, that she would keep custody of her, or that she would protect L.P. from Ms. Parker.
 - (c) The Department did rely on V.D.C.'s representation that she had power of attorney and was caring for L.P.
- Based on the above analysis, Section 324A would fall short and not apply to the facts of this claim bill.

Additionally, Restatement (Second) of Torts s. 311 (1965) ("section 311) states: "one who negligently gives false information to another is subject to liability for physical harm caused by action taken by the other in reasonable reliance upon such information, where such harm results...to such third persons as the actor should expect to be put in peril by the action taken."

²²⁰ See *Union Park Memorial Chapel v. Hutt*, 670 So. 2d 64 (Fla. 1996) (holding the Restatement (Second) of Tort s. 324A applied where a funeral home that voluntarily organized and led a funeral procession owed a duty of reasonable care to the participants, noting that the funeral home's undertaking created a foreseeable zone of risk for those involved.)

No Florida state case has been identified directly applying section 311, but a few federal cases in Florida have considered the provision.²²¹ Other states' cases have considered section 311 in abuse cases when organizations (such as a private foster-placement organization or school board) and their employees have been alleged to provide false information.²²² No analogous cases were identified where an individual made false statements to child protection services that were relied upon and resulted in harm; section 311 comments provide that "the rule is not, however, limited to information given in a business or professional capacity, or to those engaged in a business or profession."²²³

Applying the provision to the facts in this case:

- Undertaking a duty: V.D.C. undertook to provide information to the Department, recognizing it was necessary for L.P.'s protection.
- Negligent misrepresentation: V.D.C. provided false information without exercising reasonable care. On June 25, 2015, V.D.C.:
 - Informed CPI Supervisor and CPI Supervisor Tucker that Ms. Parker was not there when in fact Ms. Parker was present and misidentifying herself as Valencia Dubois. Had Ms. Carey in fact informed them that Ms. Parker was inside the house, as she testified to during the claim bill hearing, the undersigned is confident that the Department would have taken additional steps to confront Ms. Parker about her lies and the allegations.
 - Misled the CPI Supervisor Tucker and CPI Lopez to believe that Ms. Parker gave her power of attorney because Ms. Parker reportedly did hair in Orlando. However, V.D.C.'s own statements to CPI Supervisor Tucker on June 26, 2015, the day after

²²¹ See *In re: Zantac (Ranitidine) Products Liability Litigation*, 546 F.Supp. 3d 1192, 1199 (S.D. Fla. 2021) (acknowledging that the defendant, pharmaceutical manufacturer, could be held liable for claims that are on based on negligent representation articulated in Section 311); *Belik v. Carlson Travel Group, Inc.*, 26 F.Supp. 3d 1267, 1273 (denying the defendants' motion to dismiss on forum non conveniens a Section 311 claim, amongst others, brought by a cruise ship passenger who was injured at a restaurant in a cruise ship terminal in Mexico); *Klein v. Receivable Management Group, Inc.*, 595 F.Supp.3d 1183, 1191 (M.D. Fla. 2022) (holding a consumer's Section 311 claim against a debt collector alleged insufficient damages).

²²² See *M.B. v. Schuylkill County*, 375 F.Supp. 3d 574, 602-603 (E.D. Penn. 2019) (holding that Pennsylvania adopted Section 311 and a private foster-placement organization, caseworker, and employees could be held liable under Section 311 for failing to disclose a foster child's sexual history that resulted in another child in the home being sexually abused).

²²³ Section 311.

the home visit, made clear that the purpose of the power of attorney was to prevent the Department from taking L.P. if an abuse report was made against Ms. Parker. The information Ms. Parker and V.D.C. told CPI Supervisor Tucker and CPI Lopez on June 25, 2015, did just that – kept L.P. in Ms. Parker's custody. On June 26, 2015, when CPI Supervisor Tucker interviewed V.D.C. after the stabbing incident, the following conversation took place:

"CPI Supervisor Tucker: So how – how did you end up with power of attorney?

Ms. Carry (sic): I can't answer about that because I don't remember right off hand.

CPI Supervisor Tucker: But it was back in 2009?

Ms. Carry (sic): Uh-huh

CPI Supervisor Tucker: Okay.

Ms. Carry (sic): I think what it was when someone had called DCF on her, and I said before I let anybody else take my baby from me,

CPI Supervisor Tucker: Okay.

Ms. Carry (sic): -- sign her over to me.

CPI Supervisor Tucker: Okay. Okay.

Ms. Carry (sic): Yeah. That's all I can remember to tell you.

CPI Supervisor Tucker: Okay. So who –

Ms. Carry (sic): People used to call (indiscernible) every week.

CPI Supervisor Tucker: And why was that?

Ms. Carry (sic): I have no idea.

CPI Supervisor Tucker: Okay.

Ms. Carry (sic): Okay. And so I told her to make sure she signs her over to me because I will take care of her."²²⁴

- Reasonable reliance: The Department reasonably relied²²⁵ upon information provided by V.D.C. when deciding to leave L.P. in Ms. Parker's care based on the information corroborated by V.D.C. at the time.

²²⁴ Video Interview of V.D.C. 13:45:27-13:47:47 (June 26, 2015).

²²⁵ Reliance is measured by an objective standard. *In re Marjory Stoneman Douglas High School Shooting FTCA Litigation*, 482 F.Supp. 3d 1273, 1297 (S.D. Fla. 2020).

- Foreseeable harm: It was foreseeable that such information could lead to L.P.'s physical harm. If the Department relied on V.D.C.'s false statements and decided not to take protective measures, it is foreseeable that L.P. would be at risk of harm if left unsupervised with Ms. Parker.²²⁶

Despite the lack of precedence, should the Legislature decide to apply section 311, there are sufficient facts to support a finding that V.D.C. undertook a duty to exercise reasonable care and is liable under the doctrine of comparative fault for providing false information to the Department in these circumstances.

ATTORNEY FEES:

In compliance with section 768.28(8), of the Florida Statutes, Claimant's attorneys acknowledged that attorney fees, lobbying fees, and other similar expenses relating to this claim may not exceed 25 percent of any amount awarded by the Legislature as is reflected in the language of the bill.

RECOMMENDATIONS:

Recommended Amendments

Lines 3-8 of the claim bill should be amended to remove the appropriation to Sidney and Valeria Carey and reflect the award going to L.P. directly paid to the Special Needs Trust created for her benefit. Lines 12 and 21 of the claim bill should be amended to reflect the date of the incident was June 25, 2015.

Recommendation on the Merits

The greater weight of the evidence in this matter demonstrates that the negligence of the Department is the legal proximate cause of the injuries and damage suffered by L.P.

Based on the evidence supported by the record, the undersigned recommends economic damages in the amount of \$9,069,069.33. The Legislature may wish to exercise its discretion by awarding non-economic damages as a matter of grace.

²²⁶ *Garcia v. Superior Court*, 50 Cal. 3d 728, 734 (Cal. 1990) (apply a standard of reasonable care suggesting an objective standard should apply).

Accordingly, the undersigned recommends that SB 12 be reported FAVORABLY, with recommended amendments, the funds allocated for the benefit of L.P. being paid into a Special Needs trust established for L.P., and any reduction in amount deemed appropriate by the Legislature.

Respectfully submitted,

Jacqueline M. Moody
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary

The committee substitute clarifies that the funds awarded by the claim bill are for the exclusive benefit of L.P. Additionally, the committee substitute no longer includes amounts in the whereas clauses describing the cost of the claimant's past and future medical care and lost earning capacity.

By the Committee on Judiciary; and Senator Gruters

590-03189-25

202512c1

A bill to be entitled

An act for the relief of L.P., a minor, by the Department of Children and Families; providing an appropriation to a special needs trust, to compensate L.P. for injuries and damages sustained due to the negligence of employees and caseworkers of the department; providing a limitation on compensation and the payment of fees and costs; providing an effective date.

WHEREAS, on June 25, 2015, a family member of the then-6-year-old L.P. called the Sarasota Police Department to request a wellness check of the mother of L.P. due to a suicide video the mother sent to relatives, along with other bizarre behaviors that called her mental fitness into question, and

WHEREAS, in response to this call, the Sarasota Police Department complied with its statutory duty to report known or possible child abuse by notifying the Department of Children and Families (DCF), which, through its employees and caseworkers, responded to the home late on June 25, 2015, but failed to identify the mother of L.P., much less identify several forewarnings as to the mother's mental health status, and

WHEREAS, because of the inadequate wellness check by DCF employees, including failure to implement a readily available safety plan, L.P. was left in the custody of her mother, rather than her grandmother, who is now her adopted mother and who lived just a few houses away, and

WHEREAS, because of the negligence of the DCF caseworkers to recognize the danger to L.P., she was left in her mother's

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

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custody, and

WHEREAS, the mother of L.P. attempted to murder L.P. within hours after DCF's negligent decision, resulting in L.P. being stabbed no fewer than 14 times, including an attempted dismemberment, which required emergency surgery to save her life and multiple follow-up surgeries and treatments, and

WHEREAS, as a further consequence of the negligence of DCF through its employees, L.P. will incur a lifetime of significant pain, suffering, disability, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, medical costs, future surgeries, and psychological costs over a potential duration of more than 65 years, and

WHEREAS, following a 2-week trial from February 28 through March 11, 2022, the jury found DCF negligent and awarded L.P. damages resulting in a final judgment in the amount of \$28 million, and

WHEREAS, an appeal to the Second District Court of Appeal affirmed the factual findings and the judgment of the jury and trial court in the case, and

WHEREAS, in the 9 years since her mother attempted to murder her, L.P. has incurred the costs of multiple lifesaving surgeries, psychological counseling, and related expenses which remain unpaid or will be incurred, along with a loss of earning capacity, and

WHEREAS, the costs incurred in the prosecution of the claims on behalf of L.P. exceeded \$208,000, with over \$8,000 remaining to be paid, and

WHEREAS, in accordance with the statutory cap of liability set forth in s. 768.28, Florida Statutes, DCF has paid \$200,000

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

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59 toward the total amount of this claim, NOW, THEREFORE,

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. The facts stated in the preamble to this act are
64 found and declared to be true.

65 Section 2. The sum of \$28 million is appropriated from the
66 General Revenue Fund to the Department of Children and Families
67 for the relief of L.P. for injuries and damages sustained.

68 Section 3. The Chief Financial Officer is directed to draw
69 a warrant in the sum of \$28 million payable to a special needs
70 trust created for the exclusive use and benefit of L.P. for
71 injuries and damages sustained.

72 Section 4. The amount paid by the Department of Children
73 and Families pursuant to s. 768.28, Florida Statutes, and the
74 amount awarded under this act are intended to provide the sole
75 compensation for all present and future claims arising out of
76 the factual situation described in this act which resulted in
77 injuries and damages to L.P. The total amount paid for attorney
78 fees, lobbying fees, and other similar expenses relating to this
79 claim may not exceed 25 percent of the total amount awarded
80 under this act.

81 Section 5. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Ed Hooper, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: April 16, 2025

I respectfully request that **Senate Bill # 12**, relating to Relief of L.P., a Minor, by the Department of Children and Families, be placed on the:

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

A handwritten signature in black ink that reads "Joe Gruters".

Senator Joe Gruters
Florida Senate, District 22

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 Appropriations

BILL: CS/CS/SB 132

INTRODUCER: Appropriations Committee, Banking and Insurance Committee, and Senator Rodriguez and others

SUBJECT: Legal Tender

DATE: April 23, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 132 creates an undesignated section of law that requires the Department of Financial Services (DFS) to contract with an appropriate vendor to conduct a study on whether the state should recognize gold or silver coin as legal tender and to prepare a report on such findings by a specified date. The report must address certain topics relating to, amongst others, the state's authority to recognize gold and silver coin as legal tender, recommended regulatory changes, tax implications, and public policy issues. If the report recommends the state should recognize gold and silver coin as legal tender, the DFS must propose statutory and administrative rule language based upon the recommendations in the report. The bill authorizes the DFS to consult with any other agency and make any other recommendations that it deems necessary.

The bill has an indeterminate fiscal impact on the state revenue and expenditures. See Section V., Fiscal Impact.

The bill is effective upon becoming a law.

II. Present Situation:

Legal Tender and Specie under Federal and State Law

Article I, Section 8, Clause 5 of the U.S. Constitution grants Congress the exclusive power to coin money and regulate its value.¹ Under 31 U.S.C. § 5103, only United States coins and currency (including Federal Reserve notes) are recognized as legal tender² for the payment of debts, public charges, taxes, and dues.³ Foreign gold or silver coins are not legal tender for debts under federal law.⁴ Federal law also provides:

“Whoever, except as authorized by law, makes or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for use as current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be fined under [Title 18] or imprisoned not more than five years, or both.”⁵

While prohibited from coining money, under Article I, Section 10, Clause 1 of the U.S. Constitution, states are expressly authorized to “make gold and silver coin a tender in payment of debts.”⁶ This provision authorizes states to recognize gold and silver coin as legal tender for the payment of debts but prohibits states from creating or issuing their own currencies or recognizing other forms of money as tender.⁷ The U.S. Supreme Court (Court) held that debts are an obligation to pay money under contract, including judgments and recognizances, but does not include taxes which are “...impost levied by authority of government on its citizens...and it is not founded on contract or agreement.”⁸ However, the Court also held that a state legislature has the authority to “...require the collection of taxes in kind, that is to say, by the delivery to the proper officers of a certain proportion of products, or in gold and silver bullion, or in gold and silver coin...”⁹

¹ U.S. Const. art. 1. s. 8. Cl. 5.

² The term “legal tender” means “the money (bills and coins) approved in a country for the payment of debts, the purchase of goods, and other exchanges for value.” Garner, B. *Definition of Legal Tender*, Black’s Law Dictionary (12th ed. 2024), [LEGAL TENDER | Secondary Sources | FE | Westlaw Edge](#) (last visited April 17, 2025).

³ 31 U.S.C. s. 5103. The Board of Governors of the Federal Reserve System explains that “[t]his statute means that all U.S. money as identified above is a valid and legal offer of payment for debts when tendered to a creditor.” Board of Governors of the Federal Reserve System, *Is It Legal for a Business in the United States to Refuse Cash as a Form of Payment?*, (July 21, 2020) available at: [The Fed - Is it legal for a business in the United States to refuse cash as a form of payment?](#) (last visited April 17, 2025). A business or person may generally refuse legal tender if they do so clearly in advance. *Id.* However, if a debt already exists and does not specify the type of legal tender that must be paid, there may be consequences for refusing to accept legal tender include, but are not limited to, the debt may be discharged. See *Spurgeon v. Smitha*, 17 N.E. 105, 107 (1888) (holding “where the money is actually produced, and an unconditional offer is made to pay it at once to the creditor, and he refuses to accept it, and asks the debtor to retain it, the sureties are discharged.”).

⁴ 31 U.S.C. s. 5103.

⁵ 18 U.S.C. s. 486.

⁶ U.S. Const. art. 1. s. 10. Cl. 1.

⁷ *Id.*

⁸ *Lane County v. Oregon*, 74 U.S. 71, 72 (1868); *Hager v. Reclamation Dist. No. 108*, 111 U.S. 701, 706-707 (1884).

⁹ *Lane County v. Oregon*, 74 U.S. at 77.

Tax Treatment of Specie and Bullion

Federal Taxation

At the federal level, gold and silver coins and bullion are classified as "collectibles" under 26 U.S.C. § 408(m), and gains from their sale are subject to a maximum long-term capital gains tax rate of 28 percent.¹⁰ The Internal Revenue Code defines "collectible" to include "any metal or gem" and "any coin" not specifically exempted.¹¹ U.S.-minted gold and silver coins are explicitly exempt from being classified as "collectibles."¹²

Florida Taxation

Florida provides a limited sales tax exemption for sales of U.S. coins and currency and for foreign currency transactions exceeding \$500.¹³ Additionally, Florida provides a limited sales tax exemption on the sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction, is exempt when the total sales price of such bullion exceeds \$500.¹⁴ Depending on the form of the bullion and the nature of the transaction, sales of bullion may be subject to state sales tax as tangible personal property.¹⁵ Florida does not impose an individual income tax, including capital gains tax.¹⁶ In addition, Florida law does not explicitly address whether precious metals should be classified as tangible personal property subject to ad valorem taxation, although the statutory definition of tangible personal property includes "all goods, chattels, and other articles of value... capable of manual possession."¹⁷

Other States' Treatment of Specie and Bullion

- Several states have adopted laws to recognize gold and silver as legal tender or to remove various tax barriers to facilitate their use in commerce. These laws vary in scope and effect, ranging from simple tax exemptions to the establishment of state-run bullion depositories.
- Alabama recently passed legislation that recognizes any refined gold or silver bullion, specie, or coin that has been stamped, marked, or imprinted with its weight or purity as legal tender.¹⁸
- Arkansas law defines specie, in part, as "coin having gold or silver content" and provides that specie and legal tender consists of specie coin issued by the United States Government or other specie that an Arkansas court rules to be within the state's authority to make legal tender but does not explicitly provide that gold and silver coin are legal tender.¹⁹

¹⁰ Internal Revenue Service, *Topic no. 49, Capital gains and losses* (January 2, 2025), <https://www.irs.gov/taxtopics/tc409> (last visited April 16, 2025).

¹¹ 26 U.S.C. § 408(m)(2)(A)–(D).

¹² 26 U.S.C. § 408(m)(3)(A).

¹³ Section 212.05(1)(j), F.S.

¹⁴ Section 212.08(7)(ww), F.S.

¹⁵ Section 212.05(1)(a)1.a., F.S.

¹⁶ Art. VII, s. 5(a), Fla. Const.; Florida Department of Revenue, *Does Florida Have a Capital Gains Tax?*, <https://floridarevenue.com/faq/Pages/FAQDetails.aspx?FAQID=1307&IsDlg=1> (last visited April 16, 2025).

¹⁷ Section 192.001(11)(d), F.S.

¹⁸ AL SB 130 (2025), available at <https://alison.legislature.state.al.us/files/pdf/SearchableInstruments/2025RS/SB130-int.pdf> (last visited April 17, 2025).

¹⁹ AR Code s. 4-56-106.

- Arizona has removed state capital gains taxes on sales of precious metals. Like Wyoming, Arizona's approach focuses on tax treatment rather than establishing state-operated depositories or payment systems.²⁰ For purposes of reducing gross income with any net loss from the exchange of legal tender, Arizona has defined legal tender to include specie which means coins having precious metal content.²¹ Arkansas passed legislation which has not been signed into law by Governor Sarah Huckabee Sanders that, amongst other things, provides that “specie or legal tender may be recognized to pay private debts, taxes, and fees levied by the state or local government if the state or local government agrees to payment with physical gold or silver.”²²
- Idaho recently passed legislation that provides gold and silver coin and specie minted domestically are legal tender.²³
- Louisiana recently declared gold or silver coin, specie, or bullion issued by any state or the United States government as legal tender.²⁴
- Oklahoma law provides that gold and silver coin issued by the United State government are legal tender.²⁵
- Texas has established a state-operated bullion depository, known as the Texas Bullion Depository, to securely store precious metals for individuals, businesses, and governmental entities. The depository provides secure storage and the ability for account holders to deposit and withdraw physical bullion. Although Texas law enables secure in-state storage of precious metals, it does not authorize gold and silver as official legal tender for payment of state taxes or other obligations.²⁶
- Utah was the first state to recognize U.S.-minted gold and silver coins as legal tender through its Legal Tender Act of 2011. Utah law also provides a tax exemption for capital gains derived from the sale or exchange of gold and silver coins that are recognized as legal tender. In addition, Utah permits private firms to operate accounts backed by physical, precious metals, which allows individuals to conduct transactions denominated in gold and silver.²⁷ Utah recently passed H.B. 306 that authorizes the state treasurer to issue a competitive procurement for a precious metals-backed electronic payment platform that would allow state

²⁰ Ariz. Rev. Stat. § 43-1021. *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 102 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

²¹ AZ Rev. Stat. s. 43.1021.

²² Arkansas H.B. 1918 (2025), available at <https://arkleg.state.ar.us/Home/FTPDocument?path=%2FBills%2F2025R%2FPublic%2FHB1918.pdf> (last visited April 23, 2025).

²³ Idaho HB 177 (2025), available at <https://legislature.idaho.gov/sessioninfo/2025/legislation/h0177/> (last visited April 17, 2025).

²⁴ LA Rev. Stat. s. 6:341.

²⁵ 62 OK Stat. s. 4500.

²⁶ Tex. Gov't Code § 2116; S.B. 483 (2015). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 116 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

²⁷ Utah Code §§ 59-1-1501 et seq.; H.B. 317 (2011). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 122 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

vendors to elect to be paid in gold and silver.²⁸ Utah’s Governor Spencer Cox vetoed the bill stating that “...there are significant problems that make H.B. 306 operationally impractical. Additionally, [he is] concerned that a specific entity offered to fund the bill, which could jeopardize the required competitive process in the bill.”²⁹

- Wyoming enacted legislation in 2018 declaring gold and silver legal tender and exempting the sale of these metals from state sales and use taxes. Wyoming law also prohibits the treatment of specie as taxable tangible personal property, effectively removing several barriers to the private holding and use of gold and silver for commerce.³⁰

Other states, such as Kansas and Indiana, have adopted various forms of tax exemptions related to the sale or exchange of gold and silver bullion, though these laws do not necessarily recognize precious metals as legal tender or create infrastructure to support their use as a medium of exchange.³¹

While these states have taken steps to encourage the use of gold and silver by removing tax barriers and recognizing their status as lawful money in specific contexts, no state currently operates a fully integrated, government-supported electronic payment system backed by physical precious metals that is recognized for payment of all state taxes, fees, or other obligations. Most existing laws focus on facilitating private holding and exchange of gold and silver, and on removing disincentives such as sales and capital gains taxes, rather than creating comprehensive alternative currency systems.³²

Chief Financial Officer

Florida law provides that the Chief Financial Officer (CFO) must serve as the state’s chief fiscal officer and, amongst other things, is responsible for keeping all state funds.³³ The CFO is tasked with examining, auditing, adjusting, and settling all accounts of any person who may receive moneys of, or owes money to, the state.³⁴ Florida Statutes grant the CFO several powers to carry out these duties, such as the discretion on how to invest state funds within certain limitations,³⁵ authority to determine the frequency of certain state employee salary payments,³⁶ and requirement to report disbursements made.³⁷

²⁸ Utah HB 306 (2025), available at <https://le.utah.gov/~2025/bills/static/HB0306.html> (last visited April 17, 2025).

²⁹ Letter from Utah Governor Spencer J. Cox to President Adams, Speaker Schultz, and Members of the Legislature (March 27, 2025), *H.B. 306, Precious Metals Amendments*, at 4, [2_2025-Veto-Letter-Veto_No-Sign_Other.pdf](#) (last visited April 21, 2025).

³⁰ Wyo. Stat. §§ 34-29-101 to 34-29-103; SF111 (2018). See also *Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 128 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

³¹ *Id.*

³² *Id.* at 14, 20, 22-23.

³³ Fla. Const. art. IV s. 4(c); Section 17.001, F.S.

³⁴ Section 17.04, F.S.

³⁵ See s. 17.57, F.S.; s. 17.61, F.S.

³⁶ Section 17.28, F.S.

³⁷ Section 17.11, F.S.

Uniform Commercial Code

Florida law has adopted several Uniform Commercial Code model acts, in whole or in part.³⁸ One such model act is the Uniform Commercial Code-Sales regulates sales of goods.³⁹ Unless otherwise agreed, tender of payment is a condition to the seller's duty to tender and complete any delivery.⁴⁰ Tender of payment is sufficient when made by any means or in any manner current in the ordinary course of business unless the seller demands payment in legal tender and gives an extension of time reasonably necessary to procure it.⁴¹

III. Effect of Proposed Changes:

Section 1 is an unnumbered section of law that requires the Department Financial Services (DFS) to contract with an appropriate vendor to conduct a study and submit a report to the President of the Senate and the Speaker of the House of Representatives on or before December 1, 2025, as to whether the state should recognize gold and silver coin as legal tender. The vendor may not:

- Have any contractual or monetary relationship with any person or entity that supports or opposes recognizing gold and silver coin as legal tender in the state;
- Represent any person or entity that supports or opposes recognizing gold and silver coin as legal tender in the state; or
- Otherwise have a conflict of interest in recognizing gold and silver coin as legal tender in the state.

The report is required to contain a list of all individuals and sources consulted which must include at least one economist and one constitutional law scholar, and the details of the information provided by or obtained from such sources. The bill provides that specific topics must be addressed in the report, including:

- With respect to any authority that states may have to recognize gold and silver coin as legal tender, the bill requires the report to analyze in detail and provide recommendations to the Legislature regarding:
 - Whether states have authority under the United States Constitution to recognize forms of legal tender not recognized by the Federal Government and, if so, the extent of that authority.
 - The coinage power of the United States Congress under Article I, Section 8 of the United States Constitution, including, but not limited to, any limitations this provision may have on states' authority, if any, to recognize gold and silver coin as legal tender, and the meaning of the terms "coin," "money," and "regulate the value thereof," and any related recommendations.
 - The meaning of Article I, Section 10, Clause 1 of the United States Constitution, with regard to the prohibition on states coining money or emitting bills of credit, and the

³⁸ See chs. 670-675 and 677-680, F.S.

³⁹ Ch. 672, F.S. Section 672.105(1), F.S., defines "goods" as all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (chapter 678, F.S.) and things in action. "Goods" also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (s. 672.107, F.S.).

⁴⁰ Section 672.511(1), F.S.

⁴¹ Section 672.511(2), F.S.

- allowance to make gold and silver coin a tender in payment of debts. The report must address the terms “coining money,” “emitting bills of credit,” “coin,” and “debts,” and any related recommendations.
- The authority of the United States Congress under the commerce clause of the United States Constitution or the necessary and proper clause of the United States Constitution and any impact on a state’s authority to establish gold and silver coin as legal tender.
 - The extent to which other federal or state constitutional provisions, federal or state laws, or federal or state regulations affect a state’s authority to establish gold and silver coin as legal tender.
 - With respect to practical considerations and issues the state would need to address if the state has the authority and the state elects to make gold and silver coin legal tender, the bill requires the report to analyze in detail and provide recommendations to the Legislature regarding:
 - Whether the state may establish criteria regarding the purity of gold and silver coin recognized as legal tender and, if so, whether the state should require certain purity standards for gold and silver coin recognized as legal tender.
 - Whether the state may establish criteria regarding the physical representations of gold and silver coin recognized as legal tender, considering any relevant factors, including, the costs and other practical barriers to implementing gold and silver coin as legal tender for payments of debts, taxes, or fees.
 - The possible uses and limitations of various physical forms of gold and silver coin, such as coins, ingots, bullion, or bars, or other forms of gold or silver.
 - The impact of interstate and international compatibility standards, or lack thereof, on any potentially state-approved forms of gold and silver coin as legal tender.
 - Whether any state recognition of gold or silver coin as legal tender may unduly burden interstate commerce.
 - The possible benefits and risks of establishing a system where gold and silver coin recognized as legal tender is transacted electronically, and any laws and regulations that are necessary to ensure consumer protections with regard to such transactions.
 - The current availability of electronic payment systems used to transact gold and silver and the access of state residents to any such existing system if already in existence and able to be used in the state.
 - Whether there are any technological challenges or costs of implementing a point-of-sale system that integrates tendering or accepting gold or silver coin as legal tender, and whether this would need to be done to be able to tender or accept gold or silver in commerce.
 - The obligations, if any, of the state or a private person in this state to tender or accept gold or silver coin if such precious metals are recognized as legal tender for payment of debts in this state; and, if such obligations exist, the legal consequences, if any, of such state or person refusing to tender or accept gold or silver legal tender.
 - The obligation, if any, of the state to recognize gold and silver coin that has been recognized as legal tender in other states or other countries in which it has been established as legal tender.
 - Any other practical consideration that would need to be addressed by the Legislature.
 - A detailed review of the legal status of gold and silver in all states of the United States, including whether gold or silver is recognized as legal tender and the applicable legal or regulatory framework where applicable. The review of states must also detail any legislation

that is being considered or has previously been considered in those states, and the status and outcome of such legislation.

- With respect to any changes to this state's financial system regulation that would be necessary to accommodate establishment of gold and silver coin as legal tender and to protect the residents of this state, the report must analyze in detail and provide recommendations to the Legislature regarding:
 - Prevention of counterfeiting gold and silver coin.
 - Whether banks, credit unions, and other financial institutions would be or should be required under state law to accept legal tender in the form of gold and silver coin for deposits or loan repayment.
 - Whether banks, credit unions, and other financial institutions are prevented under federal law and regulations from accepting deposits of gold or silver coin recognized as legal tender.
 - Whether gold and silver coin recognized as legal tender qualifies as an insured deposit under the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Share Insurance Fund (NCUSIF).
 - Whether participation requirements for the FDIC and NCUSIF prevent or restrict banks and credit unions from accepting deposits of gold and silver coin recognized as legal tender.
 - Whether the state should allow entities other than state or federally chartered financial institutions to accept deposits of gold and silver coin recognized as legal tender and, if so, the laws, licensure requirements, and regulations that should be adopted to protect the residents of this state.
 - Whether it is necessary for the state to ensure that financial institutions or other entities that are involved in transactions of gold and silver coin recognized as legal tender are in compliance with applicable federal laws and, if so, how the state would ensure such compliance.
 - The statutory and regulatory provisions necessary to protect the residents of this state from fraud, volatility in the value of gold and silver coin, or deceptive practices.
 - The statutory and regulatory provisions necessary to ensure the security of deposits of gold and silver coin, including insurance of such deposits and requirements to prevent criminal actions, such as, the theft of such coin.
 - The willingness of financial institutions to participate in transactions involving gold and silver coin.
 - For entities that facilitate electronic transfers involving gold and silver coin, the laws and regulations that would be necessary to protect the residents of this state, including licensure requirements, recommended amendments to laws, and recommended new laws.
 - The effect on the use of gold and silver coin as legal tender and on entities holding or facilitating transactions of such legal tender if federal regulators classify gold and silver coin recognized as legal tender by the state as a commodity or financial security for regulatory purposes.
 - The risks of market manipulation or speculative trading undermining the stability of gold and silver coin recognized as legal tender, and how the state could mitigate any such risks.
 - Whether and, if so, to what extent consumer protections for financial transactions under federal and state law would or, with respect to the state, should apply to transactions involving gold and silver coin recognized as legal tender.

- Whether establishing gold and silver coin as legal tender would facilitate criminal activity and, if so, recommendations regarding laws and regulations that could prevent such activity.
- How federal reporting requirements for large transactions or suspicious activity would apply to financial institutions or other holders of deposits of gold and silver coin, and how such entities would comply with such requirements.
- How federal and state laws relating to anti-money laundering protocols or “know your customer” requirements would apply to financial institutions or other entities that hold deposits of, or facilitate transactions involving, gold and silver coin recognized as legal tender, and how such entities would comply with such requirements.
- How gold and silver coin recognized as legal tender would interact with electronic payment systems, such as the Automated Clearinghouse or the Society for Worldwide Interbank Financial Telecommunications.
- Whether the state should establish a regulatory framework for payment processors that handle transactions involving gold and silver coin as legal tender.
- How state and federal currency exchange laws apply to transactions involving gold and silver coin recognized as legal tender, and whether additional protections are needed.
- Whether existing limitations on fees on debit and credit card transactions apply to transactions involving gold and silver coin that may be recognized as legal tender.
- The benefits and risks of the state establishing a state-run depository for deposits of gold and silver coin recognized as legal tender, the laws and regulations that should be adopted to regulate such depository, and the anticipated costs of establishing and maintaining such depository.
- The benefits and risks of the state relying solely on private depositories for deposits of gold and silver coin recognized as legal tender and the laws and regulations that should be adopted to regulate private depositories in a state where gold and silver coin are made legal tender.
- Any laws and regulations that should be adopted to ensure that owners of gold and silver coin recognized as legal tender can withdraw and take possession of their physical gold and silver coin from a financial institution or depository.
- The regulatory framework necessary to protect the public, which state agencies should be charged with adopting and implementing regulations, and the fiscal impact on each such state agency to conduct such regulatory oversight. Consideration should be given to existing regulatory systems and recommendations made by relevant regulatory agencies that may be responsible for any oversight or enforcement.
- Any other changes to financial system regulation necessary to protect the public.
- With respect to the acceptance by the state and local governments of gold and silver coin recognized as legal tender and the application of state and federal tax laws to such gold and silver coin, the report must address the following:
 - The benefits and risks of the state accepting gold and silver coin recognized as legal tender for the payment of taxes, debts, and other moneys owed to the state.
 - Whether the state would be obligated to accept gold and silver coin recognized as legal tender or obligated to tender gold and silver coin recognized as legal tender as payment upon request.
 - Any laws and infrastructure that may be necessary for the state to accept gold and silver coin recognized as legal tender, and the anticipated costs of establishing and maintaining such infrastructure.

- The laws and regulations governing qualified public depositories which may be affected by the establishment of gold and silver coin as legal tender.
- Any changes necessary for the state to make public deposits of gold and silver coin recognized as legal tender in qualified public depositories.
- Whether additional entities should be required to be designated as qualified public depositories for the purpose of holding gold and silver coin recognized as legal tender and, if so, the requirements necessary to ensure the security of public deposits made with such entities.
- How fluctuations in the value of gold and silver relative to the United States dollar would affect state deposits held in the form of gold and silver coin recognized as legal tender.
- The impact that the volatility in the value of gold or silver may have on the state's economy and residents of the state if gold and silver coin is recognized as legal tender.
- Whether the state should increase investments in gold and silver coin if it is recognized as legal tender and, if so, to what extent and with which investment portfolios.
- Whether or to what extent gold and silver coin recognized as legal tender may be subject to federal capital gains taxation.
- Whether local sales taxes would be applicable to transactions paid with gold and silver coin recognized as legal tender.
- Any other relevant consideration regarding state acceptance of gold and silver coin recognized as legal tender and the application of federal and state tax laws to such gold and silver coin.
- With respect to issues of public policy which the Legislature should consider in deciding whether it should make gold and silver coin legal tender, the report should address the following:
 - The benefits or harms that the residents of this state would be likely to realize from establishing gold and silver coin as legal tender.
 - Current hinderances, if any, to persons holding and saving gold and silver, investing in gold and silver, or using gold and silver in commerce, and whether recognizing gold and silver coin as legal tender would address those hinderances.
 - Whether states establishing gold and silver coin as legal tender would increase the stability and value of gold and silver, and the possible effects of such an outcome.
 - Whether the recognition of gold and silver coin as legal tender would negatively affect the value and stability of the United States dollar, and the potential consequences of such an effect.
 - Whether the recognition of gold and silver coin as legal tender would negatively impact the United States dollar's standing as the world's principal reserve currency, and the potential consequences of such an outcome.
 - Whether the state should focus primarily on facilitating electronically based transactions of gold and silver coin legal tender, physically based transactions of gold and silver coin legal tender.
 - Whether the recognition of gold and silver coin as legal tender would hinder the Federal Reserve System's ability to perform its functions, and the potential effects of such interference.

The bill requires the DFS to submit to the President of the Senate and the Speaker of the House of Representatives comprehensive proposed statutory and administrative rule language based upon the recommendations in the study if the report recommends the state should recognize gold

and silver coin as legal tender. The bill authorizes the DFS to consult with any other state agency and make any additional recommendations it deems necessary.

Section 2 provides the bill is effective 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 bill has an indeterminate impact to state revenues and expenditures. The Department of Financial Services (DFS) is required to contract with a vendor to conduct a study and submit a report on the feasibility of recognizing gold and silver coin as legal tender. It is unknown how much a study will cost and the bill does not provide a specific appropriation for the study or any costs associated with consultation with the required experts; however, the DFS has performed studies using its base budget in the past, so any such costs can be absorbed within existing resources.

The DFS may experience an indeterminate increase in workload to gather the proposed statutory and administrative rule language and in consulting with any other state agency

to develop proposed language and make recommendations. Such workload can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates undesignated sections of Florida law.

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 on April 22, 2025:

The committee substitute:

- Requires the Department of Financial Services (DFS) to contract with an appropriate vendor to conduct a study and prepare a report by a specified date as to whether the state should recognize gold and silver coin as legal tender.
- Requires specified individuals or sources to be consulted and the details of the information provided by such sources.
- Specifies certain issues which must be addressed in such report.
- Requires the DFS to submit a report by a specified date proposing statutory and administrative rule language in certain circumstances.
- Authorizes the DFS to consult with any other state agency and make any additional recommendations it deems necessary.

CS by Banking and Insurance on March 31, 2025:

- Effective January 1, 2026, declares gold and silver coin are legal tender in the state for payment of a debt, and provides:
 - The circumstances under which an individual or government entity may tender or accept gold or silver coin, and limits liability for refusing to offer or accept legal tender;
 - The section may not be construed to restrict the electronic transfer of gold or silver coin;
 - The section does not apply to chapters 731-738;
 - The section does not exempt a person from any applicable federal tax laws, rules, or regulations;
 - The requirements a government entity must meet, if any, to enter into a written contract to tender or accept payment of gold or silver coin;
 - Definitions relating to gold and silver coin;

- Provides a custodian of gold or silver coin must meet certain qualified public depository requirements;
- Clarifies that gold and silver coin are not subject to sales tax as “tangible personal property” or legal tender;
- Unless there is evidence to the contrary, creates a presumption that gold coin and silver coin meet the definition provided by law and are exempt from sales tax;
- Modifies definitions to clarify that gold and silver coin fall within the relevant definitions of a money services business and constitute a monetary instrument for purposes of money laundering regulations, and defines a custodian of gold coin and silver coin;
- Amends money services business licensing provisions to include requirements for custodians of gold coin or silver coin;
- Requires money services businesses that offer products or services relating to gold or silver coin to comply with minimum requirements;
- Provides a custodian has a fiduciary relationship with an owner of gold or silver coin for purposes of determining the priority of claims or losses;
- Provides a financial institution is not required to accept deposits or exchange gold or silver coin but specifies minimum requirements that must be met if a financial institution does offer such products or services;
- Clarifies current law in the uniform commercial code to specify that a seller may not require payment in gold coin or silver coin;
- Requires the Department of Financial Services to submit a report by January 1, 2026, that must include specified information;
- Authorizes the commission to adopt rules to implement specified sections of the bill relating to custodians of gold or silver coin; and
- Modifies the effective date of the bill from July 1, 2025, to upon becoming a law.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
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The Committee on Appropriations (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. (1) The Department of Financial Services shall contract with an appropriate vendor to conduct a study and submit a report to the President of the Senate and the Speaker of the House of Representatives on or before December 1, 2026, as to whether the State of Florida should recognize gold and silver coin as legal tender. The vendor conducting the study and



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submitting the report may not have any contractual or monetary relationship with any person or entity that supports or opposes, or represents any person or entity that supports or opposes, or otherwise has a conflict of interest in, recognizing gold and silver coin as legal tender in this state. The report must include a full listing of all individuals and sources consulted, at least one of whom must be an economist and one of whom must be a constitutional law scholar, in creating the report and detail the information provided by or obtained from such sources. The report must address the following subjects, analyzing each in detail and providing recommendations to the Legislature:

(a) Any authority that states have to establish gold and silver coin as legal tender and, if states have such authority, the extent of that authority. The report must address the following subjects, analyze in detail, and provide recommendations to the Legislature regarding the following topics:

1. Whether states have authority under the United States Constitution to recognize forms of legal tender not recognized by the Federal Government and, if so, the extent of that authority.

2. The coinage power of the United States Congress under Article I, Section 8 of the United States Constitution, including, but not limited to, any limitations this provision may have on states' authority, if any, to recognize gold and silver coin as legal tender, including the meaning of the terms "coin," "money," and "regulate the value thereof," and any related recommendations.



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3. The meaning of Article I, Section 10, Clause 1 of the United States Constitution, with regard to the prohibition on states coining money or emitting bills of credit, and the allowance to make gold and silver coin a tender in payment of debts. The report must address the terms "coining money," "emitting bills of credit," "coin," and "debts," and any related recommendations.

4. The authority of the United States Congress under the commerce clause of the United States Constitution or the necessary and proper clause of the United States Constitution and any impact on a state's authority to establish gold and silver coin as legal tender.

5. The extent to which other federal or state constitutional provisions, federal or state laws, or federal or state regulations affect a state's authority to establish gold and silver coin as legal tender.

(b) Practical considerations and issues the state would need to address if the state has the authority and the state elects to make gold and silver coin legal tender. The report must analyze in detail and provide recommendations to the Legislature regarding the following topics:

1. Whether the state may establish criteria regarding the purity of gold and silver coin recognized as legal tender and, if so, whether the state should require certain purity standards for gold and silver coin recognized as legal tender.

2. Whether the state may establish criteria regarding the physical representations of gold and silver coin recognized as legal tender, considering any relevant factors, including, but not limited to, the costs and other practical barriers to



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implementing gold and silver coin as legal tender for payments of debts, taxes, or fees.

3. The possible uses and limitations of various physical forms of gold and silver coin when used as legal tender, such as coins, ingots, bullion, or bars, or other forms of gold or silver.

4. The impact of interstate and international compatibility standards, or lack thereof, on any potentially state-approved forms of gold and silver coin as legal tender.

5. Whether any state recognition of gold or silver coin as legal tender may unduly burden interstate commerce.

6. The possible benefits and risks of establishing a system where gold and silver coin recognized as legal tender is transacted electronically, and any laws and regulations necessary to ensure consumer protections with regard to such transactions.

7. The current availability of electronic payment systems used to transact gold and silver and the access of state residents to any such existing system if already in existence and able to be used in the state.

8. Whether there are any technological challenges or costs of implementing a point-of-sale system that integrates tendering or accepting gold or silver coin as legal tender, and whether this would need to be done to be able to tender or accept gold or silver in commerce.

9. The obligations, if any, of the state or a private person in this state to tender or accept gold or silver coin if such precious metals are recognized as legal tender for payment of debts in this state; and, if such obligations exist, the



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legal consequences, if any, of such state or person refusing to tender or accept gold or silver legal tender.

10. The obligation, if any, of the state to recognize gold and silver coin that has been recognized as legal tender in other states or other countries in which it has been established as legal tender.

11. Any other practical consideration that would need to be addressed by the Legislature.

(c) A detailed review of the legal status of gold and silver in all states of the United States, including whether gold or silver is recognized as legal tender and the applicable legal or regulatory framework where applicable. The review of states must also detail any legislation that is being considered or has previously been considered in those states, and the status and outcome of such legislation.

(d) The changes to this state's financial system regulation that would be necessary to accommodate establishment of gold and silver coin as legal tender and to protect the residents of this state. The report must analyze in detail and provide recommendations to the Legislature regarding the following considerations:

1. Prevention of counterfeiting of gold and silver coin.

2. Whether banks, credit unions, and other financial institutions would be or should be required under state law to accept legal tender in the form of gold and silver coin for deposits or loan repayment.

3. Whether banks, credit unions, and other financial institutions are prevented under federal law and regulations from accepting deposits of gold or silver coin recognized as



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legal tender.

4. Whether gold and silver coin recognized as legal tender qualifies as an insured deposit under the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Share Insurance Fund (NCUSIF).

5. Whether participation requirements for the FDIC and NCUSIF prevent or restrict banks and credit unions from accepting deposits of gold and silver coin recognized as legal tender.

6. Whether the state should allow entities other than state or federally chartered financial institutions to accept deposits of gold and silver coin recognized as legal tender and, if so, the laws, licensure requirements, and regulations that should be adopted to protect the residents of this state.

7. Whether it is necessary for the state to ensure that financial institutions or other entities that are involved in transactions of gold and silver coin recognized as legal tender are in compliance with applicable federal laws and, if so, how the state would ensure such compliance.

8. The statutory and regulatory provisions necessary to protect the residents of this state from fraud, volatility in the value of gold and silver coin, or deceptive practices.

9. The statutory and regulatory provisions necessary to ensure the security of deposits of gold and silver coin recognized as legal tender, including insurance of such deposits and requirements to prevent criminal actions, including, but not limited to, the theft of gold and silver coin.

10. The willingness of financial institutions to participate in transactions involving gold and silver coin



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recognized as legal tender.

11. For entities that facilitate electronic transfers involving gold and silver coin recognized as legal tender, the laws and regulations that would be necessary to protect the residents of this state, including licensure requirements, recommended amendments to laws, and recommended new laws.

12. The effect on the use of gold and silver coin as legal tender and on entities holding or facilitating transactions of such legal tender if federal regulators classify gold and silver coin recognized as legal tender by the state as a commodity or financial security for regulatory purposes.

13. The risks of market manipulation or speculative trading undermining the stability of gold and silver coin recognized as legal tender, and how the state could mitigate any such risks.

14. Whether and, if so, to what extent consumer protections for financial transactions under federal and state law would or, with respect to the state, should apply to transactions involving gold and silver coin recognized as legal tender.

15. Whether establishing gold and silver coin as legal tender would facilitate criminal activity and, if so, recommendations regarding laws and regulations that could prevent such activity.

16. How federal reporting requirements for large transactions or suspicious activity would apply to financial institutions or other holders of deposits of gold and silver coin recognized as legal tender, and how such entities would comply with such requirements.

17. How federal and state laws relating to anti-money laundering protocols or "know your customer" requirements would



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apply to financial institutions or other entities that hold deposits of, or facilitate transactions involving, gold and silver coin recognized as legal tender, and how such entities would comply with such requirements.

18. How gold and silver coin recognized as legal tender would interact with electronic payment systems, such as the Automated Clearinghouse or the Society for Worldwide Interbank Financial Telecommunications.

19. Whether the state should establish a regulatory framework for payment processors that handle transactions involving gold and silver coin as legal tender.

20. How state and federal currency exchange laws apply to transactions involving gold and silver coin recognized as legal tender, and whether additional protections are needed.

21. Whether existing limitations on fees on debit and credit card transactions apply to transactions involving gold and silver coin that may be recognized as legal tender.

22. The benefits and risks of the state establishing a state-run depository for deposits of gold and silver coin recognized as legal tender, the laws and regulations that should be adopted to regulate such depository, and the anticipated costs of establishing and maintaining such depository.

23. The benefits and risks of the state relying solely on private depositories for deposits of gold and silver coin recognized as legal tender and the laws and regulations that should be adopted to regulate private depositories in a state where gold and silver coin are made legal tender.

24. Any laws and regulations that should be adopted to ensure that owners of gold and silver coin recognized as legal



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tender can withdraw and take possession of their physical gold and silver coin from a financial institution or depository.

25. The regulatory framework necessary to protect the public, which state agencies should be charged with adopting and implementing regulations, and the fiscal impact on each such state agency to conduct such regulatory oversight. Consideration should be given to existing regulatory systems and recommendations made by relevant regulatory agencies that may be responsible for any oversight or enforcement.

26. Any other changes to financial system regulation necessary to protect the public.

(e) The acceptance by the state and local governments of gold and silver coin recognized as legal tender and the application of state and federal tax laws to such gold and silver coin, including, but not limited to, all of the following topics:

1. The benefits and risks of the state accepting gold and silver coin recognized as legal tender for the payment of taxes, debts, and other moneys owed to the state.

2. Whether the state would be obligated to accept gold and silver coin recognized as legal tender or obligated to tender gold and silver coin recognized as legal tender as payment upon request.

3. Any laws and infrastructure that may be necessary for the state to accept gold and silver coin recognized as legal tender, and the anticipated costs of establishing and maintaining such infrastructure.

4. The laws and regulations governing qualified public depositories which may be affected by the establishment of gold



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and silver coin as legal tender.

5. Any changes necessary for the state to make public deposits of gold and silver coin recognized as legal tender in qualified public depositories.

6. Whether additional entities should be required to be designated as qualified public depositories for the purpose of holding gold and silver coin recognized as legal tender and, if so, the requirements necessary to ensure the security of public deposits made with such entities.

7. How fluctuations in the value of gold and silver relative to the United States dollar would affect state deposits held in the form of gold and silver coin recognized as legal tender.

8. The impact that the volatility in the value of gold or silver may have on the state's economy and residents of the state if gold and silver coin is recognized as legal tender.

9. Whether the state should increase investments in gold and silver coin if it is recognized as legal tender and, if so, to what extent and with which investment portfolios.

10. Whether or to what extent gold and silver coin recognized as legal tender may be subject to federal capital gains taxation.

11. Whether local sales taxes would be applicable to transactions paid with gold and silver coin recognized as legal tender.

12. Any other relevant consideration regarding state acceptance of gold and silver coin recognized as legal tender and the application of federal and state tax laws to such gold and silver coin.



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(f) Issues of public policy which the Legislature should consider in deciding whether it should make gold and silver coin legal tender, including, but not limited to, all of the following public policy considerations:

1. The benefits or harms that the residents of this state would be likely to realize from establishing gold and silver coin as legal tender.

2. Current hinderances, if any, to persons holding and saving gold and silver, investing in gold and silver, or using gold and silver in commerce, and whether recognizing gold and silver coin as legal tender would address those hinderances.

3. Whether states establishing gold and silver coin as legal tender would increase the stability and value of gold and silver, and the possible effects of such an outcome.

4. Whether the recognition of gold and silver coin as legal tender by this state and other states would negatively affect the value and stability of the United States dollar, and the potential consequences of such an effect.

5. Whether the recognition of gold and silver coin as legal tender by this state and other states would negatively impact the United States dollar's standing as the world's principal reserve currency, and the potential consequences of such an outcome.

6. Whether the state should focus primarily on facilitating electronically based transactions of gold and silver coin legal tender, physically based transactions of gold and silver coin legal tender, or both if the state decided to recognize gold and silver coin as legal tender.

7. Whether the recognition of gold and silver coin as legal



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tender by this state and other states would hinder the Federal Reserve System's ability to perform its functions, and the potential effects of such interference.

(2) If the report required under subsection (1) recommends that the state recognize gold and silver coin as legal tender, the Department of Financial Services shall, on or before January 1, 2026, submit to the President of the Senate and the Speaker of the House of Representatives comprehensive proposed statutory and administrative rule language based upon the recommendations in the report. The department may consult with any other state agency it deems necessary in developing the proposed language and may make any additional recommendations as it deems necessary.

Section 2. This act shall take effect upon becoming a law.

===== 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 legal tender; requiring the Department of Financial Services to contract with an appropriate vendor to conduct a specified study and submit a report to the Legislature by a specified date; prohibiting the vendor from having certain relationships; specifying requirements for the report; requiring, by a specified date, the department to provide proposed statutory and administrative rule language if certain conditions are met; authorizing



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330 the department to consult with other state agencies in
331 developing such language and to make additional
332 recommendations; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
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The Committee on Appropriations (Rodriguez) recommended the following:

Senate Amendment to Amendment (570732)

Delete line 8
and insert:
of the House of Representatives on or before December 1, 2025,

By the Committee on Banking and Insurance; and Senators
Rodriguez, Gruters, and Burgess

597-03074-25

2025132c1

1 A bill to be entitled
2 An act relating to legal tender; amending s. 212.02,
3 F.S.; revising the term "tangible personal property";
4 amending s. 212.05, F.S.; revising the sales and use
5 tax of coin or currency tax exemption; specifying that
6 a person who claims the sales tax exemption bears the
7 burden for determining whether the gold coin or silver
8 coin meets a specified definition; providing a
9 presumption regarding the purity requirements of gold
10 coin and silver coin; creating s. 215.986, F.S.;
11 defining terms; specifying, beginning on a specified
12 date, that gold coin and silver coin are legal tender
13 for a specified purpose; providing construction;
14 prohibiting persons from being required to offer or
15 accept any legal tender for a specified purpose;
16 prohibiting persons from incurring liability for
17 refusing to offer or accept legal tender; providing an
18 exception; authorizing a governmental entity to accept
19 gold coin or silver coin for a specified purpose and
20 only in a specified manner; providing applicability;
21 providing construction; authorizing governmental
22 entities to enter into written contracts under certain
23 circumstances; requiring certain custodians of gold
24 coin or silver coin to meet certain requirements;
25 specifying that a governmental entity that tenders or
26 accepts gold coin or silver coin under certain
27 circumstances need not comply with certain provisions;
28 creating s. 280.21, F.S.; requiring custodians of gold
29 coin or silver coin which hold public deposits to meet

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

597-03074-25

2025132c1

30 certain requirements; amending s. 560.103, F.S.;
31 revising definitions and defining terms; amending s.
32 560.141, F.S.; requiring the Office of Financial
33 Regulation to approve an application for a custodian
34 of gold coin or silver coin under certain
35 circumstances; authorizing the office to conduct an
36 examination of certain applicants before issuing a
37 specified license; amending s. 560.142, F.S.;
38 requiring the office to approve a renewal application
39 for a custodian of gold coin or silver coin under
40 certain circumstances; creating s. 560.150, F.S.;
41 prohibiting money services businesses from being
42 required to offer certain products or services;
43 specifying certain requirements if money services
44 businesses offer certain products or services;
45 authorizing the Financial Services Commission to adopt
46 rules; amending s. 560.204, F.S.; prohibiting a person
47 from engaging in or advertising that they engage in
48 the activity of a custodian of gold or coin or silver
49 coin for compensation without a license; amending s.
50 560.205, F.S.; requiring applicants seeking to operate
51 as a payment instrument seller, money transmitter, or
52 a custodian of gold coin or silver coin to provide
53 specified information to the office; amending s.
54 560.214, F.S.; requiring a custodian of gold coin or
55 silver coin to meet certain requirements; specifying
56 that certain actions constitute a violation of certain
57 provisions; authorizing the office to take certain
58 disciplinary actions; specifying that the obligations

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

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59 of a custodian to an owner of gold coin or silver coin
 60 are fiduciary in nature for a specified purpose;
 61 authorizing the commission to adopt rules; amending s.
 62 655.50, F.S.; revising the definition of the term
 63 "monetary instrument"; creating s. 655.970, F.S.;
 64 prohibiting financial institutions from being required
 65 to take certain actions; requiring financial
 66 institutions to take actions under certain
 67 circumstances; authorizing the commission to adopt
 68 rules; amending s. 672.511, F.S.; providing
 69 construction; requiring, by a specified date, the
 70 Department of Financial Services to submit a specified
 71 report to the Governor and the Legislature; amending
 72 s. 559.952, F.S.; conforming a cross-reference;
 73 providing an effective date.

74
 75 Be It Enacted by the Legislature of the State of Florida:

76
 77 Section 1. Subsection (19) of section 212.02, Florida
 78 Statutes, is amended to read:

79 212.02 Definitions.—The following terms and phrases when
 80 used in this chapter have the meanings ascribed to them in this
 81 section, except where the context clearly indicates a different
 82 meaning:

83 (19) "Tangible personal property" means and includes
 84 personal property which may be seen, weighed, measured, or
 85 touched or is in any manner perceptible to the senses, including
 86 electric power or energy, boats, motor vehicles and mobile homes
 87 as defined in s. 320.01(1) and (2), aircraft as defined in s.

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88 330.27, and all other types of vehicles. The term "tangible
 89 personal property" does not include stocks, bonds, notes,
 90 insurance, gold coin or silver coin as those terms are defined
 91 in s. 215.986, or other obligations or securities or pari-mutuel
 92 tickets sold or issued under the racing laws of the state.

93 Section 2. Paragraph (j) of subsection (1) of section
 94 212.05, Florida Statutes, is amended to read:

95 212.05 Sales, storage, use tax.—It is hereby declared to be
 96 the legislative intent that every person is exercising a taxable
 97 privilege who engages in the business of selling tangible
 98 personal property at retail in this state, including the
 99 business of making or facilitating remote sales; who rents or
 100 furnishes any of the things or services taxable under this
 101 chapter; or who stores for use or consumption in this state any
 102 item or article of tangible personal property as defined herein
 103 and who leases or rents such property within the state.

104 (1) For the exercise of such privilege, a tax is levied on
 105 each taxable transaction or incident, which tax is due and
 106 payable as follows:

107 (j)1. Notwithstanding any other provision of this chapter,
 108 there is hereby levied a tax on the sale, use, consumption, or
 109 storage for use in this state of any coin or currency, whether
 110 in circulation or not, when such coin or currency:

111 a. Is not legal tender;
 112 b. If legal tender, is sold, exchanged, or traded at a rate
 113 in excess of its face value; or
 114 c. Is sold, exchanged, or traded at a rate based on its
 115 precious metal content.

116 2. Such tax shall be at a rate of 6 percent of the price at

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which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States or any gold coin or silver coin declared legal tender in this state pursuant to s. 215.986 and which is sold, exchanged, or traded, such tax shall not be levied. The person that claims the sales tax exemption bears the burden of determining whether the gold coin or silver coin meets the definitions provided in s. 215.986. In the absence of evidence to the contrary, there is a presumption that the gold coin or silver coin meets the percent purity requirements provided in s. 215.986 based upon:

a. The purity imprinted or stamped on the gold coin or silver coin; or

b. An electronic transfer, as defined in s. 215.986(1)(b), of a gold coin or silver coin or any fraction thereof.

3. There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.

4. With respect to any transaction that involves the sale of coins or currency taxable under this paragraph in which the taxable amount represented by the sale of such coins or currency exceeds \$500, the entire amount represented by the sale of such coins or currency is exempt from the tax imposed under this paragraph. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of coins or currency

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and is exempt under this subparagraph.

Section 3. Section 215.986, Florida Statutes, is created to read:

215.986 Gold and silver coin as legal tender.-

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

(a) "Debt" means an obligation for the payment of money under contract, whether expressed or implied, which includes judgments and recognizance. The term "debt" does not include taxes, charges, or dues imposed by the state.

(b) "Electronic transfer" means any transfer of gold coin or silver coin, or any fraction thereof, other than a transaction by check, draft, or similar paper instrument, which is initiated through debit card, mobile application, or computer to order, instruct, or authorize a financial institution as defined in s. 655.005(1)(i) or a money services business as defined in s. 560.103 to debit or credit an account with gold coin or silver coin or the equivalent coin or currency of the United States converted at current market price.

(c) "Gold coin" means a precious metal with the chemical element of atomic number 79 in solid form, typically in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and which consists of at least 99.5 percent purity. The term "coin" does not mean any goods as defined in s. 672.105(1), such as jewelry, other items of utility such as picture frames, or keepsakes.

(d) "Governmental entity" means a state, regional, county, municipal, special district, or other political subdivision, whether executive, judicial, or legislative, including, but not

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limited to, a department, a division, a board, a bureau, a commission, an authority, a district, or an agency thereof, or a public school, a Florida College System institution, a state university, or an associated board.

(e) "Legal tender" means a medium of exchange that is authorized by this state pursuant to s. 10, Art. I of the United States Constitution for the payment of a debt.

(f) "Silver coin" means a precious metal with the chemical element of atomic number 47, in solid form typically in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with a weight that consists of at least 99.9 percent purity. The term "coin" does not mean any goods as defined in s. 672.105(1), such as jewelry, other items of utility such as picture frames, or keepsakes.

(2) LEGAL TENDER.-Effective January 1, 2026, gold coin and silver coin are legal tender for the payment of a debt in this state.

(a) This section may not be construed to restrict the electronic transfer of gold coin or silver coin as tender for the payment of a debt.

(b) A person may not be required to offer or accept any recognized legal tender, as described in this subsection, for the payment of a debt, deposit, or any other purpose. A person may not incur any liability for refusing to offer or accept such legal tender, except as specifically provided for by contract.

(c) A governmental entity may accept gold coin or silver coin for the payment of taxes or fees levied by the state or local government or any subdivision thereof. However, a

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governmental entity may tender or accept gold coin or silver coin as payment for a debt only by electronic transfer and may not tender or accept gold coin or silver coin in physical form.

(d) This section may not apply after the death of a system participant or account holder and may not affect the definitions of "tangible personal property" or "precious metals" for the purposes of chapters 731-738.

(e) This section does not exempt a person from any applicable federal tax law, rule, or regulation.

(3) GOVERNMENT IMPLEMENTATION.-Each governmental entity that intends to tender or to accept payment of gold coin or silver coin may enter into a written contract which must be procured through competitive bidding with a qualified public depository as defined in s. 280.02.

(a) Unless otherwise provided in chapter 280, a custodian of gold coin or silver coin, as that term is defined in s. 560.103, which holds gold coin or silver coin as public deposits must meet the requirements for qualified public depositories under that chapter.

(b) A governmental entity that tenders or accepts gold coin or silver coin as payment of a debt by one of the exemptions listed in s. 280.03(3) need not comply with this subsection for purposes of tendering or accepting such gold coin or silver coin.

Section 4. Section 280.21, Florida Statutes, is created to read:

280.21 Custodians of gold coin and silver coin.-A custodian of gold coin or silver coin as that term is defined in s. 560.103 which holds public deposits must do all of the

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233 following:

234 (1) Meet the definition of a qualified public depository as
 235 defined in s. 280.02, except that such custodian is not required
 236 to be insured by the Federal Deposit Insurance Corporation or
 237 the National Credit Union Share Insurance Fund for purposes of
 238 holding gold coin or silver coin as defined in s. 215.986.

239 (2) Comply with all other applicable qualified public
 240 depository requirements and be subject to the provisions of this
 241 chapter.

242 Section 5. Present subsections (13) through (19), (20)
 243 through (34), and (35) and (36) of section 560.103, Florida
 244 Statutes, are redesignated as subsections (14) through (20),
 245 (22) through (36), and (38) and (39), respectively, new
 246 subsections (13), (21), and (37) are added to that section, and
 247 present subsections (18), (23), and (24) of that section are
 248 amended, to read:

249 560.103 Definitions.—As used in this chapter, the term:

250 (13) "Custodian of gold coin or silver coin" means any
 251 person or entity providing secure vault facilities for the
 252 safekeeping and storage of gold coin or silver coin, the
 253 ownership of which is or may be transferred electronically as
 254 defined in s. 215.986(1). The term includes any person who holds
 255 gold coin or silver coin for more than 10 days.

256 (19)(18) "Foreign currency exchanger" means a person who
 257 exchanges, for compensation, currency of the United States or a
 258 foreign government, gold coin, or silver coin to currency of
 259 another government.

260 (21) "Gold coin" has the same meaning as in s. 215.986.

261 (25)(23) "Money services business" means any person located

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262 in or doing business in this state, from this state, or into
 263 this state from locations outside this state or country who acts
 264 as a payment instrument seller, foreign currency exchanger,
 265 check casher, ~~or~~ money transmitter, or custodian of gold coin or
 266 silver coin.

267 (26)(24) "Money transmitter" means a corporation, limited
 268 liability company, limited liability partnership, or foreign
 269 entity qualified to do business in this state which receives
 270 currency, monetary value, a payment instrument, gold coin or
 271 silver coin, or virtual currency for the purpose of acting as an
 272 intermediary to transmit currency, monetary value, a payment
 273 instrument, gold coin or silver coin, or virtual currency from
 274 one person to another location or person by any means, including
 275 transmission by wire, facsimile, electronic transfer, courier,
 276 the Internet, or through bill payment services or other
 277 businesses that facilitate such transfer within this country, or
 278 to or from this country. The term includes only an intermediary
 279 that has the ability to unilaterally execute or indefinitely
 280 prevent a transaction.

281 (37) "Silver coin" has the same meaning as in s. 215.986.

282 Section 6. Subsection (3) is added to section 560.141,
 283 Florida Statutes, to read:

284 560.141 License application.—

285 (3) The office must approve an application for a custodian
 286 of gold coin or silver coin if the applicant demonstrates
 287 compliance with the provisions of this chapter and the rules
 288 adopted by the commission requiring guidelines for the storage,
 289 security, insurance, auditing, administration, authorized
 290 access, transacting, and transfer of gold coin or silver coin.

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291 The office may conduct an examination of the applicant before
 292 issuing a license to determine the applicant's ability to
 293 conduct business immediately upon opening for business.

294 Section 7. Present subsection (5) of section 560.142,
 295 Florida Statutes, is redesignated as subsection (6), and a new
 296 subsection (5) is added to that section, to read:

297 560.142 License renewal.—

298 (5) The office must approve a renewal application for a
 299 custodian of gold coin or silver coin if the licensee
 300 demonstrates compliance with the applicable provisions of this
 301 chapter and with the rules adopted by the commission requiring
 302 guidelines for the storage, security, insurance, auditing,
 303 administration, authorized access, transacting, and transfer of
 304 gold coin or silver coin.

305 Section 8. Section 560.150, Florida Statutes, is created to
 306 read:

307 560.150 Gold and silver coin as legal tender.—

308 (1) A money services business may not be required to offer
 309 products or services, including, but not limited to,
 310 transmitting, storing, exchanging, or accepting payment in gold
 311 coin or silver coin. To the extent that a money services
 312 business offers such products or services, the money services
 313 business must do all of the following:

314 (a) Insure the gold coin or silver coin, if not otherwise
 315 insured by an independent custodian of gold coin or silver coin,
 316 for 100 percent of the full replacement value of any deposit
 317 under an all-risk insurance policy issued by a nongovernmental
 318 operated insurer that is an authorized insurer or eligible
 319 surplus lines insurer.

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320 (b) Securely store and safeguard all physical gold coin or
 321 silver coin with a custodian of gold coin or silver coin within
 322 this state.

323 (c) Include any fee to convert gold coin or silver coin to
 324 coin or currency of the United States or of another country in
 325 the total maximum interchange transaction fee that an issuer may
 326 charge with respect to an electronic debit transaction as
 327 provided under the Electronic Fund Transfer Act in 15 U.S.C. s.
 328 1693 et seq.

329 (d) Ensure that any gold coin or silver coin that is
 330 purchased for use or circulation as legal tender is from an
 331 accredited refiner or wholesaler, as prescribed by commission
 332 rule, that certifies that the gold coin or silver coin being
 333 purchased meets the requirements of gold coin and silver coin
 334 defined in s. 215.986.

335 (e) Comply with chain of custody requirements, as
 336 prescribed by commission rule.

337 (f) Comply with all other applicable state and federal
 338 regulations.

339 (2) The commission may adopt rules as necessary to
 340 implement this section.

341 Section 9. Subsection (1) of section 560.204, Florida
 342 Statutes, is amended to read:

343 560.204 License required.—

344 (1) Unless exempted, a person may not engage in, or in any
 345 manner advertise that they engage in, the activity of a payment
 346 instrument seller, ~~or~~ money transmitter, or custodian of gold
 347 coin or silver coin for compensation, without first obtaining a
 348 license under this part. For purposes of this subsection, the

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term "compensation" includes profit or loss on the exchange of currency, monetary value, or virtual currency.

Section 10. Section 560.205, Florida Statutes, is amended to read:

560.205 Additional license application requirements.—In addition to the license application requirements under part I of this chapter, an applicant seeking a license under this part must also submit any information required by this section to the office.†

(1) Any applicant seeking to operate as a payment instrument seller or money transmitter must provide all of the following information to the office:

(a) A sample authorized vendor contract, if applicable.

(b) ~~(2)~~ A sample form of payment instrument, if applicable.

(c) ~~(3)~~ Documents demonstrating that the net worth and bonding requirements specified in s. 560.209 have been fulfilled.

(d) ~~(4)~~ A copy of the applicant's financial audit report for the most recent fiscal year. If the applicant is a wholly owned subsidiary of another corporation, the financial audit report on the parent corporation's financial statements satisfies ~~shall satisfy~~ this requirement.

(2) Any applicant seeking to operate as a custodian of gold coin or silver coin must provide all of the following information to the office:

(a) All requirements specified in subsection(1).

(b) Evidence of:

1. Insurance against loss for all gold coin and silver coin held in its custody;

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2. Custody of the same quantity and type of asset for all current gold coin or silver coin held in its custody; and

3. Depository accreditation from an entity approved by the office.

(c) A statement of a business plan providing for the safe and sound operation of custodial services pertaining to the storage, security, insurance, auditing, administration, authorized access, transacting, and transfer of gold coin or silver coin to the satisfaction of the office or in accordance with rules adopted by the commission.

Section 11. Section 560.214, Florida Statutes, is created to read:

560.214 Custodians of gold coin or silver coin.—

(1) A custodian of gold coin or silver coin must meet all of the following requirements:

(a) Be located in a manner that allows quick and efficient movement of the gold coin or silver coin, or enables rapid response time from law enforcement if necessary.

(b) Meet security requirements in accordance with industry standards, including, but not limited to:

1. Use of a high-security vault rated by Underwriters' Laboratories, Inc.

2. Physical security and video surveillance 24 hours a day, 7 days a week;

3. Biometric or multi-factor access controls;

4. Facility design that is disaster-resistant including resistant to fire, flood, or earthquakes; and

5. Regular review and updates of security procedure.

(c) Keep customer assets segregated from the custodian's

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own assets and from asset classes that are not gold coin and silver coin.

(d) Offer allocated storage where the gold coin or silver coin is kept separate and identifiable, or segregated storage where the gold coin or silver coin is stored apart from other customers' gold coin or silver coin.

(e) Comply with chain of custody requirements as prescribed by commission rule.

(f) Maintain records detailing the inventory system, including, but not limited to, serial number and bar number tracking and ledger accounts.

(g) Have its custodial holdings examined or audited at least annually by an independent certified public accountant or other auditor acceptable to the office. The auditor must verify that the custodian's custodial assets are sufficient to cover all customer holdings and are held as represented. The results of such audit or examination must be reported to the office.

(h) Maintain insurance covering 100 percent of the full replacement value of the stored gold coin or silver coin under an all-risk insurance policy for loss, theft, damage, and employee dishonesty by an authorized insurer or eligible surplus lines insurer.

(i) Permit visits or inspections with advance notice.

(j) Maintain secure technology, including all of the following cybersecurity measures:

1. Secure online portal for account access.
2. Data encrypted in transit and at rest.
3. Two-factor authentication for login.
4. Regular cybersecurity audits or vulnerability

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assessments.

(k) Maintain custody of the same quantity and type of gold coin or silver coin as that entrusted by each customer.

(l) Refrain from selling, lending, pledging, rehypothecating, or encumbering any customer's gold coin or silver coin except to the extent directed by the customer for a transfer or transaction.

(m) Comply with anti-money laundering regulation pursuant to this chapter, and any applicable state or federal regulation.

(2) For a custodian that has a direct contractual relationship with the owner of the gold coin or silver coin, such custodian must also comply with all of the following requirements:

(a) Furnish to each owner, at the inception of the relationship and on at least an annual basis, a clear, written disclosure of the terms and conditions of the custodial arrangement and the associated risks. Such disclosure must also state that gold or silver assets are not insured by the FDIC, NCUA, or SIPC and that the owner's assets are held by a licensed custodian under Florida law.

(b) Provide transparent contracts, products, services, and fees, including storage and transaction fees.

(c) Provide quarterly account statements to an owner which itemize the assets in custody for that owner, and promptly deliver an updated statement and return of the gold coin or silver coin to the owner or as the owner directs.

(d) Within 30 days of a request, make available to an owner a copy of any audit report required pursuant to paragraph (1)(e) which has been completed within the most recent 2-year period.

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(3) A violation of any provision of this section or rules adopted hereunder constitutes a violation of this chapter. The office may take disciplinary action against a custodian or licensee or suspend or revoke the license, as applicable, for any violation of this section including, but not limited to, failure to safeguard assets, insolvency, commingling of customer assets, unauthorized use of assets, failure to maintain required records or reports, or other unsafe or unsound practices as defined in s. 655.005(1)(y).

(4) Obligations of a custodian to an owner of gold coin or silver coin under this section are fiduciary in nature for purposes of determining the priority of claims or losses.

(5) The commission may adopt rules as necessary to implement this section.

Section 12. Paragraph (e) of subsection (3) of section 655.50, Florida Statutes, is amended to read:

655.50 Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act.—

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

(e) "Monetary instruments" means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, stored value cards, prepaid cards, gold coin or silver coin as those terms are defined in s. 215.986, investment securities or negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery, or similar devices.

Section 13. Section 655.970, Florida Statutes, is created to read:

655.970 Gold and silver coin as legal tender.—

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(1) A financial institution may not be required to take any of the following actions:

(a) Receive deposits, as that term is defined in s. 658.26(5)(c), consisting of gold coin or silver coin, as those terms are defined in s. 215.986, whether in physical form or by electronic transfer.

(b) Exchange gold coin or silver coin for coin or currency of the United States or of another country.

(2) To the extent that a financial institution accepts gold coin or silver coin deposits, the financial institution shall do all of the following:

(a) Maintain separate accounts for any gold coin or silver coin and not commingle such gold coin or silver coin with any other coin or currency of the United States or of another country.

(b) Insure the gold coin or silver coin, if not otherwise insured by the custodian of gold coin or silver coin, for 100 percent of the full replacement value of any deposit under an all-risk insurance policy issued by a nongovernmental-operated insurer that is an authorized insurer or an eligible surplus lines insurer.

(c) Securely store and safeguard all physical gold coin or silver coin with a custodian of gold or silver coin within this state.

(d) Comply, or be responsible and accountable for any third-party vendor that stores such gold coin and silver coin to comply, with the requirements for a custodian of gold coin or silver coin as provided in s. 560.214.

(e) Include any fee to convert gold coin or silver coin to

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coin or currency of the United States or of another country in the total maximum interchange transaction fee that an issuer may charge with respect to an electronic debit transaction as provided under the Electronic Fund Transfer Act in 15 U.S.C. s. 1693 et seq.

(f) Ensure that any gold coin or silver coin purchased for use or circulation as legal tender is from an accredited refiner or wholesaler that certifies that the gold coin or silver coin being purchased meets the requirements of gold coin and silver coin defined in s. 215.986.

(g) Comply with all other applicable state and federal regulations.

(3) The commission may adopt rules as necessary to implement this section.

Section 14. Subsection (2) of section 672.511, Florida Statutes, is amended to read:

672.511 Tender of payment by buyer; payment by check.—

(2) Tender of payment is sufficient when made by any means or in any manner current in the ordinary course of business unless the seller demands payment in legal tender and gives any extension of time reasonably necessary to procure it. As provided in s. 215.986(2)(b), this section may not be construed to compel a person to tender payment in gold coin or silver coin.

Section 15. The Department of Financial Services must submit a report by January 1, 2026 to the Governor, the President of the Senate, and the Speaker of the House of Representatives which contains all the following information:

(1) The progress of implementing s. 215.986, Florida

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Statutes.

(2) An explanation of any challenge that requires additional legislation to ensure that gold coin or silver coin may be accepted by the state as legal tender for payment of debts pursuant to s. 215.986, Florida Statutes.

Section 16. Paragraph (a) of subsection (4) of section 559.952, Florida Statutes, is amended to read:

559.952 Financial Technology Sandbox.—

(4) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE REQUIREMENTS.—

(a) Notwithstanding any other law, upon approval of a Financial Technology Sandbox application, the following provisions and corresponding rule requirements are not applicable to the licensee during the sandbox period:

1. Section 516.03(1), except for the application fee, the investigation fee, the requirement to provide the social security numbers of control persons, evidence of liquid assets of at least \$25,000 or documents satisfying the requirements of s. 516.05(10), and the office's authority to investigate the applicant's background. The office may prorate the license renewal fee for an extension granted under subsection (7).

2. Section 516.05(1) and (2), except that the office shall investigate the applicant's background.

3. Section 560.109, only to the extent that the section requires the office to examine a licensee at least once every 5 years.

4. Section 560.118(2).

5. Section 560.125(1), only to the extent that the subsection would prohibit a licensee from engaging in the

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581 business of a money transmitter or payment instrument seller
582 during the sandbox period.

583 6. Section 560.125(2), only to the extent that the
584 subsection would prohibit a licensee from appointing an
585 authorized vendor during the sandbox period. Any authorized
586 vendor of such a licensee during the sandbox period remains
587 liable to the holder or remitter.

588 7. Section 560.128.

589 8. Section 560.141, except for s. 560.141(1)(a)1., 3., 7.-
590 10. and (b), (c), and (d).

591 9. Section 560.142(1) and (2), except that the office may
592 prorate, but may not entirely eliminate, the license renewal
593 fees in s. 560.143 for an extension granted under subsection
594 (7).

595 10. Section 560.143(2), only to the extent necessary for
596 proration of the renewal fee under subparagraph 9.

597 11. Section 560.204(1), only to the extent that the
598 subsection would prohibit a licensee from engaging in, or
599 advertising that it engages in, the activity of a payment
600 instrument seller or money transmitter during the sandbox
601 period.

602 12. Section 560.205(1)(b) ~~Section 560.205(2)~~.

603 13. Section 560.208(2).

604 14. Section 560.209, only to the extent that the office may
605 modify, but may not entirely eliminate, the net worth, corporate
606 surety bond, and collateral deposit amounts required under that
607 section. The modified amounts must be in such lower amounts that
608 the office determines to be commensurate with the factors under
609 paragraph (5)(c) and the maximum number of consumers authorized

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610 to receive the financial product or service under this section.

611 Section 17. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Ed Hooper, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: April 3, 2025

I respectfully request that **CS/SB 132**, relating to Legal Tender, be placed on the:

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

A handwritten signature in cursive script, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

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 Appropriations

BILL: CS/SJR 318

INTRODUCER: Finance and Tax Committee and Senator Truenow

SUBJECT: Ad Valorem Tax Exemption

DATE: April 21, 2025

REVISED: 4/23/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Burse	Becker	AG	Favorable
2.	Byrd	Khan	FT	Fav/CS
3.	Byrd	Sadberry	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SJR 318 proposes an amendment to the Florida Constitution to exempt from ad valorem taxation tangible personal property that is habitually located or typically present on land classified as agricultural; used in the production of agricultural products or for agritourism activities; and owned by the landowner or leaseholder of the agricultural land.

The exemption provided is subject to conditions and limitations and reasonable definitions as specified by the Legislature in general law.

The Revenue Estimating Conference determined that the fiscal impact of the implementing bill is contingent upon passage of an amendment to Florida's Constitution, which makes the impact of the bill zero or negative indeterminate. See **Section V. Fiscal Impact Statement** for more detail on the fiscal impact should an amendment to Florida's Constitution be approved.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors, the proposed amendment would first apply to assessments for tax years beginning January 1, 2027.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ The Florida Constitution prohibits the state from levying ad valorem taxes,⁴ and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

Ad Valorem Taxation of Tangible Personal Property

Article VII, s. 1 of the Florida Constitution also grants exclusive authority to local governments to levy ad valorem taxes on tangible personal property (“TPP”).⁶ Anyone who owns TPP on January 1 and has a proprietorship, partnership, corporation, or is a self-employed agent or contractor; or leases, lends, or rents property, must file a TPP return to the property appraiser by April 1 of each year.⁷ A single return must be filed for each site in the county where the owner of the TPP transacts business.⁸

The Florida Constitution includes the following exemptions and authorization for exemptions for TPP:

- Section 1 specifies that motor vehicles, boats, airplanes, trailers, trailer coaches, and mobile homes are subject to license taxes, but may not be subject to ad valorem taxes.
- Under section 3, household goods and personal effects are granted an exemption of at least \$1,000.
- Local governments are authorized under section 3 to grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, which may apply to TPP.

¹ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. See FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See, e.g., *Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

³ See s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a)

⁵ FLA. CONST. art. VII, s. 4.

⁶ See also FLA. CONST. art. VII, s. 9(a).

⁷ FLA. DEP’T OF REVENUE, *Tangible Personal Property*, https://floridarevenue.com/property/Pages/Taxpayers_TangiblePersonalProperty.aspx (last visited April 10, 2025).

⁸ Section 196.183, F.S.

- Also exempt under section 3 is \$25,000 of the assessed value of TPP⁹, and the assessed value of solar or renewable energy devices may be exempt pursuant to general law.¹⁰
- Under section 4, TPP “held for sale as stock in trade” may be exempted from taxation.¹¹

For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural and is no longer usable for its intended purpose is deemed to have a market value no greater than its value for salvage.¹²

Agricultural Land Valuation

The Florida Constitution provides that agricultural land may be classified by general law and assessed solely on the basis of character of use.¹³ Property appraisers annually classify, for assessment purposes, all lands within a county as either agricultural or nonagricultural.¹⁴ Only lands that are used primarily for “bona fide agricultural purposes” shall be classified agricultural.¹⁵ Accordingly, properties classified as bona fide agricultural operations are allowed to be taxed according to the “use” value of the agricultural operation, rather than the developmental value. Generally, tax assessments for qualifying lands are lower than tax assessments for other uses.

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

- The length of time the land has been so used.
- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.¹⁶

When the land is classified as agricultural, the property appraiser shall consider the following use factors only:

- The quantity and size of the property;
- The condition of the property;
- The present market value of the property as agricultural land;
- The income produced by the property;

⁹ Section 196.183, F.S., specifies the conditions for the general exemption of \$25,000 of the assessed value of TPP.

¹⁰ Section 196.182, F.S., specifies the conditions for exemption of renewable energy source devices.

¹¹ This exemption for inventory is restated at section 196.185, F.S., and inventory is defined at section 192.001(11)(c), F.S.

¹² Section 193.4615, F.S.

¹³ FLA. CONST. art. VII, s. 4(a).

¹⁴ Section 193.461(1), F.S.

¹⁵ Section 193.461(3)(b), F.S.

¹⁶ *Id.*

- The productivity of land in its present use;
- The economic merchantability of the agricultural product.
- Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.¹⁷

Agritourism Activity

Current law provides legislative intent to promote agritourism as a way to support agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry.¹⁸ Local governments may not adopt or enforce a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on agricultural land.¹⁹

An “agritourism activity” is defined as any agricultural related activity that is consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows the general public to view or enjoy its activities for recreational, entertainment, or educational purposes. These activities include farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the building of new or additional structures or facilities that are intended primarily to house, shelter, transport, or otherwise accommodate the general public. An activity is deemed to be an agritourism activity regardless of whether the participant paid to participate in the activity.²⁰

In order to promote and perpetuate agriculture throughout the state, farm operations are encouraged to engage in agritourism. An agricultural classification may not be denied or revoked solely due to the conduct of agritourism activity on a bona fide farm or the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities.²¹

III. Effect of Proposed Changes:

The joint resolution proposes an amendment to the Florida Constitution to exempt from ad valorem taxation tangible personal property that is habitually located or typically present on land classified as agricultural; used in the production of agricultural products or for agritourism activities; and owned by the landowner or leaseholder of the agricultural land.

The exemption provided is subject to conditions and limitations and reasonable definitions as specified by the legislature in general law.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2026.

¹⁷ Section 193.461(6)(a), F.S.

¹⁸ Section 570.85(1), F.S.

¹⁹ *Id.*

²⁰ Section 570.86(1), F.S.

²¹ Section 570.87, F.S.

The joint resolution also provides the ballot statement, which will appear on the November 2026 ballot if adopted by the Legislature, as follows:

EXEMPTION OF TANGIBLE PERSONAL PROPERTY ON AGRICULTURAL LAND FROM TAXATION.—Proposing an amendment to the State Constitution to exempt tangible personal property habitually located or typically present on land classified as agricultural, used in the production of agricultural products or for agritourism activities, and owned by the landowner or leaseholder of the agricultural land from ad valorem taxation.

If approved by at least 60 percent of the electors, the proposed amendment will first apply to assessments for tax years beginning January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate provisions in Art. VII, s. 18 of the Florida Constitution, do not apply to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election²² held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.²³

²² Section 97.021(17), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

²³ Section 101.161(1), F.S.

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has estimated a reduction to local government property tax revenue if voters approve a constitutional amendment allowing for the exemption under CS/SJR 318. If voters do not approve the constitutional amendment, the joint resolution has no effect. If voters approve the constitutional amendment, the joint resolution will reduce local property tax revenue by \$31 million beginning in Fiscal Year 2027-2028, \$32.3 million in Fiscal Year 2028-2029, and \$33.6 million in Fiscal Year 2029-2030.

B. Private Sector Impact:

If approved by 60 percent of voters in November 2026, owners of certain TPP on agricultural land will be exempt from ad valorem taxes. This will result in an indeterminate positive fiscal impact as owners take advantage of ad valorem tax savings.

C. Government Sector Impact:

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,²⁴ typically paid from non-recurring General Revenue funds.²⁵ Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

²⁴ Pursuant to Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)

²⁵ See, e.g., Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution substantially amends Article VII, section 3 of the Florida Constitution.

This resolution creates a new section in Article XII of the Florida Constitution.

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 Finance and Tax on April 15, 2025:

The committee substitute:

- Removes the requirement that the constitutional amendment be implemented by general law and makes it self-executing.
- Adds the option for the Legislature to create conditions, limitations, and reasonable definitions by general law.
- Adds that tangible person property must be habitually located or typically present on land classified as agricultural to get the exemption.
- Makes a technical change to specify “land classified as agricultural” instead of “property classified as agricultural land.”

- B. **Amendments:**

None.

By the Committee on Finance and Tax; and Senator Truenow

593-03611-25

2025318c1

Senate Joint Resolution

A joint resolution proposing an amendment to Section 3 of Article VII and the creation of a new section in Article XII of the State Constitution to exempt certain tangible personal property from ad valorem taxation.

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

That the following amendment to Section 3 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less

Page 1 of 5

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

593-03611-25

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than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad

Page 2 of 5

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593-03611-25

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valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(e) By general law and subject to conditions specified therein:

(1) Twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation.

(2) The assessed value of solar devices or renewable energy source devices subject to tangible personal property tax may be exempt from ad valorem taxation, subject to limitations provided by general law.

(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature

593-03611-25

2025318c1

shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

(h) (1) Tangible personal property that meets all of the following conditions shall be exempt from ad valorem taxation:

a. Habitually located or typically present on land classified as agricultural.

b. Used in the production of agricultural products or for agritourism activities.

c. Owned by the landowner or leaseholder of the agricultural land.

(2) The exemption provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature in general law.

ARTICLE XII

SCHEDULE

Ad valorem exemption for tangible personal property on land classified as agricultural.—The amendment to Section 3 of Article VII, providing for a tax exemption for certain tangible personal property, and this section, shall take effect upon approval by the electors and shall first apply to assessments for tax years beginning January 1, 2027.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

593-03611-25

2025318c1

117
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ARTICLE VII, SECTION 3

ARTICLE XII

EXEMPTION OF TANGIBLE PERSONAL PROPERTY ON AGRICULTURAL
LAND FROM TAXATION.—Proposing an amendment to the State
Constitution to exempt tangible personal property habitually
located or typically present on land classified as agricultural,
used in the production of agricultural products or for
agritourism activities, and owned by the landowner or
leaseholder of the agricultural land from ad valorem taxation.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

April 16, 2025

The Honorable Senator Ed Hooper
202 Senate Office Building
402 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Hooper,

I would like to request that SJR 318 Ad Valorem Tax Exemption; Proposing amendments to the State Constitution to authorize the Legislature, by general law, to exempt certain tangible personal property from ad valorem taxation be placed on the next available Appropriations Committee agenda.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

CC: Tim Sadberry, Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

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
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318

Bill Number or Topic

Amendment Barcode (if applicable)

4/22/25

Meeting Date

Approps

Committee

Name

Jim Spratt

Phone

Address

119 S. Monroe St

Email

Street

TLH

City

FL

State

32201

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

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 Nursery, Growers & LANDSCAPE
Association

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
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4/22/25
Meeting Date

Appropriations
Committee

318
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tripp Hunter 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:

Farm Bureau

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

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

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S-001 (08/10/2021)

04/22/2025

Meeting Date

Appropriations

Committee

Name Alex Haley

Phone (850) 617-7700

Address 400 S. Monroe St., PL-10

Email

Street

Tallahassee

Florida

32399

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Florida Department of Agriculture
& Consumer Services

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

318

Bill Number or Topic

Amendment Barcode (if applicable)

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The Florida Senate

APPEARANCE RECORD

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Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

4/22/15
Appropriations

Committee

Name

Chad Kunde

Phone

(850) 766-7896

Address

136 S Bournough St

Email

ckunde@flchamber.com

Street

Tallahassee

State

FL

Zip

32301

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Chamber
of Commerce

☐

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

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

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 Appropriations

BILL: CS/CS/CS/SB 818

INTRODUCER: Appropriations Committee, Rules Committee, Transportation Committee, and Senator McClain

SUBJECT: Utility Relocation

DATE: April 23, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Scharader	Imhof	RI	Favorable
2. Johson	Vickers	TR	Fav/CS
3. Shrader	Yeatman	RC	Fav/CS
4. Sanders	Sadberry	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 818 amends the process under which utilities located within the right-of-way of a public road or publicly-owned rail corridor must be relocated when such utility is found by an authority (Florida Department of Transportation (FDOT) and local government entities) to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly-owned rail corridor. The general requirement is that utility owners must pay for such relocation.

The bill creates a grant program within the Department of Commerce (DCM), funded by a portion of local communications services tax revenue, to reimburse providers of communications services which are subject to the state's communications services tax provisions (ch. 202, F.S.), for relocation expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. The bill provides a funding mechanism for the Utility Relocation Reimbursement Grant Program (grant program) established by the bill. If this grant program lacks the funds to pay for such relocation, the burden to pay for such relocation is not shifted to the county or municipal authority, except as otherwise provided.

The bill also revises the process for communications services providers that have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its

infrastructure for roadway improvements to increase safety or reduce congestion. In addition to revising notification requirements, the bill requires, for certain relocations, that the department incur at least 50 percent of the cost of the relocation. The department is defined as FDOT and the Greater Miami, Tampa, and Central Florida Expressway Authorities and the Jacksonville Transportation Authority.

The bill provides a legislative finding and declaration that the bill fulfills an important state interest.

The bill has an indeterminate significant impact to state and local municipalities and governments. See Section V, Fiscal Statement.

The bill is effective October 1, 2025.

II. Present Situation:

Utility Use of Right of Way

Florida law authorizes an authority, defined as the Florida Department of Transportation (FDOT) and local governmental entities,¹ with jurisdiction and control of public roads or publicly-owned rail corridors to prescribe and enforce reasonable rules or regulations regarding the placement and maintenance of utilities within their rights-of-way.² For the purposes of this provision, the term “utility” is defined to mean electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures.³

An authority may grant such a utility the use of its right-of-way in accordance with its rules or regulations. A utility may not be installed, located, or relocated unless authorized by an authority-issued permit. However, for roads or rail corridors under FDOT’s jurisdiction, in lieu of a written permit, a utility relocation schedule and relocation agreement may be executed. A utility permit must require that the permitholder is responsible for any damage resulting from the issuance of such permit.⁴

Payment for Moving or Removing Utilities and Exceptions

Section 337.403(1), F.S., requires utilities to bear the cost of relocating utilities placed upon, under, over, or within the right-of-way limits of any public road or publicly-owned rail corridor which is found by the authority to be unreasonably interfering in any way with the convenient,

¹ Section 334.03(13), F.S., defines the term “local governmental entity” to mean a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

² Section 337.401(1)(a), F.S. Section 334.03(21), F.S., defines the term “right-of-way” to mean land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

³ *Id.*

⁴ Section 337.401(2), F.S.

safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly-owned rail corridor. The requirements of s. 337.403(1), F.S., apply even if the utility is within a public utility easement and the utility owner has a franchise agreement with the authority, absent some other agreement to the contrary regarding costs of relocation.⁵ Utility owners, upon 30 days' written notice, must eliminate the unreasonable interference within a reasonable time or an agreed time, at their own expense. Numerous exceptions are provided to this provision, and are located in s. 337.403(1)(a)-(j), F.S.

Communications Services Tax

Chapter 202, F.S., is the Communications Services Tax (CST) Simplification Law. The term "communications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method, regardless of the protocol used for such transmission or conveyance.⁶

Section 202.105, F.S., provides the legislative findings and intent related to enactment of the CST simplification law. The law simplified an extremely complicated state and local tax and fee system, by restructuring separate taxes and fees into a revenue-neutral CST centrally administered by the Department of Revenue (DOR), i.e. a single tax to replace multiple taxes and fees previously imposed. Among the Legislature's stated intentions in creating the CST was that it not reduce the authority that municipalities or counties had to raise revenue in the aggregate, as such authority existed on February 1, 1989.

The state CST rate, except for direct-to-home satellite service, is 4.92 percent.⁷ Local governments may also levy a discretionary CST:

- Charter counties and municipalities may levy the CST at a rate of up to 5.1 percent for municipalities and charter counties that have not chosen to levy permit fees, and at a rate of up to 4.98 percent for municipalities and charter counties that have chosen to levy permit fees; and
- Noncharter counties may levy the CST at a rate of up to 1.6 percent.⁸

These maximum rates do not include the add-ons, pursuant to s. 337.401, F.S., of up to 0.12 percent for municipalities and charter counties or of up to 0.24 percent for noncharter counties, if those local governments have elected not to require right-of-way permit fees.⁹

The local discretionary CST and add-on rates, if applicable, constitute the total local adopted rate.¹⁰

⁵ *Lee County Electric Coop., Inc. v. City of Cape Coral*, 159 So. 3d 126, 130 (Fla. 2d DCA 2014).

⁶ Section 202.11(1), F.S. Excluded from this definition is information services; installation or maintenance of wiring or equipment on a customer's premises; the sale or rental of tangible personal property; the sale of advertising, including, but not limited to, directory advertising; bad check charges; late payment charges; billing and collection services; and Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.

⁷ Section 202.12(1)(a) and (b), F.S.

⁸ Section 202.19, F.S.

⁹ Section 337.401(3)(c), F.S.

¹⁰ Florida Department of Revenue, *2023 Agency Legislative Bill Analysis for SB 1432*, (Mar. 14, 2023) (on file with the Senate Committee on Regulated Industries).

The local CST includes and is in lieu of any fee or other consideration, including, but not limited to, application fees, transfer fees, renewal fees, or claims for related costs, to which the municipality or county is otherwise entitled for granting permission to dealers of communications services to use or occupy its roads or rights-of-way for the placement, construction, and maintenance of poles, wires, and other fixtures used in the provision of communications services.¹¹ Additionally, the term “replaced revenue sources” includes permit fees relating to use of rights-of-way collected from communication services providers; however, if a municipality or charter county elects the option to charge permit fees pursuant to s. 337.401(3)(c), F.S., such fees are not be included as a replaced revenue source.¹²

Under s. 202.19(5), F.S., any discretionary sales surtax levied by a county or school board under s. 212.055, F.S., is imposed as a local CST. This surtax is added to the adopted local rate at the respective conversion rate, as determined in accordance with methodology and chart in s. 202.20(3), F.S. However, any increase to the discretionary sales surtax levied under s. 212.055, F.S., on or after January 1, 2023, may not be added to the local communications services tax under this s. 202.19, F.S., before January 1, 2026.

The total local CST rate is the total adopted rate plus the local option tax (at the converted rate), if applicable. The total local CST rates vary by jurisdiction.

Broadband Services

Broadband (or high-speed Internet) services allow users to access Internet and Internet-related services at speeds significantly higher than could be provided by traditional dial-up Internet services. The speeds that can be obtained through broadband service can vary significantly based on a number of factors including the technology used by the provider, infrastructure in place to provide service to a particular end user by that provider, and the level of broadband service ordered by that end user.¹³

Types of broadband generally available include:

- Digital Subscriber Line (DSL), which is a wireline transmission technology that allows data to be transmitted faster over copper-based telephone wires already installed in end-user locations.
- Cable modem, which is a type of broadband provided through the same coaxial cable that delivers an end user’s cable television service.
- Fiber, which is a fiber optic technology that converts to light electrical signals that carry data. This light is then sent through transparent glass fibers (these fibers are about the same diameter as a human hair). Fiber can transmit data at speeds far exceeding current DSL or cable modem speeds.
- Wireless (WiFi), which is a technology that connects end-user devices to internet services through short-range wireless technology. Public “hotspots” use this technology. In addition,

¹¹ Section 202.19(3)(a), F.S.

¹² Section 202.20(2)(b)1.e, F.S.

¹³ Federal Communications Commission, *Getting Broadband Q&A*, <https://www.fcc.gov/consumers/guides/getting-broadband-qa> (last accessed April 16, 2025).

fixed wireless technologies with longer-range directional equipment can also be used to provide broadband service in sparsely populated or remote areas too costly to provide other types of broadband. Mobile wireless services are also available from mobile broadband service providers—however, this type of service is generally slower than wired or fixed wireless services.

- Satellite, which is essentially another type of wireless broadband, where an end user receives broadband service connection through a fixed satellite mounted at their location transmitting data to a satellite internet modem. This type of connection, which requires a clear line of sight to the provider’s satellite, can be useful as well in providing broadband service to remote or sparsely populated areas.¹⁴

Broadband in Florida

Section 288.9961, F.S., establishes the Florida Office of Broadband within the Division of Community Development within the Florida Department of Commerce (DCM). The Office of Broadband “works with local and state government agencies, community organizations and private businesses to increase the availability and effectiveness of broadband internet throughout the state, specifically in small and rural communities.”¹⁵ The section defines “broadband internet service” as a service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 25 megabits per second (mbps) downstream and three mbps upstream (25/3 mbps service). This 25/3 mbps service benchmark to be defined as broadband service was the same as that used by the Federal Communications Commission (FCC) since 2015. However, in 2024, the FCC increased that standard to 100 mbps downstream and 20 mbps upstream.¹⁶

Currently, 91.8 percent of Floridians have access to 25/3 mbps service. Presently, there are 229 internet service providers in Florida,¹⁷ including investor-owned companies and cooperative electric utilities.¹⁸

Cable and Video Services in Florida

Section 610.102, F.S., provides that the Florida Department of State is the franchising authority for state-issued franchises for the provision of cable or video service. The section provides that municipalities and counties may not grant new franchises for the provision of cable or video services within their jurisdictions. Section 610.103, F.S., which provides the definitions for ch. 610, F.S., defines:

- “Cable service” as the one-way transmission to subscribers of video programming or any other programming service and the subscriber interaction, if any, required for the selection or use of such service.

¹⁴ *Id.*

¹⁵ Florida Department of Commerce, *Office of Broadband*, <https://www.floridajobs.org/community-planning-and-development/broadband/office-of-broadband> (last visited April 16, 2025).

¹⁶ Federal Communications Commission, *FCC Increases Broadband Speed Benchmark*, (Mar. 14, 2024) <https://docs.fcc.gov/public/attachments/DOC-401205A1.pdf>.

¹⁷ Broadband Now, *Internet Service Providers in Florida*, <https://broadbandnow.com/Florida> (last accessed April 16, 2025).

¹⁸ Section 425.04, F.S., provides that rural electric cooperatives may engage in the provision of broadband, pursuant to the requirement in s. 364.391, F.S. Section 364.391, F.S., provides that if a cooperative engages in the provision of broadband, all poles owned by the cooperative are subject to regulation under s. 366.04(8), F.S., on the same basis as if that cooperative were a public utility under that subsection.

- “Cable service provider” as a person that provides cable service over a cable system.
- “Cable system” as a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community.¹⁹
- “Video service” as video programming services, including cable services, provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology.²⁰
- “Video service provider” as an entity providing video service.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 202.20, F.S., to establish a two-part transfer of the tax remitted under s. 218.61, F.S. (the Local Government Half-Cent Sales Tax program). The bill authorizes the Department of Revenue (DOR) to distribute, by a nonoperating transfer, \$50 million of the state communications services tax that gets distributed to counties and municipalities pursuant to the Local Government Half-Cent Sales Tax program to the Department of Commerce (DCM) in monthly installments to the Grants and Donations Trust Fund for the Utility Relocation Reimbursement Grant Program (grant program), established in Section 3 of the bill. The grant program is to be located within the DCM. The remainder of the funds transfer to the Local Government Half-cent Sales Tax Clearing Trust Fund (Clearing Trust Fund), with 0.1018 percent distributed to the Public Employees Relations Commission (PERC).²¹ The bill directs the transfer to the PERC to begin October 1, 2025.

Section 2 of the bill amends s. 337.403, F.S., to revise the process under which certain utilities located within a public road or publicly-owned rail corridor must be relocated when such utility is found by an authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly-owned rail corridor. The utility owner must initiate work within 30 days to alleviate the interference. The general requirement is that the utility owner must pay for such relocation.

However, the bill provides that when a county or municipal authority requires a communication services provider to relocate facility used to provide such communications services, the service provider owning or operating such facility must perform any necessary work upon notice from the authority. The county or municipal authority requiring such relocation is not responsible for paying the expense of such work, except as otherwise provided in the state’s existing utility

¹⁹ However, the term does not include 1) a facility serving only to retransmit the television signals of television broadcast stations; 2) a facility serving only subscribers in one or more multiple-unit dwellings under common ownership, control, or management (unless it does so using any public right-of-way); 3) a facility serving subscribers without using public right-of-way; 4) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the federal Communications Act of 1934 (except that such facility is considered a cable system other than for purposes of 47 U.S.C. s. 541(c) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services); 5) any facilities of any electric utility used solely for operating its electric utility systems; or 6) an open video system complying with 47 U.S.C. s. 573.

²⁰ “Video service” does not, however, include any video programming provided by a commercial mobile service provider as defined in 47 U.S.C. s. 332(d), video programming provided as part of and via a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.

²¹ Currently, 0.1 percent is transferred to PERC.

relocation law in s. 337.403(1), F.S. The service provider may apply for reimbursement of relocation expenses from the Utility Relocation Grant Program, subject to funds availability. If the grant program does not contain the necessary funds for reimbursement, the bill specifies that the county or municipal authority requiring the relocation remains not responsible for paying the expense of such relocation work, except as otherwise provided except as otherwise provided in the state's existing utility relocation law in s. 337.403(1), F.S.

The bill also requires that the department²² notify communications services providers that have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. Such notification must include an estimated project schedule and timeline, including the anticipated year of construction. Within 90 days of this notification, communications services provider must respond to the department with an estimated timeframe and project cost for the relocation of the provider's infrastructure. The response must include a draft relocation schedule within or adjacent to the existing or planned public right-of-way. The department must then provide a reasonable offer for joint participation in relocation costs, so long as the communications services provider begins work within a mutually agreed upon timeframe and, if the infrastructure relocation is a result of roadway improvements within the public right-of-way to increase safety or reduce congestion and the impacted infrastructure was, at the time of notification under this subsection, installed within the past seven state fiscal years, the department must incur at least 50 percent of the costs for relocation work as described in a joint participation agreement. These provisions do not prevent the department from relocation processes, agreements, or payment options authorized under this section or to prevent a communications services provider from using grant funds provided through other government sources to support all or a portion of the relocation costs.

Section 3 creates s. 337.4031, F.S., to establish the Utility Relocation Reimbursement Grant Program (grant program). The purpose of the grant program, administered by the Department of Commerce (DCM), is to reimburse providers of communications services which are subject to ch. 202, F.S. (communication services providers), for eligible costs incurred in relocating facilities at the request of a county or municipal authority.

The bill directs the DOR, beginning October 1, 2025, to deposit proceeds to be distributed to the DCM, pursuant to s. 212.20(6)(d)2.a., F.S., into a separate account within the DCM's Grants and Donations Trust Fund to fund the grant program.

The bill also directs the DCM to establish the following, by rule, relating to the grant program:

- The criteria and process by which communication services providers may apply for reimbursement;
- The minimum documentation required to verify eligible relocation costs, which must be prudent and reasonable in order to be eligible for reimbursement; and
- The timeline for application review and reimbursement disbursement, which may not exceed 90 days from submission.

²² The department is defined as FDOT; the Greater Miami, Tampa, and Central Florida Expressway Authorities; and the Jacksonville Transportation Authority.

The bill specifies that the grant program funds may be used only to reimburse documented expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. Reimbursement may not be made to service providers for indirect or administrative costs. Funds in the grant program are exempt from the requirement in s. 215.20, F.S., that certain income and certain trust funds contribute to the state's General Revenue Fund. Instead, any interest earned on grant program funds accrue to the grant program's fund.

In order to administer and enforce this section, the bill authorizes the DCM to adopt emergency rules pursuant to s. 120.54(4), F.S.

Section 4, 5, 6 and 7 of the bill amends ss. 125.42, 202.18, 212.18 and 218.65, F.S., to conform cross-references to amendments made by the bill.

Section 8 of the bill provides a legislative finding and declaration that the bill fulfills an important state interest.

Section 9 of the bill provides an appropriation of \$50 million in nonrecurring funds from the DCM's Grants and Donations Trust Fund for the grant program for Fiscal Year 2025-2026.

Section 10 of the bill provides an effective date of October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides 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. Under the bill, local governments, except as otherwise provided in existing law, are not responsible for paying the cost of relocating a communications services provider's facilities.

Article VII, s. 18(b), of the Florida Constitution provides that except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989. The bill requires that \$50 million from the state communications services tax that gets distributed to counties and municipalities, pursuant to the Local Government Half-Cent Sales Tax program, is to be distributed to the Department of Commerce (DCM) in monthly installments to fund the Utility Relocation Reimbursement Grant Program (grant program).

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 reduces or eliminates utility relocation costs for providers of broadband Internet, cable service, and video service when such providers are located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of the Florida Department of Transportation (FDOT) or a local government entity. When such utilities are within the jurisdiction and control of the FDOT or expressway authorities, such costs may be substantially reduced. Providers of communications services may be eligible for full reimbursement, subject to funds availability, for eligible costs incurred in relocating facilities at the request of a county or municipal authority.

C. Government Sector Impact:

The bill will have an indeterminate, but likely substantial, impact on local government revenues as the bill redirects \$50 million from the state communications services tax that gets distributed to counties and municipalities pursuant to the Local Government Half-Cent Sales Tax program to fund the Utility Relocation Reimbursement Grant Program (grant program).

The bill will have a significant impact on revenues and expenditures for the Department of Commerce (DCM or department) relating to the newly created grant program. The bill appropriates \$50 million in nonrecurring funds from the DCM's Grants and Donations Trust Fund for Fiscal Year 2025-2026.

The bill authorizes the Department of Revenue (DOR) to distribute, by nonoperating transfer, \$50 million of communication services taxes to the DCM. The DOR is required to distribute monthly installments to the DCM's Grants and Donations Trust Fund for the grant program. The bill requires the DCM to adopt emergency rules and also expands the responsibilities of the department. Any expenses related to rulemaking can be absorbed

within existing resources. The cost of implementing and administering the grant program is indeterminate.

The bill does not impact the Public Service Commission.²³ The Department of Revenue may incur costs associated with updating technology systems which may be absorbed within existing resources.

The bill reduces by \$50 million the amount of funds distributed into the Local Government Half-cent Sales Tax Clearing Trust Fund, which reduces the amount of local government half-cent sales tax transferred and available to local governments and municipalities.

Beginning October 1, 2025, the bill amends the percentage of funds transferred to the Public Employees Relations from 0.1 percent to 0.1018 percent.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 2 of the bill uses the term “permitted infrastructure,” however, the term “infrastructure” is not used elsewhere in s. 337.403, F.S. In regards material that may be considered “infrastructure,” the section uses either “utility” or “utility facilities.” It is unclear whether the material indicated in the bill as “infrastructure” is intended to differ from these terms and in what way.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 202.20 and 337.403.

This bill amends sections 125.42, 202.18, 212.181, and 218.65 of the Florida Statutes to amend a cross-reference.

This bill creates section 337.4031 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 Appropriations on April 22, 2025:

The committee substitute:

- Removes a provision from the bill that directs 7.5 percent of the local communications services tax to the Department of Commerce to fund the Utility Relocation Reimbursement Grant Program. Instead, the amendment funds the

²³ Public Service Commission, *2025 Agency Legislative Bill Analysis for SB 818* (March 9, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

program by redirecting \$50 million from the state communications services tax that gets distributed to counties and municipalities pursuant to the Local Government Half-Cent Sales Tax program.

- Clarifies that county or municipal authorities requiring communications services utility relocation are not responsible for paying the expense of such work, except as otherwise provided in the state's existing utility relocation law in s. 337.403(1), F.S. The amendment also clarifies that if grant program funds are exhausted for the year, the county or municipal authority requiring such relocation remains not responsible for paying the expense of such work, except as otherwise provided in existing law.
- Provides that, to be reimbursed under the grant program, relocation costs must be "prudent and reasonable." This replaces the "excessive and burdensome" language used in the bill.
- Authorizes the Department of Commerce to adopt emergency rules to administer the program.
- Provides an appropriation authorizing the Department of Commerce to expend, for the 2025-2026 fiscal year, the funds allocated to the program through the provisions of the bill.
- Revises the effective date of the bill.

CS/CS by Rules on April 16, 2025:

The committee substitute amended CS/SB 818 to establish a Utility Reimbursement Grant Program (grant program) to reimburse providers of communications services subject to ch. 202, F.S., (providers) for the cost to relocate utilities located within the right-of-way of a public road or publicly-owned rail corridor that must be relocated when such utility is found by a county or municipal authority unreasonably interfering in any way with the use, or the improvement, of such public road or publicly-owned rail corridor. The committee substitute specifies that 7.5 percent of the local communications services tax levied by a municipality or county pursuant to s. 202.19(1) or s. 202.20(1), F.S., is to be redirected to the Department of Commerce to fund the grant program. Providers may seek reimbursement for such relocation costs from the grant program subject to the availability of funds. If the grant program does not contain enough funds, the authority is responsible for paying the relocation cost. The committee substitute also provides for rulemaking to establish the procedures for reimbursement by the grant program and that relocation costs may not be excessive or burdensome.

The committee substitute also deletes a provision in the bill requiring utility owners to provide the authority, upon notice that their utility is unreasonably interfering, a reasonable utility relocation schedule to expedite the completion of the authority's construction or maintenance project identified in the notice, and, within 60 days after the notice. The committee substitute adds a provision that the department must notify providers which have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. This notification must include an estimated schedule and timeline. Within 90 days after receipt of the notification, providers must provide department with estimated timeframe and project cost for the relocation of the provider's infrastructure. The department must also provide a reasonable offer for joint

participation in relocation costs, so long as the provider begins work within a mutually agreed timeframe and, if the relocation is a result of roadway improvements increase safety or reduce congestion and the infrastructure was installed within the past seven state fiscal years. The department must pay at least 50 percent of this cost.

CS by Transportation on April 1, 2025:

Provides a legislative finding and declaration that the bill fulfills an important state interest.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
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The Committee on Appropriations (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) of subsection (6) of section
212.20, Florida Statutes, is amended to read:

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

(6) Distribution of all proceeds under this chapter and ss.



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202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred in two parts:

a. The total amount of \$50 million of the communications services taxes remitted pursuant to s. 202.18(1)(b) and (2)(b), in any fiscal year, shall be distributed by the department by a nonoperating transfer to the Department of Commerce in monthly installments to the Grants and Donations Trust Fund within the Department of Commerce for the Utility Relocation Reimbursement Grant Program created in s. 337.4031; and

b. The remainder shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning October 1, 2025 ~~July 1, 2003~~, the amount to be transferred shall be reduced by 0.1018 ~~0.1~~ percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.



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

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

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

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The



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

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



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provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

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

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

e.(I) On or before July 25, 2021, August 25, 2021, and September 25, 2021, the department shall distribute \$324,533,334 in each of those months to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General Revenue Fund pursuant to s. 443.131(3)(e)3. before making the distribution. The adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be



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subtracted from any single distribution exceeds the distribution, the department may not make that distribution and must subtract the remaining balance from the next distribution.

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

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

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

f. Beginning July 1, 2023, in each fiscal year, the department shall distribute \$27.5 million to the Florida Agricultural Promotional Campaign Trust Fund under s. 571.26, for further distribution in accordance with s. 571.265.

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

Section 2. Subsection (1) of section 337.403, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably



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interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner must ~~shall~~, within 30 days after ~~upon 30 days'~~ written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 84-627, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal-Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities must ~~shall~~ perform any necessary work upon notice from the department, and the state must ~~shall~~ pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility.

(b) When a joint agreement between the department and the utility is executed for utility work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility work costs that exceed the department's official estimate of the cost of the work by more than 10 percent. The amount of such participation



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is limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility work costs that occur as a result of changes or additions during the course of the contract.

(c) When an agreement between the department and utility is executed for utility work to be accomplished in advance of a contract for construction of a transportation facility, the department may participate in the cost of clearing and grubbing necessary to perform such work.

(d) If the utility facility was initially installed to exclusively serve the authority or its tenants, or both, the authority must ~~shall~~ bear the costs of the utility work. However, the authority is not responsible for the cost of utility work related to any subsequent additions to that facility for the purpose of serving others. For a county or municipality, if such utility facility was installed in the right-of-way as a means to serve a county or municipal facility on a parcel of property adjacent to the right-of-way and if the intended use of the county or municipal facility is for a use other than transportation purposes, the obligation of the county or municipality to bear the costs of the utility work shall extend only to utility work on the parcel of property on which the facility of the county or municipality originally served by the utility facility is located.

(e) If, under an agreement between a utility and the authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to



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the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority, without the agreement expressly addressing future responsibility for the cost of necessary utility work, the authority must ~~shall~~ bear the cost of removal or relocation. This paragraph does not impair or restrict, and may not be used to interpret, the terms of any such agreement entered into before July 1, 2009.

(f) If the utility is an electric facility being relocated underground in order to enhance vehicular, bicycle, and pedestrian safety and in which ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past 5 years, the department must ~~shall~~ incur all costs of the necessary utility work.

(g) An authority may bear the costs of utility work required to eliminate an unreasonable interference when the utility is not able to establish that it has a compensable property right in the particular property where the utility is located if:

1. The utility was physically located on the particular property before the authority acquired rights in the property;

2. The utility demonstrates that it has a compensable property right in adjacent properties along the alignment of the utility or, after due diligence, certifies that the utility does not have evidence to prove or disprove that it has a compensable property right in the particular property where the utility is located; and

3. The information available to the authority does not establish the relative priorities of the authority's and the



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utility's interests in the particular property.

(h) If a municipally owned utility or county-owned utility is located in a rural area of opportunity, as defined in s. 288.0656(2), and the department determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay, in whole or in part, the cost of such utility work performed by the department or its contractor.

(i) If the relocation of utility facilities is necessitated by the construction of a commuter rail service project or an intercity passenger rail service project and the cost of the project is eligible and approved for reimbursement by the Federal Government, then in that event the utility owning or operating such facilities located by permit on a department-owned rail corridor must ~~shall~~ perform any necessary utility relocation work upon notice from the department, and the department must ~~shall~~ pay the expense properly attributable to such utility relocation work in the same proportion as federal funds are expended on the commuter rail service project or an intercity passenger rail service project after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility. In no event is ~~shall~~ the state ~~be~~ required to use state dollars for such utility relocation work. This paragraph does not apply to any phase of the Central Florida Commuter Rail project, known as SunRail.

(j) If a utility is lawfully located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the authority by



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dedication, transfer of fee, or otherwise, the authority must bear the cost of the utility work required to eliminate an unreasonable interference. The authority shall pay the entire expense properly attributable to such work after deducting any increase in the value of a new facility and any salvage value derived from an old facility.

(k) If a county or municipal authority requires a provider of communications services which is subject to chapter 202 to relocate a facility used to provide such communications services, the service provider owning or operating such facility must initiate any necessary work upon notice from the authority. The county or municipal authority requiring such relocation is not responsible for paying the expense of such work, except as otherwise provided in this subsection. The service provider may apply for reimbursement of relocation expenses from the Utility Relocation Reimbursement Grant Program pursuant to s. 337.4031, subject to the availability of funds and in compliance with the requirements of the program. If funds are not available, the county or municipal authority requiring such relocation remains not responsible for paying the expense of such work, except as otherwise provided in this subsection.

(4) Notwithstanding paragraph (1)(k), a department shall notify providers of communications services that are subject to chapter 202 which have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. For purposes of this subsection, the term "department" means the



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Department of Transportation or an agency of the state created under chapter 348 or chapter 349.

(a) The notification provided under this subsection must include an estimated project schedule and timeline, including the anticipated year of construction.

(b) Within 90 days after receipt of the notification, the provider shall respond to the department with an estimated timeframe and project cost for the relocation of the provider's infrastructure. The response must include a draft relocation schedule within or adjacent to the existing or planned public right-of-way.

(c) Notwithstanding any other provision of this section, the department shall provide a reasonable offer for joint participation in relocation costs, so long as the provider initiates work within a mutually agreed upon timeframe and, if the infrastructure relocation is a result of roadway improvements within the public right-of-way to increase safety or reduce congestion and the impacted infrastructure was, at the time of notification under this subsection, installed within the past 7 state fiscal years, the department must incur at least 50 percent of the costs for relocation work as described in a joint participation agreement.

(d) This subsection may not be construed to prevent a department from pursuing the additional relocation processes, agreements, or payment options authorized under this section or to prevent a provider from using grant funds provided through other government sources to support all or a portion of the relocation costs.

Section 3. Section 337.4031, Florida Statutes, is created



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to read:

337.4031 Utility Relocation Reimbursement Grant Program.—

(1) There is created within the Department of Commerce the Utility Relocation Reimbursement Grant Program. The purpose of the program is to reimburse providers of communications services which are subject to chapter 202 for eligible costs incurred in relocating facilities at the request of a county or municipal authority.

(2) Beginning October 1, 2025, the Department of Revenue shall deposit the proceeds to be distributed to the Department of Commerce pursuant to s. 212.20(6)(d)2.a. into a separate account within the Grants and Donations Trust Fund to fund the Utility Relocation Reimbursement Grant Program.

(3) The Department of Commerce shall establish by rule all of the following:

(a) The criteria and process by which service providers may apply for reimbursement.

(b) The minimum documentation required to verify eligible relocation costs. Such costs must be prudent and reasonable in order to be eligible for reimbursement.

(c) The timeline for application review and reimbursement disbursement, which may not exceed 90 days from submission.

(4) Program funds may be used only to reimburse actual, documented expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. Reimbursement may not be made to a service provider for indirect or administrative costs.

(5) Program funds are exempt from s. 215.20 and any interest earnings shall accrue to the program's fund.



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(6) The Department of Commerce is authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this section.

Section 4. Subsection (5) of section 125.42, Florida Statutes, is amended to read:

125.42 Water, sewage, gas, power, telephone, other utility, and television lines within the right-of-way limits of county roads and highways.—

(5) In the event of widening, repair, or reconstruction of any such road, the licensee shall move or remove such water, sewage, gas, power, telephone, and other utility lines and television lines at no cost to the county should they be found by the county to be unreasonably interfering, except as provided in s. 337.403(1)(d)-(k) ~~s. 337.403(1)(d)-(j)~~.

Section 5. Paragraph (b) of subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be allocated as follows:

(b) Fifty-five and nine-tenths percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)2.b. ~~s. 212.20(6)(d)2.~~ shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

Section 6. Paragraph (a) of subsection (3) of section



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212.181, Florida Statutes, is amended to read:

212.181 Determination of business address situs, distributions, and adjustments.—

(3)(a) For distributions made pursuant to ss. 125.0104 and 212.20(6)(a), (b), and (d)2.b. ~~(d)2.~~, misallocations occurring solely due to the assignment of an address to an incorrect county will be corrected prospectively only from the date the department is made aware of the misallocation, subject to the following:

1. If the county that should have received the misallocated distributions followed the notification and timing provisions in subsection (2) for the affected periods, such misallocations may be adjusted by prorating current and future distributions for the period the misallocation occurred, not to exceed 36 months from the date the department is made aware of the misallocation.

2. If the county that received the misallocated distribution followed the notification and timing provisions in subsection (2) for the affected periods and the county that should have received the misallocation did not, the correction shall apply only prospectively from the date the department is made aware of the misallocation.

Section 7. Subsection (5) of section 218.65, Florida Statutes, is amended to read:

218.65 Emergency distribution.—

(5) At the beginning of each fiscal year, the Department of Revenue shall calculate a base allocation for each eligible county equal to the difference between the current per capita limitation times the county's population, minus prior year ordinary distributions to the county pursuant to ss.



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212.20(6)(d)2.b. ~~212.20(6)(d)2.~~, 218.61, and 218.62. If moneys deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)3., excluding moneys appropriated for supplemental distributions pursuant to subsection (8), for the current year are less than or equal to the sum of the base allocations, each eligible county shall receive a share of the appropriated amount proportional to its base allocation. If the deposited amount exceeds the sum of the base allocations, each county shall receive its base allocation, and the excess appropriated amount, less any amounts distributed under subsection (6), shall be distributed equally on a per capita basis among the eligible counties.

Section 8. The Legislature finds and declares that this act fulfills an important state interest.

Section 9. From the funds distributed to the Department of Commerce pursuant to s. 212.20(6)(d)2.a., Florida Statutes, and for the 2025-2026 fiscal year, the sum of \$50 million in nonrecurring funds is appropriated from the Grants and Donations Trust Fund within the Department of Commerce for the Utility Relocation Reimbursement Grant Program pursuant to s. 337.4031, Florida Statutes.

Section 10. This act shall take effect October 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 utility relocation; amending s.



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202.20, F.S.; requiring that a specified amount of communications services tax remittances be distributed by the Department of Revenue by a nonoperating transfer to the Department of Commerce in monthly installments to the Grants and Donations Trust Fund within the Department of Commerce for the Utility Relocation Reimbursement Grant Program; revising the percentage by which a certain amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund must be reduced, beginning on a certain date; amending s. 337.403, F.S.; requiring a service provider to initiate communications services facility relocation work under certain circumstances; specifying that a county or municipal authority is not responsible for paying the expense properly attributable to such work except as otherwise provided; authorizing a service provider to apply to the Utility Relocation Reimbursement Grant Program for reimbursement of relocation expenses; requiring a department to notify certain providers of communications services of certain projects within a specified timeframe; defining the term "department"; providing notification requirements; requiring a provider to respond to the notification with certain information within a specified timeframe; requiring the department to provide a reasonable offer for joint participation in certain relocation costs under certain conditions; providing construction; creating s. 337.4031, F.S.; creating the Utility Relocation



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Reimbursement Grant Program within the Department of
Commerce; providing the purpose of the program;
requiring the Department of Revenue to deposit certain
proceeds into a specified trust fund to fund the
program beginning on a certain date; requiring the
Department of Commerce to establish program
requirements by rule; authorizing only certain uses of
program funds; exempting program funds from a certain
service charge; providing that interest earned on
program funds accrues to the program's fund;
authorizing emergency rulemaking; amending ss. 125.42,
202.18, 212.181, and 218.65, F.S.; conforming cross-
references; providing a finding and declaration of
important state interest; providing an appropriation;
providing an effective date.

By the Committees on Rules; and Transportation; and Senator McClain

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1 A bill to be entitled
 2 An act relating to utility relocation; amending s.
 3 202.18, F.S.; requiring that a specified percentage of
 4 a local communications services tax levied by
 5 municipalities and counties be distributed to the
 6 Department of Commerce to fund the Utility Relocation
 7 Reimbursement Grant Program; creating the program
 8 within the department; providing the purpose of the
 9 program; requiring the Department of Revenue to
 10 deposit certain proceeds into an account to fund the
 11 program beginning on a certain date; requiring the
 12 Department of Commerce to establish program
 13 requirements by rule; authorizing certain uses of
 14 program funds; exempting program funds from a certain
 15 service charge; providing that interest earned on
 16 program funds accrues to the program's fund; amending
 17 s. 337.403, F.S.; requiring a service provider to
 18 perform communications services facility relocation
 19 work under certain circumstances; requiring an
 20 authority to pay the expense properly attributable to
 21 such work; providing an exception for county and
 22 municipal authorities; authorizing a service provider
 23 to apply to the Utility Relocation Reimbursement Grant
 24 Program for reimbursement of relocation expenses;
 25 requiring a department to notify certain providers of
 26 communications services of certain projects within a
 27 specified timeframe; defining the term "department";
 28 providing notification requirements; requiring a
 29 provider to respond to the notification with certain

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30 information within a specified timeframe; requiring a
 31 department to provide a reasonable offer for joint
 32 participation in certain relocation costs under
 33 certain conditions; providing construction; amending
 34 s. 125.42, F.S.; conforming a cross-reference;
 35 providing a finding and declaration of important state
 36 interest; providing an effective date.
 37

38 Be It Enacted by the Legislature of the State of Florida:
 39

40 Section 1. Paragraphs (a) and (c) of subsection (3) of
 41 section 202.18, Florida Statutes, are amended, and subsection
 42 (4) is added to that section, to read:

43 202.18 Allocation and disposition of tax proceeds.—The
 44 proceeds of the communications services taxes remitted under
 45 this chapter shall be treated as follows:

46 (3) (a) Notwithstanding any law to the contrary, the
 47 proceeds of each local communications services tax levied by a
 48 municipality or county pursuant to s. 202.19(1) or s. 202.20(1),
 49 less 7.5 percent distributed to the Department of Commerce to
 50 fund the Utility Relocation Reimbursement Grant Program created
 51 in subsection (4) and less the department's costs of
 52 administration, shall be transferred to the Local Communications
 53 Services Tax Clearing Trust Fund and held there to be
 54 distributed to such municipality or county. However, the
 55 proceeds of any communications services tax imposed pursuant to
 56 s. 202.19(5) shall be deposited and disbursed in accordance with
 57 ss. 212.054 and 212.055. For purposes of this section, the
 58 proceeds of any tax levied by a municipality, county, or school

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board under s. 202.19(1) or s. 202.20(1) are all funds collected and received by the department pursuant to a specific levy authorized by such sections, including any interest and penalties attributable to the tax levy.

(c)1. Except as otherwise provided in this paragraph, proceeds of the taxes levied pursuant to s. 202.19, less 7.5 percent distributed to the Department of Commerce to fund the Utility Relocation Reimbursement Grant Program created in subsection (4) and less amounts deducted for costs of administration in accordance with paragraph (b), shall be distributed monthly to the appropriate jurisdictions. The proceeds of taxes imposed pursuant to s. 202.19(5) shall be distributed, in accordance with ss. 212.054 and 212.055.

2. The department shall make any adjustments to the distributions pursuant to this section which are necessary to reflect the proper amounts due to individual jurisdictions or trust funds. In the event that the department adjusts amounts due to reflect a correction in the situsing of a customer, such adjustment shall be limited to the amount of tax actually collected from such customer by the dealer of communication services.

3.a. Adjustments in distributions which are necessary to correct misallocations between jurisdictions shall be governed by this subparagraph. If the department determines that misallocations between jurisdictions occurred, it shall provide written notice of such determination to all affected jurisdictions. The notice shall include the amount of the misallocations, the basis upon which the determination was made,

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data supporting the determination, and the identity of each affected jurisdiction. The notice shall also inform all affected jurisdictions of their authority to enter into a written agreement establishing a method of adjustment as described in sub-subparagraph c.

b. An adjustment affecting a distribution to a jurisdiction which is less than 90 percent of the average monthly distribution to that jurisdiction for the 6 months immediately preceding the department's determination, as reported by all communications services dealers, shall be made in the month immediately following the department's determination that misallocations occurred.

c. If an adjustment affecting a distribution to a jurisdiction equals or exceeds 90 percent of the average monthly distribution to that jurisdiction for the 6 months immediately preceding the department's determination, as reported by all communications services dealers, the affected jurisdictions may enter into a written agreement establishing a method of adjustment. If the agreement establishing a method of adjustment provides for payments of local communications services tax monthly distributions, the amount of any such payment agreed to may not exceed the local communications services tax monthly distributions available to the jurisdiction that was allocated amounts in excess of those to which it was entitled. If affected jurisdictions execute a written agreement specifying a method of adjustment, a copy of the written agreement shall be provided to the department no later than the first day of the month following 90 days after the date the department transmits notice of the misallocation. If the department does not receive a copy

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of the written agreement within the specified time period, an adjustment affecting a distribution to a jurisdiction made pursuant to this sub-subparagraph shall be prorated over a time period that equals the time period over which the misallocations occurred.

(4) There is created within the Department of Commerce a Utility Relocation Reimbursement Grant Program. The purpose of the program is to reimburse providers of communications services which are subject to this chapter for eligible costs incurred in relocating facilities at the request of a county or municipal authority.

(a) Beginning October 1, 2025, the department shall deposit the proceeds to be distributed to the Department of Commerce under subsection (3) into an account to fund the Utility Relocation Reimbursement Grant Program. The department shall ensure the transfer of such funds on a monthly basis.

(b) The Department of Commerce shall establish by rule all of the following:

1. The criteria and process by which service providers may apply for reimbursement.

2. The minimum documentation required to verify eligible relocation costs, which may not be excessive or burdensome.

3. The timeline for application review and reimbursement disbursement, which may not exceed 90 days from submission.

(c) Program funds may be used only to reimburse actual, documented expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. Reimbursement may not be made to a service provider for indirect or administrative costs.

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(d) Program funds are exempt from s. 215.20 and any interest earnings shall accrue to the program's fund.

Section 2. Subsection (1) of section 337.403, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner must shall, within 30 days after ~~upon 30 days~~ written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 84-627, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal-Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities must shall perform any necessary work upon notice from the department, and the state must shall

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pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility.

(b) When a joint agreement between the department and the utility is executed for utility work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility work costs that exceed the department's official estimate of the cost of the work by more than 10 percent. The amount of such participation is limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility work costs that occur as a result of changes or additions during the course of the contract.

(c) When an agreement between the department and utility is executed for utility work to be accomplished in advance of a contract for construction of a transportation facility, the department may participate in the cost of clearing and grubbing necessary to perform such work.

(d) If the utility facility was initially installed to exclusively serve the authority or its tenants, or both, the authority must ~~shall~~ bear the costs of the utility work. However, the authority is not responsible for the cost of utility work related to any subsequent additions to that facility for the purpose of serving others. For a county or municipality, if such utility facility was installed in the right-of-way as a means to serve a county or municipal facility on a parcel of property adjacent to the right-of-way and if the

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intended use of the county or municipal facility is for a use other than transportation purposes, the obligation of the county or municipality to bear the costs of the utility work shall extend only to utility work on the parcel of property on which the facility of the county or municipality originally served by the utility facility is located.

(e) If, under an agreement between a utility and the authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority, without the agreement expressly addressing future responsibility for the cost of necessary utility work, the authority must ~~shall~~ bear the cost of removal or relocation. This paragraph does not impair or restrict, and may not be used to interpret, the terms of any such agreement entered into before July 1, 2009.

(f) If the utility is an electric facility being relocated underground in order to enhance vehicular, bicycle, and pedestrian safety and in which ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past 5 years, the department must ~~shall~~ incur all costs of the necessary utility work.

(g) An authority may bear the costs of utility work required to eliminate an unreasonable interference when the utility is not able to establish that it has a compensable property right in the particular property where the utility is located if:

1. The utility was physically located on the particular

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property before the authority acquired rights in the property;

2. The utility demonstrates that it has a compensable property right in adjacent properties along the alignment of the utility or, after due diligence, certifies that the utility does not have evidence to prove or disprove that it has a compensable property right in the particular property where the utility is located; and

3. The information available to the authority does not establish the relative priorities of the authority's and the utility's interests in the particular property.

(h) If a municipally owned utility or county-owned utility is located in a rural area of opportunity, as defined in s. 288.0656(2), and the department determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay, in whole or in part, the cost of such utility work performed by the department or its contractor.

(i) If the relocation of utility facilities is necessitated by the construction of a commuter rail service project or an intercity passenger rail service project and the cost of the project is eligible and approved for reimbursement by the Federal Government, then in that event the utility owning or operating such facilities located by permit on a department-owned rail corridor must ~~shall~~ perform any necessary utility relocation work upon notice from the department, and the department must ~~shall~~ pay the expense properly attributable to such utility relocation work in the same proportion as federal funds are expended on the commuter rail service project or an

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intercity passenger rail service project after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility. In no event ~~is shall~~ the state ~~be~~ required to use state dollars for such utility relocation work. This paragraph does not apply to any phase of the Central Florida Commuter Rail project, known as SunRail.

(j) If a utility is lawfully located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the authority by dedication, transfer of fee, or otherwise, the authority must bear the cost of the utility work required to eliminate an unreasonable interference. The authority shall pay the entire expense properly attributable to such work after deducting any increase in the value of a new facility and any salvage value derived from an old facility.

(k)1. Except as provided in subparagraph 2., if the authority requires a provider of communications services which is subject to chapter 202 to relocate a facility used to provide such communications services, the service provider owning or operating such facility must perform any necessary work upon notice from the authority. The authority requiring the relocation shall pay the entire expense properly attributable to such work.

2. If a county or municipal authority requires a provider of communications services which is subject to chapter 202 to relocate a facility used to provide such communications services, the service provider owning or operating such facility must perform any necessary work upon notice from the authority. The county or municipal authority requiring such relocation is

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not responsible for paying the expense of such work. The service provider may apply for reimbursement of relocation expenses from the Utility Relocation Reimbursement Grant Program pursuant to s. 202.18(4), subject to the availability of funds and in compliance with the requirements of the program.

(4) Notwithstanding paragraph (1)(k), a department shall notify providers of communications services that are subject to chapter 202 which have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. For purposes of this subsection, the term "department" means the Department of Transportation or an agency of the state created under chapter 348 or chapter 349.

(a) The notification provided under this subsection must include an estimated project schedule and timeline, including the anticipated year of construction.

(b) Within 90 days after receipt of the notification, the provider shall respond to the department with an estimated timeframe and project cost for the relocation of the provider's infrastructure. The response must include a draft relocation schedule within or adjacent to the existing or planned public right-of-way.

(c) Notwithstanding any other provision of this section, the department shall provide a reasonable offer for joint participation in relocation costs, so long as the provider begins work within a mutually agreed upon timeframe and, if the infrastructure relocation is a result of roadway improvements

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within the public right-of-way to increase safety or reduce congestion and the impacted infrastructure was, at the time of notification under this subsection, installed within the past 7 state fiscal years, the department must incur at least 50 percent of the costs for relocation work as described in a joint participation agreement.

(d) This subsection may not be construed to prevent a department from pursuing the additional relocation processes, agreements, or payment options authorized under this section or to prevent a provider from using grant funds provided through other government sources to support all or a portion of the relocation costs.

Section 3. Subsection (5) of section 125.42, Florida Statutes, is amended to read:

125.42 Water, sewage, gas, power, telephone, other utility, and television lines within the right-of-way limits of county roads and highways.—

(5) In the event of widening, repair, or reconstruction of any such road, the licensee shall move or remove such water, sewage, gas, power, telephone, and other utility lines and television lines at no cost to the county should they be found by the county to be unreasonably interfering, except as provided in s. 337.403(1)(d)-(k) ~~s. 337.403(1)(d)-(j)~~.

Section 4. The Legislature finds and declares that this act fulfills an important state interest.

Section 5. This act shall take effect July 1, 2025.

The Florida Senate
APPEARANCE RECORD

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

4/22/25
Meeting Date
APPROPS
Committee

818
Bill Number or Topic
742582
Amendment Barcode (if applicable)

Name Charles Dudley Phone 850 681 0024
Address 108 S. Monroe St. Email cdudley@FlaPartners.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:

FL Internet + Television

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/22/25

Meeting Date

Appropriations

Committee

SB 818

Bill Number or Topic

742582

Amendment Barcode (if applicable)

Name

Peter Abello

Phone

786 715 5885

Address

100 S Monroe St.

Street

Email

pabello@fl-counties.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:

Florida Association
of Counties

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

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

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S-001 (08/10/2021)

The Florida Senate

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4.22.2025

Meeting Date

Approp

Committee

SB 818

Bill Number or Topic

742582

Amendment Barcode (if applicable)

Name

Floyd Self

Phone

850-566-6347

Address

313 N. Monroe St. 201

Street

Email

fself@bergersingerman.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:

Charter Communications

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 22, 2025

Meeting Date

Appropriations

Committee

818

Bill Number or Topic

742582

Amendment Barcode (if applicable)

850-701-3652

Name

Matthew Singer

Phone

Address

301 S. Bronaugh St, #300

Street

Tallahassee

City

FL

State

32301

Zip

Email

msinger@flcities.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:

Florida League of Cities

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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4/22/25

Meeting Date

Approps

Committee

SB 818

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Cameron Fink

Phone

850 933 4665

Address

516 N Adams St

Email

cfink@lit.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

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SB 818

Bill Number or Topic

Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For☐ Against☐ Information**OR**

Waive Speaking:

☒ In Support☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Cox Communications☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 820

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Yarborough

SUBJECT: Office of Faith and Community

DATE: April 21, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	Favorable
3.	<u>Davis</u>	<u>Sadberry</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 820 creates the Office of Faith and Community within the Executive Office of the Governor. The purpose of the Office of Faith and Community is to connect with Florida's faith and community networks and provide administrative support to the Florida Faith-based and Community-based Advisory Council.

The bill may have an indeterminate impact on state government expenditures. See Section V., Fiscal Impact Statement below.

The bill takes effect July 1, 2025.

II. Present Situation:

Executive Office of the Governor

The Executive Office of the Governor (EOG) is a statutorily created entity headed by the Governor. The function of the office is to assist the Governor in meeting statutory and constitutional duties. Key responsibilities include administering executive planning and budgeting functions and assessing the efficiency and effectiveness of state programs. The EOG

includes the Citizen’s Assistance Office,¹ Office of Adoption and Child Protection Services,² and Office of Policy and Budget.³

Florida Faith-based and Community-based Advisory Council

In 2006, the Legislature created the Florida Faith-based and Community-based Advisory Council (Council)⁴ and administratively housed it in the Executive Office of the Governor.⁵ The Council is supported by the Governor’s Faith and Community Initiative Office, with a Liaison for Faith and Community staff member within the EOG, as well as six other staff (including a director.)⁶

The Council is composed of 25 members that include representatives from various faiths, faith-based organizations, community-based organizations, foundations, corporations, and municipalities.⁷ The Council’s purpose is to advise the Governor and the legislature on policies, priorities, and objectives for the state’s comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based, volunteer, and other community organizations to the full extent permitted by law.⁸ The Council also submits an annual report⁹ that recommends, among other things:

- Best practices for ensuring that state policy decisions consider the capacity of faith-based and other community-based initiatives to assist in the achievement of state priorities.
- Best practices relating to the delivery of services by faith-based and other community-based organizations.¹⁰

Faith and Community Initiative

Created in 2019, the Governor’s Faith and Community Initiative supports faith and community organizations of Florida. The initiative is led by a liaison and is tasked with the following:

- Hosting statewide faith calls, events, and special programming with the Governor, First Lady, and others to better connect faith and community networks with state leaders.
- Operating the Florida Faith and Community Red Phone, which is a direct line specifically created for Florida faith and community leaders to connect with the Executive Office of the Governor.

¹ Section 14.26, F.S.

² Section 39.01, F.S.

³ Section 288.095, F.S.

⁴ An “advisory council” is “an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.” Section 20.03(7), F.S.

⁵ Ch. 2006-9, L.O.F.

⁶ Florida Faith and Community Advisory Council, *Annual Report* (Feb. 1, 2024), <https://www.fldoe.org/core/fileparse.php/7739/urlt/2024-FBCBAC-Annual-Report.pdf> (last visited Apr. 8, 2025)..

⁷ Section 14.31(3)(b), F.S.

⁸ Section 14.31(2), F.S.

⁹ Florida Faith and Community Advisory Council, *Annual Report* (Feb. 1, 2024), <https://www.fldoe.org/core/fileparse.php/7739/urlt/2024-FBCBAC-Annual-Report.pdf> (last visited Apr. 8, 2025).

¹⁰ Section 14.31(5), F.S.

- Utilizing the CarePortal, a technology platform that allows faith institutions, non-profits, businesses, and individuals to see real time, verified, and vetted needs in his or her community.¹¹

III. Effect of Proposed Changes:

Section 1 creates s. 14.311, F.S., to establish the Office of Faith and Community (Office) within the Executive Office of the Governor (EOG). The Office is required to act as a liaison for faith and community to serve the most vulnerable persons in Florida by connecting with Florida's faith and community networks and providing administrative support to the Florida Faith-based and Community-based Advisory Council.

The Office must:

- Advocate for faith- and community-based organizations to obtain access, direction, and support from state agencies;
- Establish and operate the Florida Faith and Community Phone, dedicated to connecting faith-based and community-based leaders to the EOG;
- Establish meaningful lines of communication to connect with, and provide resources to, faith-based and community-based organizations in Florida;
- Develop and provide resources for enhanced connections between civil service systems, state agencies, and faith-based and community-based organizations in Florida;
- Develop and provide technology to connect faith-based ministries and nonprofits with local faith-based and community-based organizations to address identified needs of a community;
- Identify, in conjunction with heads of the executive agencies, bureaucratic or regulatory burdens that unnecessarily burden faith-based or community-based organizations; and
- Provide administrative support to the Florida Faith-based and Community-based Advocacy Council.

The bill provides that the Office will be led by a liaison, appointed by the Governor, who serves as a senior advisor to the Governor and connects with state agencies.

Section 2 provides that the Office will provide administrative support to the Florida Faith-based and Community-based Advisory Council established in s. 14.31, F.S.

Section 3 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.

¹¹ Governor Ron Desantis' Faith and Community Initiative, *About Us*, <https://faithandcommunityflorida.com/AboutUs.htm> (last visited Apr. 8, 2025).

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill may have an indeterminate impact on state government as it creates an additional office within the Executive Office of the Governor, which may require additional funding and positions to support its duties. However, it appears that this office is currently operating and staffed with the personnel required by the bill, so no new positions or appropriated funds are provided in this bill.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 14.31 of the Florida Statutes.

This bill creates section 14.311 of the Florida Statutes.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on April 1, 2025:

- Conforms language throughout the bill to refer to state agencies instead of state agencies and executive agencies; and
- Provides that the liaison must serve as the head of the Office of Faith and Community and cannot appoint another individual to do so.

- B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Yarborough

585-03140-25

2025820c1

A bill to be entitled

An act relating to the Office of Faith and Community;
creating s. 14.311, F.S.; providing legislative
findings; establishing the Office of Faith and
Community within the Executive Office of the Governor
for a specified purpose; specifying the duties of the
Office of Faith and Community; providing for the
appointment of a liaison for faith and community;
specifying the duties of the liaison for faith and
community; amending s. 14.31, F.S.; providing that the
Office of Faith and Community provides administrative
support to the Florida Faith-Based and Community-Based
Advisory Council; providing an effective date.

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

Section 1. Section 14.311, Florida Statutes, is created to
read:

14.311 Office of Faith and Community.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that faith-
based, community-based, and nonprofit-based organizations,
otherwise known as faith and community networks, have long been
the cornerstone of prosperous and flourishing societies, serving
as the original model of community care. Faith and community
networks play an integral role in serving the most vulnerable
persons of a community, including foster children, foster
families, kinship caregivers, single parents, persons in
poverty, veterans, persons with unique abilities, children in
the juvenile justice system, and vulnerable adults. Faith and

Page 1 of 4

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

585-03140-25

2025820c1

community networks offer a more impactful, efficient, and viable
long-term solution, wholly apart from or in partnership with
governmental programs. The impact of faith and community
networks is greatly enhanced by the reduction of unnecessary
bureaucracy through enhanced collaboration, communication, and
connection with civil service systems. Responsible connections
with faith and community networks are a just and necessary
component of good governance in pursuit of greater societal
growth in this state. Additionally, greater, more responsible
investments in such efforts have demonstrated an exponential
yield of taxpayer savings, efficiency of governance, and
effectiveness of care. It is therefore the intent of the
Legislature to establish and create outlets of governmental
infrastructure to preserve, protect, advance, and better connect
the faith and community networks of this state for the greater
social and economic benefit of all.

(2) PURPOSE.—The purpose of this section is to establish an
Office of Faith and Community within the Executive Office of the
Governor, as well as the role of a liaison for faith and
community, in order to better connect with, communicate with,
and provide resources to this state's faith-based and community-
based organizations.

(3) ESTABLISHMENT OF THE OFFICE OF FAITH AND COMMUNITY.—

(a) The Office of Faith and Community is established within
the Executive Office of the Governor. The head of the office is
the liaison for faith and community.

(b) The primary purpose of the office is to better serve
the most vulnerable persons of this state through more robust
and connected faith and community networks in coordination with

Page 2 of 4

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

585-03140-25

2025820c1

59 state resources.

60 (c) The office shall:

61 1. Advocate for faith-based and community-based
 62 organizations seeking access to, direction from, or support from
 63 state agencies. For the purpose of this section, the term "state
 64 agencies" means those agencies designated in s. 20.055.

65 2. Establish and operate the Florida Faith and Community
 66 Phone, a dedicated phone line for faith-based and community-
 67 based leaders in this state to connect with the Executive Office
 68 of the Governor.

69 3. Establish meaningful lines of communication to connect
 70 with and provide resources to faith-based and community-based
 71 organizations in this state. The office shall deliver relevant
 72 and useful information from the Executive Office of the Governor
 73 and state agencies to the faith and community networks in this
 74 state.

75 4. Develop and provide resources for enhanced connection
 76 between civil service systems, state agencies, and faith-based
 77 and community-based organizations in this state, using
 78 technology to connect faith-based ministries and nonprofits with
 79 local faith-based and community-based organizations to address
 80 identified needs of a community.

81 5. In coordination with the heads of the state agencies,
 82 identify bureaucratic or regulatory burdens within state
 83 government that unnecessarily restrict, impede, or otherwise
 84 burden faith-based and community-based organizations from their
 85 involvement with, collaboration with, or service to the most
 86 vulnerable persons in this state.

87 6. Provide administrative support to the Florida Faith-

585-03140-25

2025820c1

88 based and Community-based Advisory Council under s. 14.31.

89 (4) LIAISON FOR FAITH AND COMMUNITY.—

90 (a) The position of the liaison for faith and community is
 91 established within the Executive Office of the Governor, and the
 92 liaison shall be appointed by and serve at the pleasure of the
 93 Governor.

94 (b) The duties of the liaison for faith and community
 95 include, but are not limited to:

96 1. Serving as a senior advisor of faith-based and
 97 community-based issues to the Governor, Lieutenant Governor, and
 98 senior leadership within the Executive Office of the Governor.

99 2. Leading the Office of Faith and Community and executing
 100 the objectives outlined in this section.

101 3. Engaging, advising, and coordinating with the heads of
 102 the state agencies in the provision of faith-based and
 103 community-based initiatives in relevant state agencies as
 104 determined by the Governor.

105 Section 2. Paragraph (a) of subsection (3) of section
 106 14.31, Florida Statutes, is amended to read:

107 14.31 Florida Faith-based and Community-based Advisory
 108 Council.—

109 (3) ESTABLISHMENT OF THE COUNCIL.—

110 (a) The Florida Faith-based and Community-based Advisory
 111 Council, an advisory council as defined in s. 20.03, is
 112 established and assigned to the Executive Office of the
 113 Governor. The council shall be administratively housed within
 114 the Executive Office of the Governor and receive administrative
 115 support from the Office of Faith and Community.

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



The Florida Senate

Committee Agenda Request

To: Senator Ed Hooper, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: April 15, 2025

I respectfully request that **Senate Bill #820**, relating to Office of Faith and Community, be placed on the:

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



Senator Clay Yarborough
Florida Senate, District 4

The Florida Senate
APPEARANCE RECORD

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

4/22/25

Meeting Date

Appropriations

Committee

820

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Anthony Verdugo

Phone

786-447-6431

Address

8567 Coral Way #522

Email

a.verdugo@csflorida.net

Street

Miami

City

FL

State

33155

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/22/25

Meeting Date

Appropriations

Committee

820

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Michael Sheedy

Phone

850-222-3803

Address

201 W. Park Ave.

Email

msheedy@flaccb.org

Street

TLM

City

FL

State

32301

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

FL Conference of Catholic Bishops

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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820

Bill Number or Topic

4/22/25

Meeting Date

Appropriation

Committee

Amendment Barcode (if applicable)

Name

Daniel Diaz

Phone

877-748-1776

Address

75 S Main St

Email

diaz@citizensforsoundmoney.org

Street

Concord

City

NH

State

03301

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Citizens for Sound Money

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

4/22/25

Meeting Date

820

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address PO Box 650216

Street

Email John.Labriola@cfcflo.org

Miami

City

FL

State

33265

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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SB 820

Bill Number or Topic

Amendment Barcode (if applicable)

4/22/25

Meeting Date

Approps.

Committee

Name Aaron DiPietro

Phone 904-608-4471

Address P.O. Box 530103

Street

Email aaron.d@flfamily.org

Orlando

City

FL

State

32853

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 1050

INTRODUCER: Appropriations Committee; Children, Families, and Elder Affairs Committee; and
Senator Bradley

SUBJECT: Services for Individuals with Developmental Disabilities

DATE: April 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Howard</u>	<u>McKnight</u>	<u>AHS</u>	<u>Favorable</u>
3.	<u>Howard</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1050 expands the Intellectual and Developmental Disabilities (IDD) Pilot Program in three phases, aiming to open voluntary enrollment to all individuals with developmental disabilities enrolled in a Medicaid waiver program by July 1, 2026.

The bill clarifies that the Agency for Health Care Administration (AHCA) is responsible for administering the program, with the Agency for Persons with Disabilities (APD) supporting its implementation.

The bill enhances transparency by requiring the APD to post quarterly reconciliation reports and the iBudget preenrollment list online. It also requires the APD to provide waiver enrollees with a comprehensive and current written list of all qualified organizations located within the region, in which the enrollee resides, within five days after enrollment.

Additionally, the bill creates a statewide family care council to coordinate with local councils and outlines its structure, membership, responsibilities, and reporting requirements.

The bill requires the APD to contract for a study to review and evaluate the iBudget algorithm. The findings and recommendations must be submitted to the Governor and Legislature by November 15, 2025.

The bill may have a significant, yet indeterminate, negative fiscal impact on state expenditures.
See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

The present situation is presented in Section III under the Effect of Proposed Changes.

III. Effect of Proposed Changes:

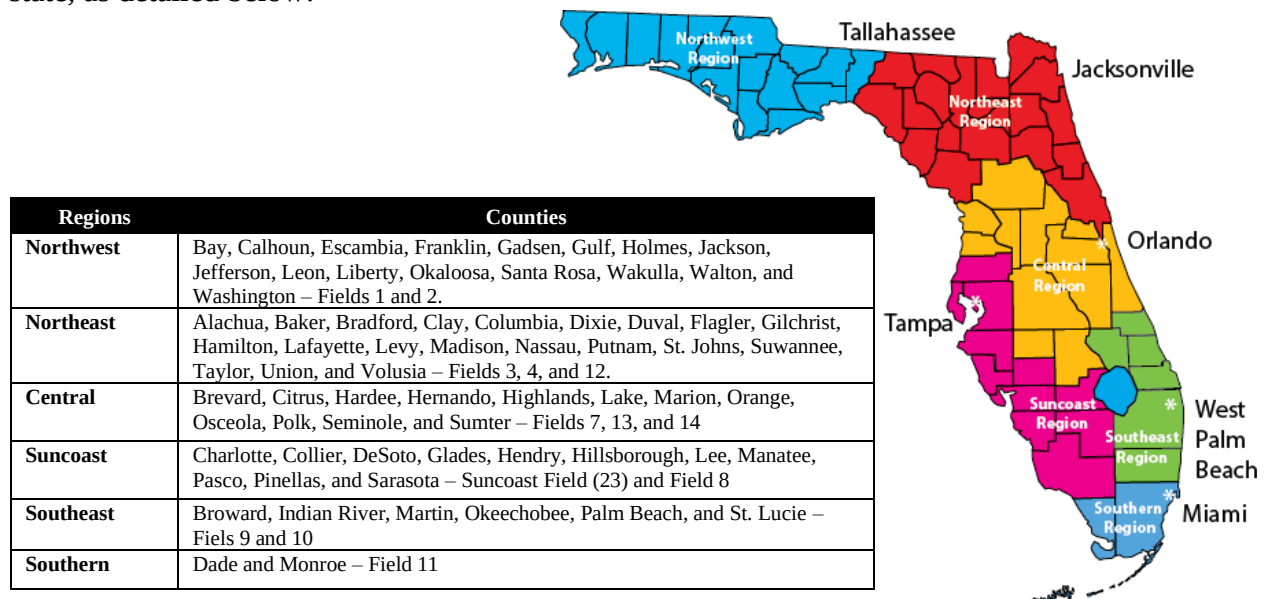
Services for Individuals with Disabilities

Present Situation

Agency for Persons with Disabilities

Chapter 393, F.S., identifies the need to provide community-based services and programs for individuals with developmental disabilities that enable individuals to achieve their greatest potential for independent living while reducing the number of individuals in unnecessary institutional placements.¹

The Agency for Persons with Disabilities (APD) provides services to individuals with developmental disabilities and manages Medicaid waivers that provide federally approved services for individuals with developmental disabilities.² In addition to central headquarters in Tallahassee, the APD operates a total of six regional offices and 14 field offices throughout the state, as detailed below:³



¹ Section 393.062, F.S.

² Section 20.197, F.S.

³ Agency for Persons with Disabilities, *Regional Offices*, available at: <https://apd.myflorida.com/region/> (last visited March 11, 2025).

Individual Budgeting (iBudget) Waiver

Florida has obtained several Medicaid waivers⁴ to enable the provision of specified home and community-based services to persons at risk of institutionalization.⁵ The intended target populations are older adults, people with intellectual or developmental disabilities, physical disabilities, or mental health and substance use disorders.⁶ These services are intended to allow recipients to remain at home or in a home-like setting, and are funded by the Florida Agency for Health Care Administration (AHCA).⁷

The Individual Budgeting Waiver (iBudget) is one of the Home and Community-Based Services federal waivers.⁸ The APD administers the iBudget waiver in Florida for individuals with specified developmental disabilities who meet Medicaid eligibility requirements.⁹ The iBudget program provides the client with an established budget; with this budget, the client may choose services within a specified service package that best allows them to live in their community.¹⁰

The APD serves 35,790 individuals through iBudget Florida, contracting with service providers to offer various supports and services to assist individuals to live in their community.¹¹ Examples of waiver services include residential habilitation, behavioral services, personal supports, adult day care training, employment services, and occupational and physical therapy.¹²

iBudget Preenrollment Categories

Based on the available slots in the iBudget waiver program, applicants may either be placed in the program or placed on a wait list if the demand exceeds available funding. The APD assigns each waitlisted client to a preenrollment category based on their needs. As more funding is available, clients are taken off the preenrollment categories and placed on the program, in descending priority order; meaning, the clients who have the highest needs are enrolled in the program first. The following table displays the number of individuals in the preenrollment categories as of March 18, 2025¹³:

⁴ A Medicaid waiver allows a state to waive certain eligibility requirements and cover individuals who may not otherwise be eligible for Medicaid care. See Centers for Medicare & Medicaid Services, *State Medicaid Plans and Waivers*, available at: <https://www.cms.gov/training-education/partner-outreach-resources/american-indian-alaska-native/ltss-ta-center/information/state-medicaid-plans-and-waivers> (last visited March 25, 2025).

⁵ 59G-13.080, Florida Administrative Code

⁶ Medicaid.gov, Home and Community Based Services, available at: <https://www.medicaid.gov/medicaid/home-community-based-services/index.html> (last visited March 13, 2025).

⁷ Rule 59G-13.080(1), F.S. 393.062, F.S.; Section 409.906, F.S.

⁸ Florida Agency for Health Care Administration, Florida Medicaid's Covered Services and HCBS Waivers, available at: <https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/florida-medicaid-s-covered-services-and-hcbs-waivers> (last visited March 13, 2025).

⁹ Section 393.0662, F.S.

¹⁰ *Id.*

¹¹ March 24, 2025 E-mail from Anna Grace Futch, Legislative Affairs Director, the APD (on file with the Senate Committee on Children, Families, and Elder Affairs).

¹² Agency for Persons with Disabilities, *Quarterly Report on Agency Services to Floridians with Developmental Disabilities and Their Costs First Quarter Fiscal Year 2022-2023*, available at: <https://apd.myflorida.com/publications/reports/> (last visited March 14, 2025).

¹³ March 24, 2025 E-mail from Anna Grace Futch, Legislative Affairs Director, the APD (on file with the Senate Committee on Children, Families, and Elder Affairs).

iBudget Preenrollment Categories		
Preenrollment Category	Description	Total Number of Clients
Category 1	Clients in crisis	-
Category 2	Children in the Child Welfare System at the time of permanency or turning 18 years of age	-
Category 3	Intensive Needs	170
Category 4	Caregiver Over Age 60	522
Category 5	Clients transitioning from school	22
Category 6	Clients Age 21 and Over who do not meet the criteria for categories 1, 2, 3, 4, or 5	12,323
Category 7	Clients Age 21 and Younger who do not meet the criteria for categories 1, 2, 3, or 4	7,985
	Grand Total of Clients	21,022

Dependent Children and Category Two Preenrollment

Florida's dependency system is charged with protecting children who have been abused, abandoned, or neglected.¹⁴ The Department of Children and Families (DCF) and community-based care lead agencies (CBCs) work with families to address problems endangering children, if possible.¹⁵ If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.¹⁶ During this time, the DCF strives to achieve permanency for the child before the child's 18th birthday.¹⁷ However, a child will age out of care upon reaching 18 years of age if a permanent placement is not found.¹⁸

During the year after a child reaches age 16 years, the DCF and CBC lead agency are required to collaborate with the caregiver to assist the child in developing a transition plan.¹⁹ The transition plan must address options for the child to obtain services such as housing, health insurance, education, financial literacy, a driver license, and workforce support.²⁰ Additionally, the court is required to conduct judicial reviews of children aging out of the child welfare system, to determine if they have obtained appropriate life skills to live independently and ensure the child has information about services they may be eligible to receive after reaching 18 years of age.²¹

Reconciliation Reports

Current law requires the APD, in consultation with the AHCA, to provide a quarterly reconciliation report of all home and community-based services waiver expenditures.²² These reports compare the funds appropriated to fulfill the waiver with the actual expenditures,

¹⁴ Ch. 39, F.S.

¹⁵ Ch. 39, F.S.

¹⁶ Ch. 39, F.S.

¹⁷ Section 39.621, F.S.

¹⁸ Rule 65C-30.022, Florida Administrative Code

¹⁹ Section 39.6035, F.S.

²⁰ *Id.*

²¹ Section 39.701(3), F.S.

²² Section 393.0662 (14), F.S.

providing the utilization rate of the waiver services.²³ The APD must submit reconciliation reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than 30 days after the close of each quarter.²⁴

Effect of Proposed Changes

Section 1 amends s. 393.0662, F.S., to require the APD to post its quarterly reconciliation reports for the iBudget waiver on its website in a conspicuous location, no later than five days after submitting the reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill requires the APD to provide waiver enrollees with a comprehensive and current written list of all qualified organizations located within the region, in which the enrollee resides, within five days after enrollment.

Section 2 amends s. 393.065, F.S., to require the APD's online application to allow an applicant to apply for crisis enrollment (Category 1) on the iBudget waiver.

The bill requires the APD to participate in transition planning activities for individuals assigned to preenrollment category 2, which are children aging out of the child welfare system. These activities include, but are not limited to, the following:

- Individualized service coordination;
- Case management support; and
- Ensuring continuity of care pursuant to s. 39.6035, F.S.

The bill removes the requirement that the APD must remove from the preenrollment categories any individual that meets one of the following conditions:

- Cannot be located using the contact information provided to the APD;
- Fails to meet eligibility requirements; or
- Becomes domiciled outside the state.

The bill requires the APD to post the total number of individuals in each iBudget preenrollment category by county of residence on its website in a conspicuous location. The bill requires the posted numbers to reflect the current status of the preenrollment priority list and be updated at least every five days.

²³ Agency for Persons with Disabilities, *FY 2022-23 Reconciliation – Waiver Claims with Service Utilization*, available at: <https://apd.myflorida.com/publications/reports/docs/FY22-23%20Q4%20Quarterly%20Reconciliation%20Waiver%20Claims%20and%20Service%20Utilization%2020230715.pdf> (last visited March 31, 2025).

²⁴ Section 393.0662(14), F.S.

Intellectual and Developmental Disabilities Pilot Program

Present Situation

Agency for Health Care Administration

The Agency for Health Care Administration (AHCA) is the chief health policy and planning entity for Florida.²⁵ Current law requires the AHCA to fulfill the following directives²⁶:

- License, inspect, and ensure the regulatory enforcement of health facilities;
- Investigate consumer complaints relating to health care facilities and managed care plans;
- Implement the certificate of need program;
- Operate the Florida Center for Health Information and Transparency;
- Administer the Medicaid program;
- Administer contracts with the Florida Healthy Kids Corporation;
- Certify health maintenance organizations and prepaid health clinics; and
- Complete any other duties prescribed by statute or agreement.

Statewide Medicaid Managed Care

States may offer Medicaid benefits through fee-for-service programs²⁷, managed care plans²⁸, or both.²⁹ In Florida, most Medicaid recipients are enrolled in the Statewide Medicaid Managed Care (SMMC) program.³⁰ The SMMC program consists of the following components³¹:

- Managed Medical Assistance (MMA): Provides Medicaid covered medical services such as doctor visits, hospital care, prescribed drugs, mental health care, and transportation to these services. Most people on Medicaid will receive their care from a plan that covers MMA services.
- Long-Term Care (LTC): Provides Medicaid LTC services like care in a nursing facility, assisted living facility, or at home for individuals that are at least 18 years old and meet nursing home level of care (or meet hospital level of care if the individual has Cystic Fibrosis).

²⁵ Section 20.42, F.S.

²⁶ Section 20.42(3), F.S.

²⁷ Under fee-for-service models, the state pays providers directly for each covered service received by a Medicaid beneficiary. See Medicaid and CHIP Payment and Access Commission, *Provider payment and delivery systems*, available at: <https://www.macpac.gov/medicaid-101/provider-payment-and-delivery-systems/#:~:text=Under%20the%20FFS%20model%2C%20the,person%20enrolled%20in%20the%20plan> (last visited March 31, 2025).

²⁸ Under managed care plans, the state pays a fee to a managed care plan for each person enrolled in the plan. Health care providers are paid by the managed care plan, rather than the state directly, if the services are covered under the managed care plan's contract with the state. See Medicaid and CHIP Payment and Access Commission, *Provider payment and delivery systems*, available at: <https://www.macpac.gov/medicaid-101/provider-payment-and-delivery-systems/#:~:text=Under%20the%20FFS%20model%2C%20the,person%20enrolled%20in%20the%20plan> (last visited March 31, 2025).

²⁹ Medicaid and CHIP Payment and Access Commission, *Provider payment and delivery systems*, available at: <https://www.macpac.gov/medicaid-101/provider-payment-and-delivery-systems/#:~:text=Under%20the%20FFS%20model%2C%20the,person%20enrolled%20in%20the%20plan> (last visited March 31, 2025).

³⁰ Agency for Health Care Administration, *Statewide Medicaid Managed Care*, available at: <https://flmedicaidmanagedcare.com/health/comparehealthplans> (last visited March 31, 2025).

³¹ *Id.*

- Dental: Provides all Medicaid dental services for children and adults. All individuals on Medicaid must enroll in a dental plan.

The AHCA competitively procures contracts with managed care plans to provide services to individuals under the SMMC.³² Services may be provided by a health maintenance organization (HMO) or a provider service network (PSN).³³ Under a managed care system, HMOs consist of prepaid health care plans, where health care services are provided directly to a group of people who make regular premium payments.³⁴ PSNs are networks operated by a health care provider, or a group of affiliated health care providers, who must have a controlling interest in the governing body of the PSN.³⁵ The health care providers that operate the PSN directly provide a substantial proportion of the health care items and services under a contract and may make arrangements with physicians or other health care professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians, by other health professionals, or through the institutions.³⁶ PSNs receive per-member, per-month payments.³⁷

Within the SMMC program, the AHCA has contracts with eight different managed care plans (referred to as “health plans”).³⁸ All health plans are required to cover specified minimum services under the MMA, LTC, and Dental programs, as follows³⁹:

MMA Minimum Covered Services	
Advanced registered nurse practitioner services	Hospital Inpatient and Outpatient Services
Ambulatory surgical treatment center services	Laboratory and Imaging Services
Assistive Care Services	Medical supply, equipment, prostheses, and orthoses
Behavioral Health	Medical Foster Care
Birth center services	Mental health services
Chiropractic services	Nursing care
Early intervention services	Nursing facility services for enrollees not in the LTC program
Early periodic screening diagnosis and treatment services for recipients under 21	Optical services and supplies
Emergency services	Optometrist services

³² Section 409.967, F.S.

³³ Section 409.901(13), F.S.

³⁴ Section 641.18, F.S.

³⁵ Section 409.912, F.S.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Agency for Health Care Administration, *SMMC Health Plans 2025-2030*, available at: <https://ahca.myflorida.com/content/download/25039/file/27061%20SMMC%20Plan%20Poster%2002042025.pdf> (last visited April 1, 2025).

³⁹ *Id.*

MMA Minimum Covered Services (Continued)	
Family planning services and supplies (some exception); Healthy Start Services (some exceptions)	Physical, occupational, respiratory, and speech therapy
Hearing services	Podiatric services
Home health agency services	Physician services, including physician assistant services
Hospice services	Rural health clinic services
Prescription drugs	Transportation to access covered services
Renal dialysis services	Substance abuse treatment
Respiratory equipment and supplies	
LTC Minimum Covered Services	
Adult companion care	Intermittent and skilled nursing
Adult day health care	Medical equipment and supplies
Assisted living	Medication administration
Assistive care services	Medication management
Attendant care	Nursing facility
Behavioral management	Nutritional assessment/risk reduction
Care coordination/Care management	Personal care
Caregiver training	Personal emergency response system
Home accessibility adaptation	Respite care
Home-delivered meals	Therapies: occupational, physical, respiratory, and speech
Homemaker	Transportation, Non-emergency
Hospice	
Dental Minimum Covered Services	
Ambulatory Surgical Center or Hospital-based Dental Services	Orthodontics
Dental Exams	Periodontics
Dental Screenings	Prosthodontics (dentures)
Dental X-rays	Root Canals
Extractions	Sealants
Fillings and Crowns	Sedation
Fluoride	Space Maintainers
Oral Health Instructions	Teeth Cleaning

Each health plan has expanded benefits that are provided in addition to the minimum covered services that the SMMC must provide.⁴⁰ This provides individuals with flexibility in their selection of health plans based on their coverage needs and the regions in which they reside.

⁴⁰ Agency for Health Care Administration, *Health Plan Expanded Benefits Grid 2025*, available at: <https://ahca.myflorida.com/medicaid/statewide-medicaid-managed-care/new-smmc-program/information-for-recipients> (last visited April 1, 2025).

Intellectual and Developmental Disabilities Pilot Program

In 2023, the Legislature directed the AHCA to implement a pilot program for up to 600 individuals with developmental disabilities in Regions D and I⁴¹ who are on the APD preenrollment list.⁴² The Intellectual and Developmental Disabilities (IDD) Pilot Program is voluntary and allows individuals who are currently in preenrollment category 1 through 6—who have been waiting for iBudget services—the opportunity to receive services through an integrated managed care delivery model.⁴³ To qualify for participation in the IDD Pilot Program, an applicant must meet the following criteria⁴⁴:

- Be 18 years or older;
- Be in Categories 1–6 of the iBudget waiver;
- Meet Level of Care criteria for placement in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID);
- Be Medicaid-eligible under a qualifying category;
- Have a qualifying diagnosis, including:
 - The individual’s intelligence quotient (IQ) is 59 or less; or
 - The individual’s IQ is 60-70 inclusive and the individual has a secondary handicapping condition that includes: Down syndrome; Cerebral palsy; Prader-Willi Syndrome; Spina bifida; Epilepsy; Autism; or ambulation, sensory, chronic health, and behavioral problems; or has an IQ of 60-70 inclusive and the individual has severe functional limitations in at least three major life activities including self-care, learning, mobility, self-direction, understanding and use of language, and capacity for independent living; or
 - The individual is eligible under the category of Autism, Cerebral Palsy, Down Syndrome, Prader-Willi Syndrome or Spina bifida and the individual has severe functional limitations in at least three major life activities including self-care, learning, mobility, self-direction, understanding and use of language, and capacity for independent living.
- Reside in Region D or Region I of the pilot program.

⁴¹ Region D includes Hillsborough, Polk, Manatee, Hardee, and Highlands counties and Region I includes Miami-Dade and Monroe counties. Agency for Health Care Administration, *New Medicaid Pilot Program serving more people with IDD*, available at: <https://ahca.myflorida.com/site/medicaid/statewide-medicare-managed-care/idd-pilot-program> (last visited April 1, 2025).

⁴² Ch. 2023-243, L.O.F.

⁴³ Agency for Health Care Administration, *New Medicaid Pilot Program serving more people with IDD*, available at: <https://ahca.myflorida.com/site/medicaid/statewide-medicare-managed-care/idd-pilot-program> (last visited April 1, 2025).

⁴⁴ Agency for Health Care Administration, *Comprehensive Intellectual and Developmental Disabilities Managed Care Waiver*, available at: <https://ahca.myflorida.com/site/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers/comprehensive-intellectual-and-developmental-disabilities-managed-care-waiver> (last visited April 1, 2025).

The following services are included in the IDD Pilot Program⁴⁵:

Covered Services in the IDD Pilot Program		
Adult Day Health Care	Adult Dental Services	Assisted Living
Behavior Analysis Services	Behavior Assistant Services	Care Coordination
Dietitian Services	Environmental Accessibility Adaptations	Equipment and Supplies
Home Delivered Meals	Life Skills Development Level 1 – Companion	Life Skills Development Level 2 – Supported Employment
Life Skills Development Level 3 – Adult Day Training	Life Skills Development Level 4 – Prevocational Services	Medical Services
Medication Administration	Medication Management	Occupational Therapy
Covered Services in the IDD Pilot Program (continued)		
Personal Emergency Response Systems	Personal Supports	Physical Therapy
Private Duty Nursing	Professional and Home Care Services	Residential Habilitation
Residential Nursing	Respiratory Therapy	Respite
Skilled Nursing	Specialized Medical Equipment and Supplies	Specialized Medical Home Care
Specialized Mental Health Counseling	Speech Therapy	Supported Living Coaching
Therapy Services	Transportation	Unpaid Caregiver Training
Vaccines		

The AHCA received federal approval for the home and community-based services waiver to implement the IDD Pilot Program on March 21, 2024.⁴⁶ Following the competitive procurement process, the AHCA awarded a contract to Florida Community Care, Inc. (FCC) to provide services in Regions D and I.⁴⁷ The AHCA assessed the FCC's plan policies, procedures, systems, and operations to determine FCC's readiness to support enrollees upon program launch.⁴⁸ Additionally, the APD provided training to FCC care coordinators and determined eligibility to participate in the IDD Pilot Program.⁴⁹

⁴⁵ Agency for Health Care Administration, *Comprehensive Intellectual and Developmental Disabilities Managed Care Waiver*, available at: <https://ahca.myflorida.com/site/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers/comprehensive-intellectual-and-developmental-disabilities-managed-care-waiver> (last visited April 1, 2025).

⁴⁶ Medicaid.gov, *FL Comprehensive Intellectual and Developmental Disabilities Managed Care Pilot Program (2346.R00.00)*, available at: <https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/161736> (last visited April 2, 2025).

⁴⁷ Agency for Health Care Administration, *Intellectual and Developmental Disabilities Managed Care Pilot Program*, available at: <https://ahca.myflorida.com/content/download/25753/file/2024%20IDD%20Managed%20Care%20Pilot%20Status%20Report.pdf> (last visited April 2, 2025).

⁴⁸ *Id.*

⁴⁹ *Id.*

The enrollment process for the IDD Pilot Program is as follows:⁵⁰

- The APD identifies potential eligible individuals from iBudget preenrollment categories 1-6.
- The APD sends interest forms to potentially eligible individuals.
- Eligible individuals who are interested in the IDD Pilot Program enrollment return the interest form.
- The APD contacts interested persons to verify Medicaid eligibility, complete a Questionnaire for Situational Information (QSI) assessment, and complete the HCBS form.
- The APD forwards the names of eligible, interested individuals to the AHCA.
- The AHCA sends the FCC enrollment files and notifies enrollees.
- The FCC sends welcome letters, calls enrollees, schedules visits, develops care plans, and begins services.

The APD mailed interest letters to potentially eligible individuals in August 2024. There have not been additional reports of ongoing communication with potentially eligible individuals about the pilot program after the initial letters were sent.⁵¹ This contrasts with the current method of enrollment in the SMMC plans, which involves ongoing communication between the AHCA and enrollees of the SMMC.⁵²

The FCC has reported the enrollment process for interested individuals faces several barriers.⁵³ Delays in the enrollment process may be attributed to a lack of coordination between the entities involved in the enrollment process. Currently, the AHCA and the FCC are not provided with an interested individual's file until the APD assesses an individual's needs. Currently, the APD is required to approve a needs assessment methodology to assist the APD in determining eligibility.⁵⁴ The APD utilizes the QSI assessment authorized for assessment of iBudget enrollees.⁵⁵ However, the AHCA's contract with the FCC requires the FCC to conduct an additional needs assessment of an individual within five business days *after* enrollment.⁵⁶ The APD does not have a similar deadline for the assessment. Thus, an individual's enrollment may be delayed while waiting for the APD to conduct the QSI; further, the individual will have to take another needs assessment by the FCC after enrollment.

⁵⁰ Agency for Health Care Administration and Florida Community Care, *Health and Human Services Committee Presentations*, February 11, 2025.

⁵¹ Agency for Health Care Administration and Florida Community Care, *Health and Human Services Committee Presentations*, February 11, 2025.

⁵² Agency for Health Care Administration, *Enrolling in a Health Plan*, available at: <https://www.flmedicaidmanagedcare.com/health/enroll> (last visited April 2, 2025).

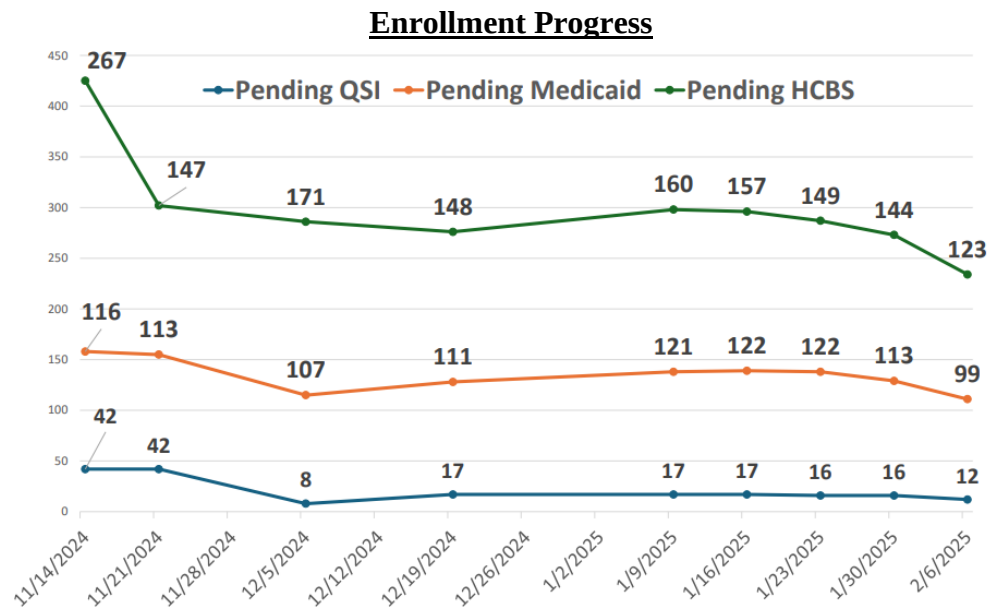
⁵³ *Supra*, Note 51.

⁵⁴ Section 409.9855(2)(b), F.S.

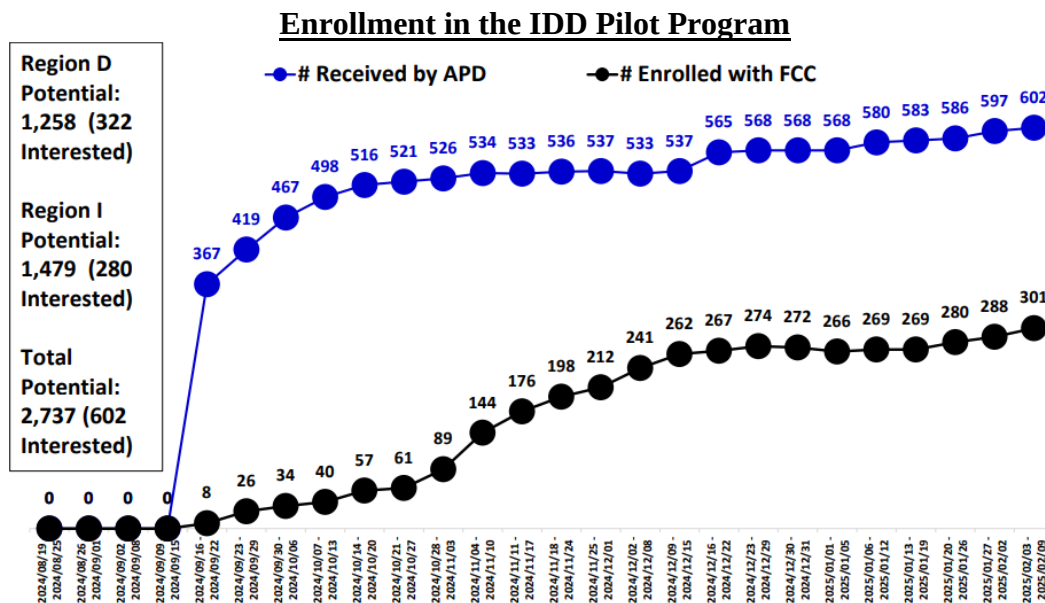
⁵⁵ The QSI is only authorized for utilization in the iBudget program, not the IDD Pilot Program. See Section 393.0662, F.S.

⁵⁶ *Supra*, Note 51.

The following chart displays the individuals who are interested in the IDD Pilot Program, but their QSI, Medicaid eligibility, and HCBS waiver are pending from the APD:⁵⁷



Since October, over 600 individuals have expressed interest in the pilot program. As of early February, half of the interested individuals have enrolled in the pilot program with the FCC, as shown below:⁵⁸



⁵⁷ Agency for Health Care Administration and Florida Community Care, *Health and Human Services Committee Presentations*, February 11, 2025.

⁵⁸ *Id.*

Consumer-Directed Care

In 2002, the Legislature directed the AHCA to establish the consumer-directed care program.⁵⁹ The program is based on the principles of consumer choice and control and allows enrolled persons to choose their providers and direct the delivery of services to best meet their long-term care needs.⁶⁰ Individuals that are enrolled in one of the Medicaid home and community-based waiver programs, including the iBudget program, are eligible to participate in consumer-directed care.⁶¹

Effect of the Proposed Changes

Section 4 amends s. 409.972, F.S.

The bill prohibits the AHCA from automatically enrolling individuals on managed care requiring that an individual must make an affirmative choice before any enrollment action is taken.

Section 5 amends the IDD Pilot Program under s. 409.9855, F.S.

The bill removes the requirement for the AHCA to administer the pilot program in consultation with the APD.

The bill expands the IDD Pilot Program in three phases:

- Immediately expands eligibility to individuals in *all* iBudget preenrollment categories (rather than Categories 1- 6) in Regions D or I.
- Effective October 1, 2025, expands eligibility to individuals in all iBudget preenrollment categories in *any region*.
- Effective July 1, 2026, expands eligibility to individuals enrolled in the iBudget program or the LTC managed care program, regardless of region.

The bill requires the APD to transmit the following data to the AHCA weekly:

- Data files of clients enrolled in the Medicaid HCBS waiver program; and
- Clients in iBudget preenrollment categories.

The bill requires the AHCA to maintain a record of individuals with developmental disabilities who may be eligible for the pilot program using this data, Medicaid enrollment data transmitted by the DCF, and any available collateral data.

The bill places the AHCA in charge of administering the enrollment process and specifies that a needs assessment conducted by the APD is not required for enrollment. The bill codifies current contractual obligations of the participating plans to conduct an individualized assessment of each enrollee within five days after enrollment to determine the enrollee's functional, behavioral, and physical needs. The bill requires the AHCA to approve this assessment method or instrument.

⁵⁹ Chapter 2002-223, L.O.F.

⁶⁰ Section 409.221(4), F.S.

⁶¹ Section 409.221, F.S. and Agency for Health Care Administration, Florida Medicaid's Covered Services and HCBS Waivers, available at: <https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/florida-medicaid-s-covered-services-and-hcbs-waivers> (last visited March 13, 2025).

The bill requires the AHCA to notify individuals with developmental disabilities of the opportunity to voluntarily enroll in the pilot program and provide them with the following information:

- The benefits available through the pilot program;
- The process for enrollment; and
- The procedures for disenrollment from the pilot program, including the requirement for continued coverage after disenrollment.

The bill requires the AHCA to provide a call center staffed by agents trained to assist individuals with developmental disabilities and their families in learning about and enrolling in the pilot program.

The bill requires the AHCA to coordinate with the DCF and the APD to develop partnerships with community-based organizations to disseminate information about the pilot program to providers of covered services and potential enrollees.

The bill clarifies additional benefits that must be provided in the IDD Pilot Program, negotiated by the AHCA. Providers of these benefits must meet the provider qualifications established by the AHCA for the Medicaid LTC managed care program. If no such qualifications apply to a specific benefit or provider type, the bill requires the provider to meet the provider qualifications established by the APD for the iBudget waiver services program.

The bill requires participating plans to offer a consumer-directed services option to individuals with developmental disabilities.

The bill requires the AHCA to monitor and evaluate the IDD Pilot Program and require corrective actions or payment of penalties as needed to secure compliance with contractual requirements. Such contractual requirements include, but are not limited to, the following:

- Compliance with provider network standards;
- Financial accountability;
- Performance standards;
- Health care quality improvement systems; and
- Program integrity.

The bill updates the reporting requirements for the AHCA. The bill removes the requirement for the AHCA to consult with the APD and updates the date of required reports, as follows:

- Requires a status report on progress made toward federal approval of the waiver or waiver amendment necessary by August 30, 2025, rather than December 31, 2023.
- Requires a status report on pilot program implementation by December 31, 2025, rather than December 31, 2024.

The bill makes conforming changes throughout the section to remove the requirement for the AHCA to consult with the APD for the administration of the IDD Pilot Program.

Family Care Councils

Present Situation

Family Care Councils

In 1993, the Legislature required each service district of the Department of Health and Rehabilitative Services⁶² to create local family care councils (FCC).⁶³ FCCs are intended to facilitate the connection between government and individuals with disabilities and their families, to ensure that statewide policies are guided by input from individuals who are affected by such policies.⁶⁴

Current law requires local FCCs to consist of at least 10 members recommended by a majority vote of the local family care council and appointed by the Governor.⁶⁵ Council members must serve on a voluntary basis.⁶⁶ The FCC must be composed of individuals receiving or waiting to receive the APD services and family members of individuals with developmental disabilities.⁶⁷ FCCs are required to provide the APD-established training program to assist the council members in understanding the laws, rules, and policies applicable to their duties and responsibilities on the council.⁶⁸

Family care councils are intended to advise the APD, develop a plan for the delivery of family support services within the local area, and to monitor the implementation and effectiveness of services and support provided under the developed plan.⁶⁹ The primary functions of the FCC are as follows:⁷⁰

- Assist in providing information and outreach to families.
- Review the effectiveness of service programs and make recommendations with respect to program implementation.
- Advise the agency with respect to policy issues relevant to the community and family support system in the local area.
- Meet and share information with other local family care councils.

⁶² The Department of Health and Rehabilitative Services was the entity originally responsible for operating programs for individuals with developmental disabilities (Ch. 96-175, L.O.F.). In 1996, the Department of Health and Rehabilitative Services was redesignated as the Department of Children and Family Services (Ch. 96-403, L.O.F.). In 2004, the Legislature removed the oversight of programs related to developmental disabilities from the Department of Children and Family Services and established an agency, housed administratively within the DCF, to oversee the provisions of services to individuals with developmental disabilities, known as the Agency for Persons with Disabilities (Ch. 2004-267, L.O.F.). In 2012, the Department of Children and Family Services was renamed as the Department of Children and Families (Ch. 2012-84, L.O.F.).

⁶³ Ch. 93-143, L.O.F.

⁶⁴ Family Care Councils, *Serving Families for 30 Years*, available at: <https://www.fccflorida.org/> (last visited March 26, 2025).

⁶⁵ Section 393.502, F.S.

⁶⁶ *Id.*

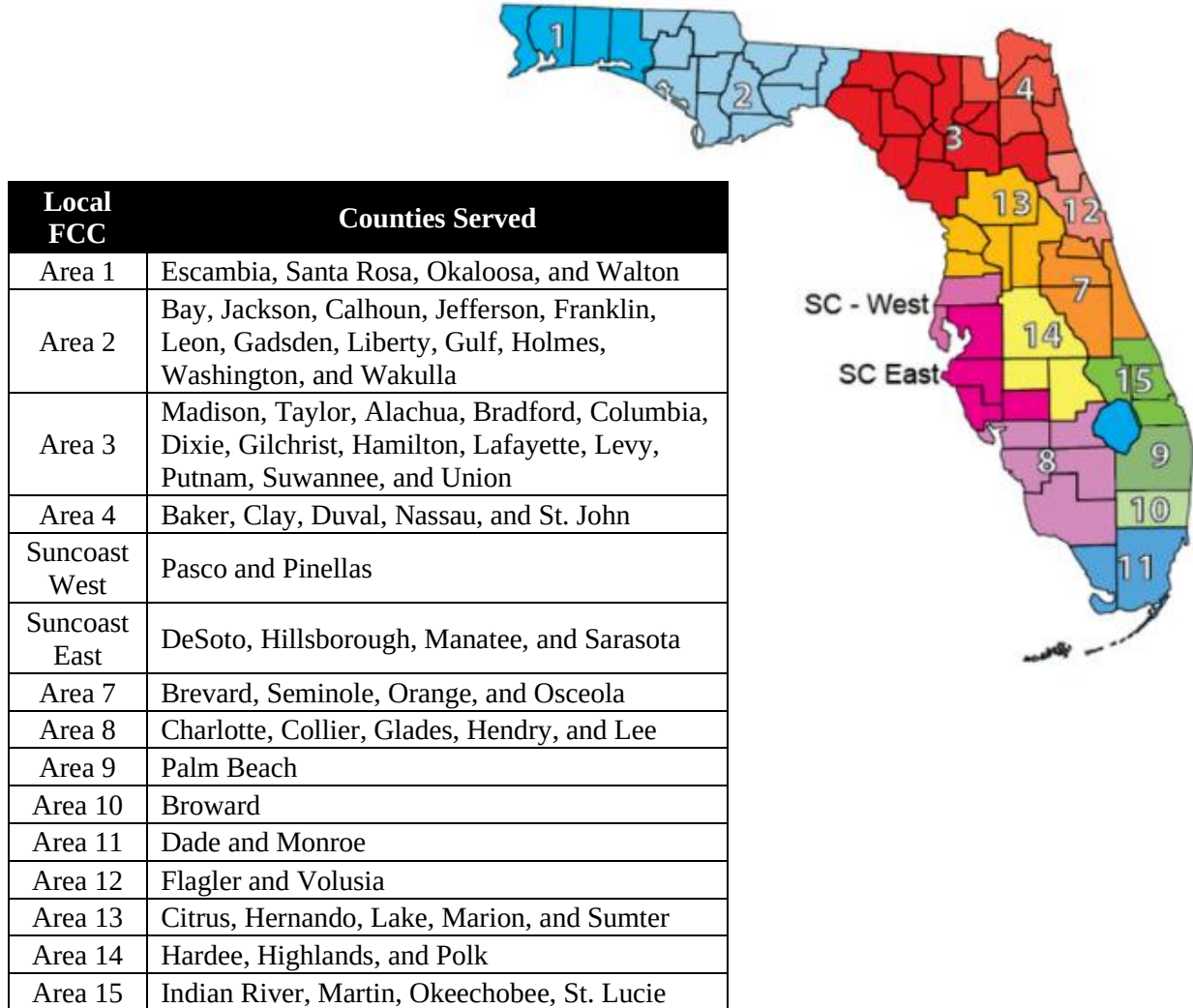
⁶⁷ *Id.*

⁶⁸ Section 393.502(5), F.S.

⁶⁹ Section 393.502(7), F.S.

⁷⁰ *Id.*

There are currently 15 FCCs statewide, as shown below:⁷¹



Upon the establishment of a new FCC, the Governor must appoint the first four council members, who serve 3-year terms. The appointed members are required to submit recommendations for at least six additional members selected by a majority vote to the Governor.⁷²

FCCs may apply for, receive, and accept grants, gifts, donations, bequests, and other payments from any public or private entity or person.⁷³ The APD may conduct an annual financial review of each local family care council.⁷⁴

⁷¹ Family Care Councils, *Local Family Care Councils*, available at: <https://www.fccflorida.org/local-councils.html> (last visited March 26, 2025).

⁷² Section 393.502(8), F.S.

⁷³ *Id.*

⁷⁴ *Id.*

Effect of Proposed Changes

Section 3 of the bill amends s. 393.502, F.S., to establish a statewide family care council that coordinates with existing local family care councils and facilitates direct communication between local FCCs and the APD. The goal of the statewide FCC is to enhance the quality of and access to resources and supports for individuals with disabilities and their families.

The bill outlines the responsibilities of the statewide FCC, which include:

- Reviewing reports, policy proposals, and recommendations from local FCCs.
- Advising the APD on statewide policies, programs, and service improvements based on input from local councils.
- Identifying systemic service delivery barriers and recommending solutions.
- Promoting collaboration and sharing of best practices among local FCCs.
- Submitting an annual report by December 1 to the Governor, President of the Senate, Speaker of the House of Representatives, and the APD, summarizing local findings, policy suggestions, and evaluating the APD's response to prior recommendations.

Additionally, the APD must respond within 60 days of receiving the report, indicating whether it will implement the recommendations, providing a timeline or justification, and including a detailed action plan outlining steps taken or planned to address the recommendations.

The bill prohibits the APD or the AHCA employees from serving as voting members on either the statewide council or a local council. The bill maintains the membership structure of local FCCs and creates requirements for the membership of the statewide council.

The bill requires the statewide family care council to consist of the following members, appointed by the Governor:

- One representative from each of the local family care council, who must be a resident of the area served by that local council.
 - Among these representatives must be at least one individual who receives waiver services from the agency and at least one individual who is assigned to a preenrollment category for waiver services under s. 393.065, F.S.
- One individual representing an advocacy organization representing individuals with disabilities.
- One representative of a public or private entity that provides services to individuals with developmental disabilities that does not have a Medicaid waiver service contract with the APD.

The bill establishes membership and operational guidelines for the statewide FCC, including:

- Initial appointments are staggered for two- or four-year terms, with all subsequent terms set at four years. Members may serve only one additional consecutive term. After serving two consecutive terms, a member must wait at least 12 months before being reappointed.
- The statewide council must recommend at least one candidate for a vacancy to the Governor, who must make the appointment within 45 days. If the Governor does not act, the local council chair may appoint a qualified individual to serve until the Governor makes an official appointment.

- The statewide council must meet at least quarterly, either in person or virtually. Local councils must continue to meet six times per year, with flexibility to meet in person, by teleconference, or through other electronic means.
- The initial chair of the statewide council is appointed by the Governor. Future chairs are to be elected annually by a majority vote of council members.
- Council members do not receive compensation, but may be reimbursed for travel and per diem expenses as allowed pursuant to s. 112.061, F.S.

The bill clarifies language that provides the location of local family care councils, to agency-designated regions rather than service areas of the APD. The bill requires local family care councils to work constructively with the APD, advise the APD on local needs, identify gaps in services, and advocate for individuals with developmental disabilities and their families.

Specifically, local family care councils are required to do the following:

- Assist in providing information and conducting outreach to individuals with developmental disabilities and their families.
- Convene family listening sessions at least twice a year to gather input on local service delivery challenges.
- Hold a public forum every six months to solicit public feedback concerning actions taken by the local FCCs.
- Identify policy issues relevant to the community and family support system in the region.
- Submit a report to the statewide family care council by September 1 each year. This report must detail proposed policy changes, program, recommendations, and identified service delivery challenges within its region.

The bill requires each local FCC chair to establish a family-led nominating committee composed of individuals receiving or waiting to receive APD services, or their relatives. These committee members do not need to be part of the local council. They are responsible for nominating candidates to fill council vacancies.

The bill requires local councils must vote to recommend candidates to the Governor based on the nominating committee's suggestions. The Governor has 45 days to make an appointment. If no action is taken, the local council may select an interim appointee from the recommended candidates by majority vote.

The bill allows the chair of the local FCC to appoint persons to serve on additional council committees. Such persons may include current members of the council, former members of the council, and persons not eligible to serve on the council.

The bill allows the statewide and local FCCs to apply for, receive, and accept funding and does not specify requirements regarding the purpose of the funding.

The bill allows the APD to make additional training available to the statewide and local council members.

The bill requires the APD to publish on its website all annual reports submitted by the local FCCs and the statewide council within 15 days after receipt of such reports in a designated and easily accessible section of the website.

The bill requires the APD to provide administrative support to the statewide council and local councils, including, but not limited to, staff assistance and meeting facilities, within existing resources.

Section 6 creates an iBudget study:

- Requires the APD to contract for a study to review, evaluate, and identify recommendations on the iBudget algorithm.
- Sets educational and professional requirements for the individual contractor.
- Requires the study to:
 - Assess the performance of the iBudget algorithm and determine if a different algorithm would better meet statutory requirements.
 - Review the fit of recent expenditure data to the current algorithm.
 - Determine and refine dependent and independent variables.
 - Develop and apply a method for identifying and removing outliers.
 - Develop alternative algorithms.
 - Test the accuracy and reliability of algorithms and provide recommendations for improvement.
 - Recommend an algorithm for use by the APD, assess the robustness of the algorithm and provide suggestions for improvement.
 - Consider if waiver services not currently funded through the iBudget algorithm may be funded through the current or alternative algorithm.
 - Present information on the number and percent of waiver enrollees who would: require supplemental funding and have increased or decreased budgets.

Requires the APD to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives findings and recommendations by November 15, 2025.

Effective Date

Section 7 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. 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 Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The expansion of the Intellectual and Developmental Disabilities (IDD) Pilot Program may have a significant, yet indeterminate, negative fiscal impact on the Agency for Health Care Administration (AHCA), contingent on whether the Legislature provides additional funding in the General Appropriations Act (GAA). The IDD Pilot Program's funding for Fiscal Year 2025-2026 totals \$38.4 million (\$16.4 million from the general revenue funds) to support 600 eligible individuals who voluntarily elect to participate in the pilot program.

The Legislature may also authorize the transfer of funds from the traditional waiver to the pilot program if an individual on the pre-enrollment list chooses to receive services through the pilot. This transfer would not require additional appropriations, as the Agency for Persons with Disabilities (APD) typically reverts waiver funds each fiscal year.

Providing administrative support for the new Statewide Family Care Council and participating in child welfare transition planning will have an insignificant, negative fiscal impact on APD which can be absorbed within existing resources.

The APD estimates a nonrecurring need for \$1 million (\$0.5 million General Revenue) to update the iBudget allocation algorithm based on 2,000 hours for one year at \$500 hourly. The APD may have some base contracted services budget that could be used to cover some of the projected costs of the study.⁷⁵

⁷⁵ Agency for Persons with Disabilities, Senate Bill 1050 email from Anna Grace Futch (April 21, 2025) (on file with the Senate Committee on Appropriations).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 393.0662, 393.065, 393.502, 409.972, and 409.9855.

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 on April 22, 2025:

The committee substitute:

- Removes the language that creates the Adult Pathways Home and Community-based Services Medicaid Waiver program.
- Requires the APD to give a list of all regional qualified organizations to waiver enrollees within five days of enrollment.
- Requires the APD to publish the number of individuals in each pre-enrollment priority category by county of residence.
- Requires an affirmative choice by individuals to enroll into the Individuals with Developmental Disabilities Managed Care Pilot and the Medicaid Managed Care MMA programs and prohibits any automatic enrollment.
- Requires the APD to contract for an iBudget study, to review, evaluate, and identify recommendations regarding the process and algorithm required by law, and determine whether other waiver services not currently funded through the algorithm or an alternative algorithm, and requires findings and recommendations to the Governor and Legislature by November 15, 2025.

CS by Children, Families, and Elder Affairs on April 1, 2025:

- Requires the Agency for Persons with Disabilities (APD) to post quarterly reconciliation reports for the iBudget waiver.
- Changes requirements of the APD in relation to the online application for iBudget services and transition planning activities for individuals assigned to preenrollment category 2.
- Expands the Intellectual and Developmental Disabilities (IDD) Pilot Program.
- Clarifies the role of the Agency for Health Care Administration and the APD in administering the IDD Pilot Program, effectively removing the APD from the administration of the program.
- Clarifies the requirements of the statewide and local family care councils.

- Removes language requiring a type two transfer of the Division of Blind Services, the Division of Vocational Rehabilitation, and the Federal Rehabilitation Trust Fund from the Department of Education to the APD.
- Removes language designating the APD as a department.
- Removes language amending the membership of the Commission for the Transportation Disadvantaged.

B. Amendments:

None.



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LEGISLATIVE ACTION

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

The Committee on Appropriations (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (5) and (14) of section 393.0662,
Florida Statutes, are amended to read:

393.0662 Individual budgets for delivery of home and
community-based services; iBudget system established.—The
Legislature finds that improved financial management of the
existing home and community-based Medicaid waiver program is



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necessary to avoid deficits that impede the provision of services to individuals who are on the waiting list for enrollment in the program. The Legislature further finds that clients and their families should have greater flexibility to choose the services that best allow them to live in their community within the limits of an established budget. Therefore, the Legislature intends that the agency, in consultation with the Agency for Health Care Administration, shall manage the service delivery system using individual budgets as the basis for allocating the funds appropriated for the home and community-based services Medicaid waiver program among eligible enrolled clients. The service delivery system that uses individual budgets shall be called the iBudget system.

(5) The agency shall ensure that clients and caregivers have access to training and education that inform them about the iBudget system and enhance their ability for self-direction. Such training and education must be offered in a variety of formats and, at a minimum, must address the policies and processes of the iBudget system and the roles and responsibilities of consumers, caregivers, waiver support coordinators, providers, and the agency, and must provide information to help the client make decisions regarding the iBudget system and examples of support and resources available in the community. The agency shall, within 5 days after enrollment, provide the client with a comprehensive and current written list of all qualified organizations located within the region in which the client resides.

(14)(a) The agency, in consultation with the Agency for Health Care Administration, shall provide a quarterly



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reconciliation report of all home and community-based services waiver expenditures from the Agency for Health Care Administration's claims management system with service utilization from the Agency for Persons with Disabilities Allocation, Budget, and Contract Control system. The reconciliation report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than 30 days after the close of each quarter.

(b) The agency shall post its quarterly reconciliation reports on its website, in a conspicuous location, no later than 5 days after submitting the reports as required in this subsection.

Section 2. Present subsection (12) of section 393.065, Florida Statutes, is redesignated as subsection (13), a new subsection (12) is added to that section, and paragraph (a) of subsection (1), paragraph (b) of subsection (5), and subsection (10) of that section are amended, to read:

393.065 Application and eligibility determination.—

(1)(a) The agency shall develop and implement an online application process that, at a minimum, supports paperless, electronic application submissions with immediate e-mail confirmation to each applicant to acknowledge receipt of application upon submission. The online application system must allow an applicant to review the status of a submitted application and respond to provide additional information. The online application must allow an applicant to apply for crisis enrollment.

(5) Except as provided in subsections (6) and (7), if a



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client seeking enrollment in the developmental disabilities home and community-based services Medicaid waiver program meets the level of care requirement for an intermediate care facility for individuals with intellectual disabilities pursuant to 42 C.F.R. ss. 435.217(b)(1) and 440.150, the agency must assign the client to an appropriate preenrollment category pursuant to this subsection and must provide priority to clients waiting for waiver services in the following order:

(b) Category 2, which includes clients in the preenrollment categories who are:

1. From the child welfare system with an open case in the Department of Children and Families' statewide automated child welfare information system and who are either:

a. Transitioning out of the child welfare system into permanency; or

b. At least 18 years but not yet 22 years of age and who need both waiver services and extended foster care services; or

2. At least 18 years but not yet 22 years of age and who withdrew consent pursuant to s. 39.6251(5)(c) to remain in the extended foster care system.

For individuals who are at least 18 years but not yet 22 years of age and who are eligible under sub-subparagraph 1.b., the agency must provide waiver services, including residential habilitation, and must actively participate in transition planning activities, including, but not limited to, individualized service coordination, case management support, and ensuring continuity of care pursuant to s. 39.6035. The community-based care lead agency must fund room and board at the



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rate established in s. 409.145(3) and provide case management and related services as defined in s. 409.986(3)(e). Individuals may receive both waiver services and services under s. 39.6251. Services may not duplicate services available through the Medicaid state plan.

Within preenrollment categories 3, 4, 5, 6, and 7, the agency shall prioritize clients in the order of the date that the client is determined eligible for waiver services.

(10) The client, the client's guardian, or the client's family must ensure that accurate, up-to-date contact information is provided to the agency at all times. Notwithstanding s. 393.0651, the agency must send an annual letter requesting updated information from the client, the client's guardian, or the client's family. ~~The agency must remove from the preenrollment categories any individual who cannot be located using the contact information provided to the agency, fails to meet eligibility requirements, or becomes domiciled outside the state.~~

(12) To ensure transparency and timely access to information, the agency shall post on its website in a conspicuous location the total number of individuals in each priority category by county of residence. The posted numbers shall reflect the current status of the preenrollment priority list and shall be updated at least every 5 days.

Section 3. Section 393.502, Florida Statutes, is reordered and amended to read:

393.502 Family care councils.—

(1) CREATION AND PURPOSE OF STATEWIDE FAMILY CARE COUNCIL.—



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~~There shall be established and located within each service area of the agency a family care council.~~

(a) The Statewide Family Care Council is established to connect local family care councils and facilitate direct communication between local councils and the agency, with the goal of enhancing the quality of and access to resources and supports for individuals with developmental disabilities and their families.

(b) The statewide council shall:

1. Review annual reports, policy proposals, and program recommendations submitted by the local family care councils.

2. Advise the agency on statewide policies, programs, and service delivery improvements based on the collective recommendations of the local councils.

3. Identify systemic barriers to the effective delivery of services and recommend solutions to address such barriers.

4. Foster collaboration and the sharing of best practices and available resources among local family care councils to improve service delivery across regions.

5. Submit an annual report no later than December 1 of each year to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the agency. The report must include a summary of local council findings, policy recommendations, and an assessment of the agency's actions in response to previous recommendations of the local councils.

(c) The agency shall provide a written response within 60 days after receipt, including a detailed action plan outlining steps taken or planned to address recommendations. The response must specify whether recommendations will be implemented and



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provide a timeline for implementation or include justification if recommendations are not adopted.

(2) STATEWIDE FAMILY CARE COUNCIL MEMBERSHIP.—

(a) The statewide council shall be composed of the following members appointed by the Governor:

1. One representative from each of the local family care councils, who must be a resident of the area served by that local council. Among these representatives must be at least one individual who is receiving waiver services from the agency under s. 393.065 and at least one individual who is assigned to a preenrollment category for waiver services under s. 393.065.

2. One representative of an advocacy organization representing individuals with disabilities.

3. One representative of a public or private entity that provides services to individuals with developmental disabilities that does not have a Medicaid waiver service contract with the agency.

(b) Employees of the agency or the Agency for Health Care Administration are not eligible to serve on the statewide council.

(3) STATEWIDE FAMILY CARE COUNCIL TERMS; VACANCIES.—

(a) Statewide council members shall be initially appointed to staggered 2- and 4- year terms, with subsequent terms of 4 years. Members may be reappointed to one additional consecutive term.

(b) A member who has served two consecutive terms is not eligible to serve again until at least 12 months have elapsed since ending service on the statewide council.

(c) Upon expiration of a term or in the case of any other



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vacancy, the statewide council shall, by majority vote,
recommend to the Governor for appointment at least one person
for each vacancy.

1. The Governor shall make an appointment within 45 days
after receiving a recommendation from the statewide council. If
the Governor fails to make an appointment for a member under
subsection (2), the chair of the local council may appoint a
member meeting the requirements of subsection (2) to act as the
statewide council representative for that local council until
the Governor makes an appointment.

2. If no member of a local council is willing and able to
serve on the statewide council, the Governor shall appoint an
individual from another local council to serve on the statewide
council.

(4) STATEWIDE FAMILY CARE COUNCIL MEETINGS; ORGANIZATION.—
The statewide council shall meet at least quarterly. The council
meetings may be held in person or through teleconference or
other electronic means.

(a) The Governor shall appoint the initial chair from among
the members of the statewide council. Subsequent chairs shall be
elected annually by a majority vote of the council.

(b) Members of the statewide council shall serve without
compensation but may be reimbursed for per diem and travel
expenses pursuant to s. 112.061.

(c) A majority of the members of the statewide council
constitutes a quorum.

(5) LOCAL FAMILY CARE COUNCILS.—There is established and
located within each service area of the agency a local family
care council to work constructively with the agency, advise the



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agency on local needs, identify gaps in services, and advocate for individuals with developmental disabilities and their families.

(6) LOCAL FAMILY CARE COUNCIL DUTIES.—The local family care councils shall:

(a) Assist in providing information and conducting outreach to individuals with developmental disabilities and their families.

(b) Convene family listening sessions at least twice a year to gather input on local service delivery challenges.

(c) Hold a public forum every 6 months to solicit public feedback concerning actions taken by the local family councils.

(d) Share information with other local family care councils.

(e) Identify policy issues relevant to the community and family support system in the region.

(f) Submit to the Statewide Family Care Council, no later than September 1 of each year, an annual report detailing proposed policy changes, program recommendations, and identified service delivery challenges within its region.

~~(7)~~(2) LOCAL FAMILY CARE COUNCIL MEMBERSHIP.—

(a) Each local family care council shall consist of at least 10 and no more than 15 members recommended by a majority vote of the local family care council and appointed by the Governor.

(b) At least three of the members of the council shall be individuals receiving or waiting to receive services from the agency. One such member shall be an individual who has been receiving services within the 4 years before the date of



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recommendation. The remainder of the council members shall be parents, grandparents, guardians, or siblings of individuals who have developmental disabilities and qualify for services pursuant to this chapter. For a grandparent to be a council member, the grandchild's parent or legal guardian must consent to the appointment and report the consent to the agency.

(c) A person who is currently serving on another board or council of the agency may not be appointed to a local family care council.

(d) Employees of the agency or the Agency for Health Care Administration are not eligible to serve on a local family care council.

(e) Persons related by consanguinity or affinity within the third degree may ~~shall~~ not serve on the same local family care council at the same time.

(f) A chair for the council shall be chosen by the council members to serve for 1 year. A person may not serve ~~no~~ more than four 1-year terms as chair.

(8)-(3) LOCAL FAMILY CARE COUNCIL TERMS; VACANCIES.-

(a) Local family council members shall be appointed for a 3-year terms ~~term~~, except as provided in subsection (11) ~~(8)~~, and may be reappointed to one additional term.

(b) A member who has served two consecutive terms is ~~shall~~ not ~~be~~ eligible to serve again until 12 months have elapsed since ending his or her service on the local council.

(c) 1. Upon expiration of a term or in the case of any other vacancy, the local council shall, by majority vote, recommend to the Governor for appointment a person for each vacancy based on recommendations received from the family-led nominating



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committee described in paragraph (9) (a).

2. The Governor shall make an appointment within 45 days after receiving a recommendation. If the Governor fails to make an appointment within 45 days, the local council shall, by majority vote, select an interim appointment for each vacancy from the panel of candidates recommended by the family-led nominating committee.

(9)(4) LOCAL FAMILY CARE COUNCIL COMMITTEE APPOINTMENTS.-

(a) The chair of each local family care council shall create, and appoint individuals receiving or waiting to receive services from the agency and their relatives, to serve on a family-led nominating committee. Members of the family-led nominating council need not be members of the local council. The family-led nominating committee shall nominate candidates for vacant positions on the local family council.

(b) The chair of the local family care council may appoint persons to serve on additional council committees. Such persons may include current members of the council and former members of the council and persons not eligible to serve on the council.

(13)(5) TRAINING.-

(a) The agency, in consultation with the statewide and local councils, shall establish and provide a training program for local family care council members. Each local area shall provide the training program when new persons are appointed to the local council and at other times as the secretary deems necessary.

(b) The training shall assist the council members to understand the laws, rules, and policies applicable to their duties and responsibilities.



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(c) All persons newly appointed to the statewide or a local council must complete this training within 90 days after their appointment. A person who fails to meet this requirement is ~~shall be~~ considered to have resigned from the council. The agency may make additional training available to council members.

~~(10)(6)~~ LOCAL FAMILY CARE COUNCIL MEETINGS.—Local council members shall serve on a voluntary basis without payment for their services but shall be reimbursed for per diem and travel expenses as provided for in s. 112.061. Local councils ~~The council~~ shall meet at least six times per year. Meetings may be held in person or by teleconference or other electronic means.

~~(7) PURPOSE.~~ ~~The purpose of the local family care councils shall be to advise the agency, to develop a plan for the delivery of family support services within the local area, and to monitor the implementation and effectiveness of services and support provided under the plan. The primary functions of the local family care councils shall be to:~~

~~(a) Assist in providing information and outreach to families.~~

~~(b) Review the effectiveness of service programs and make recommendations with respect to program implementation.~~

~~(c) Advise the agency with respect to policy issues relevant to the community and family support system in the local area.~~

~~(d) Meet and share information with other local family care councils.~~

~~(11)(8)~~ NEW LOCAL FAMILY CARE COUNCILS.—When a local family care council is established for the first time in a local area,



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the Governor shall appoint the first four council members, who shall serve 3-year terms. These members shall submit to the Governor, within 90 days after their appointment, recommendations for at least six additional members, selected by majority vote.

(12) ~~(9)~~ FUNDING; FINANCIAL REVIEW.—The statewide and local family care councils ~~council~~ may apply for, receive, and accept grants, gifts, donations, bequests, and other payments from any public or private entity or person. Each local council is subject to an annual financial review by staff assigned by the agency. Each local council shall exercise care and prudence in the expenditure of funds. The local family care councils shall comply with state expenditure requirements.

(14) DUTIES.—The agency shall publish on its website all annual reports submitted by the local family care councils and the Statewide Family Care Council within 15 days after receipt of such reports in a designated and easily accessible section of the website.

(15) ADMINISTRATIVE SUPPORT.—The agency shall provide administrative support to the statewide council and local councils, including, but not limited to, staff assistance and meeting facilities, within existing resources.

Section 4. Subsection (1) of section 409.972, Florida Statutes, is amended to read:

409.972 Mandatory and voluntary enrollment.—

(1) The ~~following~~ Medicaid-eligible persons listed in paragraphs (a) through (g) are exempt from mandatory managed care enrollment required by s. 409.965, and may voluntarily choose to participate in the managed medical assistance program.



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These eligible persons must make an affirmative choice before any enrollment action by the agency. The agency may not automatically enroll these eligible persons.÷

(a) Medicaid recipients who have other creditable health care coverage, excluding Medicare.

(b) Medicaid recipients residing in residential commitment facilities operated through the Department of Juvenile Justice or a treatment facility as defined in s. 394.455.

(c) Persons eligible for refugee assistance.

(d) Medicaid recipients who are residents of a developmental disability center, including Sunland Center in Marianna and Tacachale in Gainesville.

(e) Medicaid recipients enrolled in the home and community based services waiver pursuant to chapter 393, and Medicaid recipients waiting for waiver services.

(f) Medicaid recipients residing in a group home facility licensed under chapter 393.

(g) Children receiving services in a prescribed pediatric extended care center.

Section 5. Subsections (1), (2), (3), and (6) of section 409.9855, Florida Statutes, are amended to read:

409.9855 Pilot program for individuals with developmental disabilities.—

(1) PILOT PROGRAM IMPLEMENTATION.—

(a) ~~Using a managed care model,~~ The agency shall implement a pilot program for individuals with developmental disabilities ~~in Statewide Medicaid Managed Care Regions D and I to provide coverage of comprehensive services~~ using a managed care model.

The agency may seek federal approval through a state plan



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amendment or Medicaid waiver as necessary to implement the pilot program.

(b) The agency shall administer the pilot program pursuant to s. 409.963 and as a component of the Statewide Medicaid Managed Care model established by this part. Unless otherwise specified, ss. 409.961-409.969 apply to the pilot program. ~~The agency may seek federal approval through a state plan amendment or Medicaid waiver as necessary to implement the pilot program. The agency shall submit a request for any federal approval needed to implement the pilot program by September 1, 2023.~~

~~(c) Pursuant to s. 409.963, the agency shall administer the pilot program in consultation with the Agency for Persons with Disabilities.~~

~~(d) The agency shall make capitated payments to managed care organizations for comprehensive coverage, including managed medical assistance benefits and long-term care under this part and community-based services described in s. 393.066(3) and approved through the state's home and community-based services Medicaid waiver program for individuals with developmental disabilities. Unless otherwise specified, ss. 409.961-409.969 apply to the pilot program.~~

~~(e) The agency shall evaluate the feasibility of statewide implementation of the capitated managed care model used by the pilot program to serve individuals with developmental disabilities.~~

(2) ELIGIBILITY; VOLUNTARY ENROLLMENT; DISENROLLMENT.—

(a) Participation in the pilot program is voluntary and limited to the maximum number of enrollees specified in the General Appropriations Act. An individual must make an



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affirmative choice before any enrollment action by the agency.
The agency may not automatically enroll eligible individuals.

(b) To be eligible for enrollment in the pilot program, an
individual must ~~The Agency for Persons with Disabilities shall~~
~~approve a needs assessment methodology to determine functional,~~
~~behavioral, and physical needs of prospective enrollees. The~~
~~assessment methodology may be administered by persons who have~~
~~completed such training as may be offered by the agency.~~
~~Eligibility to participate in the pilot program is determined~~
~~based on all of the following criteria:~~

1. Be Medicaid eligible ~~Whether the individual is eligible~~
~~for Medicaid.~~

2. Be ~~Whether the individual is~~ 18 years of age or older.

3. Have a developmental disability as defined in s.
393.063.

4. Be placed in any preenrollment category for individual
budget waiver services under chapter 393 and reside in Statewide
Medicaid Managed Care Regions D or I; effective October 1, 2025,
be placed in any preenrollment category for individual budget
waiver services under chapter 393, regardless of region; or,
effective July 1, 2026, be enrolled in the individual budget
waiver services program under chapter 393 or in the long-term
care managed care program under this part, regardless of region
~~and is on the waiting list for individual budget waiver services~~
~~under chapter 393 and assigned to one of categories 1 through 6~~
~~as specified in s. 393.065(5).~~

~~3. Whether the individual resides in a pilot program~~
~~region.~~

(c) The agency shall enroll individuals in the pilot



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program based on verification that the individual has met the criteria in paragraph (b).

1. The Agency for Persons with Disabilities shall transmit to the agency weekly data files of clients enrolled in the Medicaid home and community-based services waiver program under chapter 393 and clients in preenrollment categories pursuant to s. 393.065. The agency shall maintain a record of individuals with developmental disabilities who may be eligible for the pilot program using this data, Medicaid enrollment data transmitted by the Department of Children and Families, and any available collateral data.

2. The agency shall determine and administer the process for enrollment. A needs assessment conducted by the Agency for Persons with Disabilities is not required for enrollment. The agency shall notify individuals with developmental disabilities of the opportunity to voluntarily enroll in the pilot program and explain the benefits available through the pilot program, the process for enrollment, and the procedures for disenrollment, including the requirement for continued coverage after disenrollment pursuant to paragraph (d).

3. The agency shall provide a call center staffed by agents trained to assist individuals with developmental disabilities and their families in learning about and enrolling in the pilot program.

4. The agency shall coordinate with the Department of Children and Families and the Agency for Persons with Disabilities to develop partnerships with community-based organizations to disseminate information about the pilot program to providers of covered services and potential enrollees.



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(d) Notwithstanding any provisions of s. 393.065 to the contrary, an enrollee must be afforded an opportunity to enroll in any appropriate existing Medicaid waiver program if any of the following conditions occur:

1. At any point during the operation of the pilot program, an enrollee declares an intent to voluntarily disenroll, provided that he or she has been covered for the entire previous plan year by the pilot program.

2. The agency determines the enrollee has a good cause reason to disenroll.

3. The pilot program ceases to operate.

Such enrollees must receive an individualized transition plan to assist him or her in accessing sufficient services and supports for the enrollee's safety, well-being, and continuity of care.

(3) PILOT PROGRAM BENEFITS.—

(a) Plans participating in the pilot program must, at a minimum, cover the following:

1. All benefits included in s. 409.973.

2. All benefits included in s. 409.98.

3. All benefits included in s. 393.066(3).

4. Any additional benefits negotiated by the agency pursuant to paragraph (4) (b), and all of the following:

~~a. Adult day training.~~

~~b. Behavior analysis services.~~

~~c. Behavior assistant services.~~

~~d. Companion services.~~

~~e. Consumable medical supplies.~~

~~f. Dietitian services.~~



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~~g. Durable medical equipment and supplies.~~
~~h. Environmental accessibility adaptations.~~
~~i. Occupational therapy.~~
~~j. Personal emergency response systems.~~
~~k. Personal supports.~~
~~l. Physical therapy.~~
~~m. Prevocational services.~~
~~n. Private duty nursing.~~
~~o. Residential habilitation, including the following~~
~~levels:~~
~~(I) Standard level.~~
~~(II) Behavior-focused level.~~
~~(III) Intensive behavior level.~~
~~(IV) Enhanced intensive behavior level.~~
~~p. Residential nursing services.~~
~~q. Respiratory therapy.~~
~~r. Respite care.~~
~~s. Skilled nursing.~~
~~t. Specialized medical home care.~~
~~u. Specialized mental health counseling.~~
~~v. Speech therapy.~~
~~w. Support coordination.~~
~~x. Supported employment.~~
~~y. Supported living coaching.~~
~~z. Transportation.~~

(b) All providers of the benefits ~~services~~ listed under paragraph (a) must meet the provider qualifications established by the agency for the Medicaid long-term care managed care program under this section. If no such qualifications apply to a



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specific benefit or provider type, the provider must meet the
provider qualifications established by the Agency for Persons
with Disabilities for the individual budget waiver services
program under chapter 393 ~~outlined in the Florida Medicaid~~
~~Developmental Disabilities Individual Budgeting Waiver Services~~
~~Coverage and Limitations Handbook as adopted by reference in~~
~~rule 59G-13.070, Florida Administrative Code.~~

(c) Support coordination services must maximize the use of
natural supports and community partnerships.

(d) The plans participating in the pilot program must
provide all categories of benefits through a single, integrated
model of care.

(e) Participating plans must provide benefits ~~services must~~
~~be provided~~ to enrollees in accordance with an individualized
care plan which is evaluated and updated at least quarterly and
as warranted by changes in an enrollee's circumstances.
Participating plans must conduct an individualized assessment of
each enrollee within 5 days after enrollment to determine the
enrollee's functional, behavioral, and physical needs. The
assessment method or instrument must be approved by the agency.

(f) Participating plans must offer a consumer-directed
services option in accordance with s. 409.221.

(6) PROGRAM IMPLEMENTATION AND EVALUATION.—

(a) The agency shall conduct monitoring and evaluations and
require corrective actions or payment of penalties as may be
necessary to secure compliance with contractual requirements,
consistent with its obligations under this section, including,
but not limited to, compliance with provider network standards,
financial accountability, performance standards, health care



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quality improvement systems, and program integrity ~~select~~
~~participating plans and begin enrollment no later than January~~
~~31, 2024, with coverage for enrollees becoming effective upon~~
~~authorization and availability of sufficient state and federal~~
~~resources.~~

~~(b) Upon implementation of the program, the agency, in~~
~~consultation with the Agency for Persons with Disabilities,~~
~~shall conduct audits of the selected plans' implementation of~~
~~person-centered planning.~~

~~(b)(e)~~ The agency, ~~in consultation with the Agency for~~
~~Persons with Disabilities,~~ shall submit progress reports to the
Governor, the President of the Senate, and the Speaker of the
House of Representatives upon the federal approval,
implementation, and operation of the pilot program, as follows:

1. By August 30, 2025 ~~December 31, 2023,~~ a status report on
progress made toward federal approval of the waiver or waiver
amendment needed to implement the pilot program.

2. By December 31, 2025 ~~2024,~~ a status report on
implementation of the pilot program.

3. By December 31, 2025, and annually thereafter, a status
report on the operation of the pilot program, including, but not
limited to, all of the following:

a. Program enrollment, including the number and
demographics of enrollees.

b. Any complaints received.

c. Access to approved services.

~~(c)(d)~~ The agency, ~~in consultation with the Agency for~~
~~Persons with Disabilities,~~ shall establish specific measures of
access, quality, and costs of the pilot program. The agency may



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contract with an independent evaluator to conduct such evaluation. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; plans for future capacity and the enrollment of new Medicaid providers; coordination of care; person-centered planning and person-centered well-being outcomes; health and quality-of-life outcomes; and quality of care by each eligibility category and managed care plan in each pilot program site. The evaluation must describe any administrative or legal barriers to the implementation and operation of the pilot program in each region.

1. The agency, ~~in consultation with the Agency for Persons with Disabilities,~~ shall conduct quality assurance monitoring of the pilot program to include client satisfaction with services, client health and safety outcomes, client well-being outcomes, and service delivery in accordance with the client's care plan.

2. The agency shall submit the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2029.

Section 6. (1) The Agency for Persons with Disabilities shall contract for a study to review, evaluate, and identify recommendations regarding the algorithm required under s. 393.0662, Florida Statutes. The individual contractor must possess, or, if the contractor is a firm, must include at least one lead team member who possesses, a doctorate in statistics and advanced knowledge of the development and selection of multiple linear regression models. The study must, at a minimum, assess the performance of the current algorithm used by the agency and determine whether a different algorithm would better



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meet the requirements of that section. In conducting this assessment and determination, at a minimum, the study must also review the fit of recent expenditure data to the current algorithm, determine and refine dependent and independent variables, develop and apply a method for identifying and removing outliers, develop alternative algorithms using multiple linear regression, test the accuracy and reliability of the algorithms, provide recommendations for improving accuracy and reliability, recommend an algorithm for use by the agency, assess the robustness of the recommended algorithm, and provide suggestions for improving any recommended alternative algorithm, if appropriate. The study must also consider whether any waiver services that are not currently funded through the algorithm can be funded through the current algorithm or an alternative algorithm, and the impact of doing so on that algorithm's fit and effectiveness. The study must present for any recommended alternative algorithm, at a minimum, the estimated number and percent of waiver enrollees who would require supplemental funding under s. 393.0662(1)(b), Florida Statutes, compared to the current algorithm; and the number and percent of waiver enrollees whose budgets are estimated to increase or decrease, categorized by level of increase or decrease, age, living setting, and current total individual budget amount.

(2) The agency shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives findings and recommendations by November 15, 2025.

Section 7. This act shall take effect July 1, 2025.

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



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And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to services for individuals with developmental disabilities; amending s. 393.0662, F.S.; requiring the Agency for Persons with Disabilities to provide a list of all qualified organizations located within the region in which the client resides and to post its quarterly reconciliation reports on its website within a specified timeframe; amending s. 393.065, F.S.; requiring online applications to include application for crisis enrollment; requiring the agency to participate in transition planning activities and to post the total number of individuals in each priority category on its website; reordering and amending s. 393.502, F.S.; establishing the Statewide Family Care Council; providing for the purpose, membership, and duties of the council; providing for appointment of local council members; providing for the creation of family-led nominating committees; requiring local family care councils to report to the statewide council policy changes and program recommendations in an annual report; providing duties of the agency relating to the statewide council and local councils; amending s. 409.972, F.S.; requiring certain Medicaid-eligible persons to take certain actions before enrollment; prohibiting the agency from automatically



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enrolling such persons; amending s. 409.9855, F.S.;
revising implementation and eligibility requirements
of the pilot program for individuals with
developmental disabilities; providing for a method of
voluntarily choosing to enroll in the pilot program;
requiring the agency to transmit to the Agency for
Health Care Administration weekly data files of
specified clients; requiring the Agency for Health
Care Administration to provide a call center for
specified purposes and to coordinate with the
Department of Children and Families and the Agency for
Persons with Disabilities to disseminate information
about the pilot program; revising pilot program
benefits; revising provider qualifications; requiring
participating plans to conduct an individualized
assessment of each enrollee within a specified
timeframe for certain purposes and to offer certain
services to such enrollees; requiring the Agency for
Health Care Administration to conduct monitoring and
evaluations and require corrective actions or payment
of penalties under certain circumstances; removing
coordination requirements for the agency when
submitting certain reports, establishing specified
measures, and conducting quality assurance monitoring
of the pilot program; revising the dates by which the
Agency for Persons with Disabilities shall submit
progress reports to the Governor and Legislature;
requiring the Agency for Persons with Disabilities to
contract for a specified study and provide to the



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Governor and the Legislature a specified report by
specified date; providing an effective date.

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

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1 A bill to be entitled
2 An act relating to services for individuals with
3 developmental disabilities; amending s. 393.0662,
4 F.S.; requiring the Agency for Persons with
5 Disabilities to post its quarterly reconciliation
6 reports on its website within a specified timeframe;
7 amending s. 393.065, F.S.; providing a requirement for
8 the online application system to allow an applicant to
9 apply for crisis enrollment; removing a requirement
10 for the agency to remove certain individuals from the
11 preenrollment categories under certain circumstances;
12 requiring the agency to participate in transition
13 planning activities and to post the total number of
14 individuals in each priority category on its website;
15 creating s. 393.0664, F.S.; requiring the agency to
16 implement a specified Medicaid waiver program to
17 address the needs of certain clients; providing the
18 purpose of the program; authorizing the agency, in
19 partnership with the Agency for Health Care
20 Administration, to seek federal approval through a
21 state plan amendment or Medicaid waiver to implement
22 the program by a specified date; providing voluntary
23 enrollment, eligibility, and disenrollment
24 requirements; requiring the agency to approve a needs
25 assessment methodology; providing that only persons
26 trained by the agency may administer the methodology;
27 requiring the agency to offer such training; requiring
28 the agency to authorize certain covered services
29 specified in the Medicaid waiver; providing

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30 requirements for such services; requiring the agency
31 to begin enrollment in the program upon federal
32 approval; providing construction; requiring the
33 agency, in consultation with the Agency for Health
34 Care Administration, to submit progress reports to the
35 Governor and the Legislature upon federal approval and
36 throughout implementation of the program; requiring
37 the agency to submit, by a specified date, a progress
38 report on the administration of the program;
39 specifying requirements for the report; amending s.
40 393.502, F.S.; establishing the Statewide Family Care
41 Council; providing for the purpose, membership, and
42 duties of the council; requiring local family care
43 councils to report to the statewide council policy
44 changes and program recommendations in an annual
45 report; providing for appointment of council members;
46 providing for the creation of family-led nominating
47 committees; providing duties of the agency relating to
48 the statewide council and local councils; amending s.
49 409.9855, F.S.; revising implementation and
50 eligibility requirements of the pilot program for
51 individuals with developmental disabilities; requiring
52 the Agency for Persons with Disabilities to transmit
53 to the Agency for Health Care Administration weekly
54 data files of specified clients; requiring the Agency
55 for Health Care Administration to provide a call
56 center for specified purposes and to coordinate with
57 the Department of Children and Families and the Agency
58 for Persons with Disabilities to disseminate

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information about the pilot program; revising pilot program benefits; revising provider qualifications; requiring participating plans to conduct an individualized assessment of each enrollee within a specified timeframe for certain purposes and to offer certain services to such enrollees; requiring the Agency for Health Care Administration to conduct monitoring and evaluations and require corrective actions or payment of penalties under certain circumstances; removing coordination requirements for the agency when submitting certain reports, establishing specified measures, and conducting quality assurance monitoring of the pilot program; revising dates for submitting certain status reports; providing an effective date.

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

Section 1. Subsection (14) of section 393.0662, Florida Statutes, is amended to read:

393.0662 Individual budgets for delivery of home and community-based services; iBudget system established.—The Legislature finds that improved financial management of the existing home and community-based Medicaid waiver program is necessary to avoid deficits that impede the provision of services to individuals who are on the waiting list for enrollment in the program. The Legislature further finds that clients and their families should have greater flexibility to choose the services that best allow them to live in their

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community within the limits of an established budget. Therefore, the Legislature intends that the agency, in consultation with the Agency for Health Care Administration, shall manage the service delivery system using individual budgets as the basis for allocating the funds appropriated for the home and community-based services Medicaid waiver program among eligible enrolled clients. The service delivery system that uses individual budgets shall be called the iBudget system.

(14) (a) The agency, in consultation with the Agency for Health Care Administration, shall provide a quarterly reconciliation report of all home and community-based services waiver expenditures from the Agency for Health Care Administration's claims management system with service utilization from the Agency for Persons with Disabilities Allocation, Budget, and Contract Control system. The reconciliation report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than 30 days after the close of each quarter.

(b) The agency shall post its quarterly reconciliation reports on its website, in a conspicuous location, no later than 5 days after submitting the reports as required in this subsection.

Section 2. Present subsection (12) of section 393.065, Florida Statutes, is redesignated as subsection (13), paragraph (a) of subsection (1), paragraph (b) of subsection (5), and subsection (10) of that section are amended, and a new subsection (12) is added to that section, to read:

393.065 Application and eligibility determination.—

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117 (1) (a) The agency shall develop and implement an online
 118 application process that, at a minimum, supports paperless,
 119 electronic application submissions with immediate e-mail
 120 confirmation to each applicant to acknowledge receipt of
 121 application upon submission. The online application system must
 122 allow an applicant to review the status of a submitted
 123 application and respond to provide additional information. The
 124 online application must allow an applicant to apply for crisis
 125 enrollment.

126 (5) Except as provided in subsections (6) and (7), if a
 127 client seeking enrollment in the developmental disabilities home
 128 and community-based services Medicaid waiver program meets the
 129 level of care requirement for an intermediate care facility for
 130 individuals with intellectual disabilities pursuant to 42 C.F.R.
 131 ss. 435.217(b)(1) and 440.150, the agency must assign the client
 132 to an appropriate preenrollment category pursuant to this
 133 subsection and must provide priority to clients waiting for
 134 waiver services in the following order:

135 (b) Category 2, which includes clients in the preenrollment
 136 categories who are:

137 1. From the child welfare system with an open case in the
 138 Department of Children and Families' statewide automated child
 139 welfare information system and who are either:

140 a. Transitioning out of the child welfare system into
 141 permanency; or

142 b. At least 18 years but not yet 22 years of age and who
 143 need both waiver services and extended foster care services; or

144 2. At least 18 years but not yet 22 years of age and who
 145 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the

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146 extended foster care system.

147

148 For individuals who are at least 18 years but not yet 22 years
 149 of age and who are eligible under sub-subparagraph 1.b., the
 150 agency must provide waiver services, including residential
 151 habilitation, and must actively participate in transition
 152 planning activities, including, but not limited to,
 153 individualized service coordination, case management support,
 154 and ensuring continuity of care pursuant to s. 39.6035. The
 155 community-based care lead agency must fund room and board at the
 156 rate established in s. 409.145(3) and provide case management
 157 and related services as defined in s. 409.986(3)(e). Individuals
 158 may receive both waiver services and services under s. 39.6251.
 159 Services may not duplicate services available through the
 160 Medicaid state plan.

161

162 Within preenrollment categories 3, 4, 5, 6, and 7, the agency
 163 shall prioritize clients in the order of the date that the
 164 client is determined eligible for waiver services.

165 (10) The client, the client's guardian, or the client's
 166 family must ensure that accurate, up-to-date contact information
 167 is provided to the agency at all times. Notwithstanding s.
 168 393.0651, the agency must send an annual letter requesting
 169 updated information from the client, the client's guardian, or
 170 the client's family. ~~The agency must remove from the~~
 171 ~~preenrollment categories any individual who cannot be located~~
 172 ~~using the contact information provided to the agency, fails to~~
 173 ~~meet eligibility requirements, or becomes domiciled outside the~~
 174 ~~state.~~

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(12) To ensure transparency and timely access to information, the agency shall post on its website in a conspicuous location the total number of individuals in each priority category. The posted numbers shall reflect the current status of the preenrollment priority list and shall be updated at least every 5 days.

Section 3. Section 393.0664, Florida Statutes, is created to read:

393.0664 Adult Pathways Home and Community-based Services Medicaid waiver program.—

(1) PROGRAM IMPLEMENTATION.—

(a) The agency shall implement the Adult Pathways Home and Community-based Services Medicaid waiver program using a fee-for-service model with an annual per-person funding cap to address the needs of clients with developmental disabilities as they transition into adulthood and achieve greater independence throughout their lifetimes.

(b) The program is created to establish an additional pathway to provide necessary supports and services to clients and contain costs by maximizing the use of natural supports and community partnerships before turning to state resources to meet the needs of clients at the earliest possible time to prevent care crises and to positively influence outcomes relating to client health, safety, and well-being.

(c) The agency, in partnership with the Agency for Health Care Administration, may seek federal approval through a state plan amendment or Medicaid waiver as necessary to implement the program. The Agency for Health Care Administration shall submit a request for any federal approval needed to implement the

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program by October 1, 2025.

(2) VOLUNTARY ENROLLMENT; ELIGIBILITY; DISENROLLMENT.—

(a) Participation in the program is voluntary and limited to the maximum number of enrollees authorized in the General Appropriations Act.

(b) The agency shall approve a needs assessment methodology to determine functional, behavioral, and physical needs of prospective enrollees. The assessment methodology may be administered only by persons who have completed any training required by the agency for such purpose. If required, the agency must offer any such training.

(c) To participate in the program, a client must meet all of the following criteria:

1. Be eligible for Medicaid.

2. Be eligible for a preenrollment category for Medicaid waiver services as provided in s. 393.065(5).

3. Be 18 to 28 years of age at the time of enrollment and have attained a high school diploma or the equivalent.

4. Meet the level of care required for home and community-based services as identified in the federal approval for the program.

(d) Enrollees may remain on the Adult Pathways waiver until the age of 32.

(e) Participation in the program does not affect the status of current clients of the home and community-based services Medicaid waiver program under s. 393.0662 unless a client, or his or her legal representative, voluntarily disenrolls from that program.

(f) Enrollees who voluntarily disenroll from the program

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233 must be allowed to return to the most appropriate preenrollment
 234 category for services under s. 393.065 based on a current needs
 235 assessment and the preenrollment category criteria.

236 (3) ADULT PATHWAYS WAIVER SERVICES.—

237 (a) The agency shall authorize covered services as
 238 specified in the Medicaid waiver which are medically necessary,
 239 including, but not limited to, any of the following:

240 1. Adult day training.

241 2. Companion services.

242 3. Employment services.

243 4. Personal supports.

244 5. Prevocational services.

245 6. Supported living coaching.

246 7. Transportation.

247 8. Care Coordination.

248 (b) Services must be provided to enrollees in accordance
 249 with an individualized care plan, which must be evaluated and
 250 updated at least annually and as often as warranted by changes
 251 in the enrollee's circumstances.

252 (4) PROGRAM ADMINISTRATION AND EVALUATION.—

253 (a) The agency shall begin enrollment upon federal approval
 254 of the Medicaid waiver, with coverage for enrollees becoming
 255 effective upon authorization and availability of sufficient
 256 state and federal funding and resources.

257 (b) This section and any rules adopted pursuant thereto may
 258 not be construed to prevent or limit the agency, in consultation
 259 with the Agency for Health Care Administration, from adjusting
 260 fees, reimbursement rates, lengths of stay, number of visits, or
 261 number of services; limiting enrollment; or making any other

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262 adjustment necessary based upon funding and any limitations
 263 imposed or directions provided in the General Appropriations
 264 Act.

265 (c) The agency, in consultation with the Agency for Health
 266 Care Administration, shall submit progress reports to the
 267 Governor, the President of the Senate, and the Speaker of the
 268 House of Representatives upon federal approval of the Medicaid
 269 waiver and throughout implementation of the program under the
 270 waiver. By July 1, 2026, the Agency for Persons with
 271 Disabilities shall submit a progress report on the
 272 administration of the program, including, but not limited to,
 273 all of the following:

274 1. The number of enrollees in the program and other
 275 pertinent information on enrollment.

276 2. Service use.

277 3. Average cost per enrollee.

278 4. Outcomes and performance reporting relating to health,
 279 safety, and well-being of enrollees.

280 Section 4. Section 393.502, Florida Statutes, is amended to
 281 read:

282 393.502 Family care councils.—

283 (1) CREATION AND PURPOSE OF STATEWIDE FAMILY CARE COUNCIL.—
 284 ~~There shall be established and located within each service area~~
 285 ~~of the agency a family care council.~~

286 (a) The Statewide Family Care Council is established to
 287 connect local family care councils and facilitate direct
 288 communication between local councils and the agency, with the
 289 goal of enhancing the quality of and access to resources and
 290 supports for individuals with developmental disabilities and

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291 their families.

292 (b) The statewide council shall:

293 1. Review annual reports, policy proposals, and program
 294 recommendations submitted by the local family care councils.

295 2. Advise the agency on statewide policies, programs, and
 296 service delivery improvements based on the collective
 297 recommendations of the local councils.

298 3. Identify systemic barriers to the effective delivery of
 299 services and recommend solutions to address such barriers.

300 4. Foster collaboration and the sharing of best practices
 301 and available resources among local family care councils to
 302 improve service delivery across regions.

303 5. Submit an annual report no later than December 1 of each
 304 year to the Governor, the President of the Senate, the Speaker
 305 of the House of Representatives, and the agency. The report
 306 shall include a summary of local council findings, policy
 307 recommendations, and an assessment of the agency's actions in
 308 response to previous recommendations of the local councils.

309 (c) The agency shall provide a written response within 60
 310 days after receipt, including a detailed action plan outlining
 311 steps taken or planned to address recommendations. The response
 312 must specify whether recommendations will be implemented and
 313 provide a timeline for implementation or include justification
 314 if recommendations are not adopted.

315 (2) STATEWIDE FAMILY CARE COUNCIL MEMBERSHIP.—

316 (a) The statewide council shall consist of the following
 317 members appointed by the Governor:

318 1. One representative from each of the local family care
 319 councils, who must be a resident of the area served by that

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320 local council. Among these representatives must be at least one
 321 individual who is receiving waiver services from the agency
 322 under s. 393.065 and at least one individual who is assigned to
 323 a preenrollment category for waiver services under s. 393.065.

324 2. One individual representing an advocacy organization
 325 representing individuals with disabilities.

326 3. One representative of a public or private entity that
 327 provides services to individuals with developmental disabilities
 328 that does not have a Medicaid waiver service contract with the
 329 agency.

330 (b) Employees of the agency or the Agency for Health Care
 331 Administration are not eligible to serve on the statewide
 332 council.

333 (3) STATEWIDE FAMILY CARE COUNCIL TERMS; VACANCIES.—

334 (a) Statewide council members shall be initially appointed
 335 to staggered 2- and 4-year terms, with subsequent terms of 4
 336 years. Members may be reappointed to one additional consecutive
 337 term.

338 (b) A member who has served two consecutive terms shall not
 339 be eligible to serve again until at least 12 months have elapsed
 340 since ending service on the statewide council.

341 (c) Upon expiration of a term or in the case of any other
 342 vacancy, the statewide council shall, by majority vote,
 343 recommend to the Governor for appointment at least one person
 344 for each vacancy.

345 1. The Governor shall make an appointment within 45 days
 346 after receiving a recommendation from the statewide council. If
 347 the Governor fails to make an appointment for a member under
 348 subsection (2), the chair of the local council may appoint a

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349 member meeting the requirements of subsection (2) to act as the
 350 statewide council representative for that local council until
 351 the Governor makes an appointment.

352 2. If no member of a local council is willing and able to
 353 serve on the statewide council, the Governor shall appoint an
 354 individual from another local council to serve on the statewide
 355 council.

356 (4) STATEWIDE FAMILY CARE COUNCIL MEETINGS; ORGANIZATION.—
 357 The statewide council shall meet at least quarterly. The council
 358 meetings may be held in person or via teleconference or other
 359 electronic means.

360 (a) The Governor shall appoint the initial chair from among
 361 the members of the statewide council. Subsequent chairs shall be
 362 elected annually by a majority vote of the council.

363 (b) Members of the statewide council shall serve without
 364 compensation but may be reimbursed for per diem and travel
 365 expenses pursuant to s. 112.061.

366 (c) A majority of the members of the statewide council
 367 shall constitute a quorum.

368 (5) LOCAL FAMILY CARE COUNCILS.—There is established and
 369 located within each service area of the agency a local family
 370 care council to work constructively with the agency, advise the
 371 agency on local needs, identify gaps in services, and advocate
 372 for individuals with developmental disabilities and their
 373 families.

374 (6) LOCAL FAMILY CARE COUNCIL DUTIES.—The local family care
 375 councils shall:

376 (a) Assist in providing information and conducting outreach
 377 to individuals with developmental disabilities and their

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378 families.

379 (b) Convene family listening sessions at least twice a year
 380 to gather input on local service delivery challenges.

381 (c) Hold a public forum every 6 months to solicit public
 382 feedback concerning actions taken by the local family councils.

383 (d) Share information with other local family care
 384 councils.

385 (e) Identify policy issues relevant to the community and
 386 family support system in the region.

387 (f) Submit to the Statewide Family Care Council, no later
 388 than September 1 of each year, an annual report detailing
 389 proposed policy changes, program recommendations, and identified
 390 service delivery challenges within its region.

391 (7)(2) LOCAL FAMILY CARE COUNCIL MEMBERSHIP.—

392 (a) Each local family care council shall consist of at
 393 least 10 and no more than 15 members recommended by a majority
 394 vote of the local family care council and appointed by the
 395 Governor.

396 (b) At least three of the members of the council shall be
 397 individuals receiving or waiting to receive services from the
 398 agency. One such member shall be an individual who has been
 399 receiving services within the 4 years before the date of
 400 recommendation. The remainder of the council members shall be
 401 parents, grandparents, guardians, or siblings of individuals who
 402 have developmental disabilities and qualify for services
 403 pursuant to this chapter. For a grandparent to be a council
 404 member, the grandchild's parent or legal guardian must consent
 405 to the appointment and report the consent to the agency.

406 (c) A person who is currently serving on another board or

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council of the agency may not be appointed to a local family care council.

(d) Employees of the agency or the Agency for Health Care Administration are not eligible to serve on a local family care council.

(e) Persons related by consanguinity or affinity within the third degree shall not serve on the same local family care council at the same time.

(f) A chair for the council shall be chosen by the council members to serve for 1 year. A person may not serve ~~no~~ more than four 1-year terms as chair.

(8)(3) LOCAL FAMILY CARE COUNCIL TERMS; VACANCIES.-

(a) Local family council members shall be appointed for a 3-year ~~terms~~ term, except as provided in subsection (11) ~~(8)~~, and may be reappointed to one additional term.

(b) A member who has served two consecutive terms shall not be eligible to serve again until 12 months have elapsed since ending his or her service on the local council.

(c) 1. Upon expiration of a term or in the case of any other vacancy, the local council shall, by majority vote, recommend to the Governor for appointment a person for each vacancy based on recommendations received from the family-led nominating committee described in paragraph (9)(a).

2. The Governor shall make an appointment within 45 days after receiving a recommendation. If the Governor fails to make an appointment within 45 days the local council shall, by majority vote, may select an interim appointment for each vacancy from the panel of candidates recommended by the family-led nominating committee.

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(9)(4) LOCAL FAMILY CARE COUNCIL COMMITTEE APPOINTMENTS.-

(a) The chair of each local family care council shall create, and appoint individuals receiving or waiting to receive services from the agency and their relatives, to serve on a family-led nominating committee. Members of the family-led nominating council need not be members of the local council. The family-led nominating committee shall nominate candidates for vacant positions on the local family council.

(b) The chair of the local family care council may appoint persons to serve on additional council committees. Such persons may include current members of the council and former members of the council and persons not eligible to serve on the council.

~~(5) TRAINING.-~~

~~(a) The agency, in consultation with the local councils, shall establish a training program for local family care council members. Each local area shall provide the training program when new persons are appointed to the local council and at other times as the secretary deems necessary.~~

~~(b) The training shall assist the council members to understand the laws, rules, and policies applicable to their duties and responsibilities.~~

~~(c) All persons appointed to a local council must complete this training within 90 days after their appointment. A person who fails to meet this requirement shall be considered to have resigned from the council.~~

(10)(6) LOCAL FAMILY CARE COUNCIL MEETINGS.-Local council members shall serve on a voluntary basis without payment for their services but shall be reimbursed for per diem and travel expenses as provided for in s. 112.061. Local councils The

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council shall meet at least six times per year. Meetings may be held in person or by teleconference or other electronic means.

~~(7) PURPOSE. The purpose of the local family care councils shall be to advise the agency, to develop a plan for the delivery of family support services within the local area, and to monitor the implementation and effectiveness of services and support provided under the plan. The primary functions of the local family care councils shall be to:~~

~~(a) Assist in providing information and outreach to families.~~

~~(b) Review the effectiveness of service programs and make recommendations with respect to program implementation.~~

~~(c) Advise the agency with respect to policy issues relevant to the community and family support system in the local area.~~

~~(d) Meet and share information with other local family care councils.~~

(11)(8) NEW LOCAL FAMILY CARE COUNCILS.—When a local family care council is established for the first time in a local area, the Governor shall appoint the first four council members, who shall serve 3-year terms. These members shall submit to the Governor, within 90 days after their appointment, recommendations for at least six additional members, selected by majority vote.

(12)(9) FUNDING; FINANCIAL REVIEW.—The statewide and local family care councils ~~council~~ may apply for, receive, and accept grants, gifts, donations, bequests, and other payments from any public or private entity or person. Each local council is subject to an annual financial review by staff assigned by the

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agency. Each local council shall exercise care and prudence in the expenditure of funds. The local family care councils shall comply with state expenditure requirements.

(13) TRAINING.—

(a) The agency, in consultation with the statewide and local councils, shall establish and provide a training program for council members.

(b) The training shall assist the council members to understand the laws, rules, and policies applicable to their duties and responsibilities.

(c) All persons newly appointed to the statewide or a local council must complete this training within 90 days after their appointment. A person who fails to meet this requirement is considered to have resigned from the council. The agency may make additional training available to council members.

(14) DUTIES.—The agency shall publish on its website all annual reports submitted by the local care councils and the Statewide Family Care Council within 15 days after receipt of such reports in a designated and easily accessible section of the website.

(15) ADMINISTRATIVE SUPPORT.—The agency shall provide administrative support to the statewide council and local councils, including, but not limited to, staff assistance and meeting facilities, within existing resources.

Section 5. Subsections (1), (2), (3), and (6) of section 409.9855, Florida Statutes, are amended to read:

409.9855 Pilot program for individuals with developmental disabilities.—

(1) PILOT PROGRAM IMPLEMENTATION.—

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523 (a) ~~Using a managed care model,~~ The agency shall implement
 524 a pilot program for individuals with developmental disabilities
 525 ~~in Statewide Medicaid Managed Care Regions D and I to provide~~
 526 ~~coverage of comprehensive services using a managed care model.~~
 527 The agency may seek federal approval through a state plan
 528 amendment or Medicaid waiver as necessary to implement the pilot
 529 program.

530 (b) The agency shall administer the pilot program pursuant
 531 to s. 409.903 and as a component of the Statewide Medicaid
 532 Managed Care model established by this section. Unless otherwise
 533 specified, ss. 409.961-409.969 apply to the pilot program. The
 534 agency may seek federal approval through a state plan amendment
 535 or Medicaid waiver as necessary to implement the pilot program.
 536 The agency shall submit a request for any federal approval
 537 needed to implement the pilot program by September 1, 2023.

538 (c) Pursuant to s. 409.963, the agency shall administer the
 539 pilot program in consultation with the Agency for Persons with
 540 Disabilities.

541 ~~(d)~~ The agency shall make capitated payments to managed
 542 care organizations for comprehensive coverage, including managed
 543 medical assistance benefits and long-term care under this part
 544 and community-based services described in s. 393.066(3) and
 545 approved through the state's home and community-based services
 546 Medicaid waiver program for individuals with developmental
 547 disabilities. Unless otherwise specified, ss. 409.961-409.969
 548 apply to the pilot program.

549 ~~(e)~~ The agency shall evaluate the feasibility of statewide
 550 implementation of the capitated managed care model used by the
 551 pilot program to serve individuals with developmental

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

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552 ~~disabilities.~~

553 (2) ELIGIBILITY; VOLUNTARY ENROLLMENT; DISENROLLMENT.—

554 (a) Participation in the pilot program is voluntary and
 555 limited to the maximum number of enrollees specified in the
 556 General Appropriations Act.

557 (b) To be eligible for enrollment in the pilot program, an
 558 individual must ~~The Agency for Persons with Disabilities shall~~
 559 ~~approve a needs assessment methodology to determine functional,~~
 560 ~~behavioral, and physical needs of prospective enrollees. The~~
 561 ~~assessment methodology may be administered by persons who have~~
 562 ~~completed such training as may be offered by the agency.~~
 563 Eligibility to participate in the pilot program is determined
 564 based on all of the following criteria:

565 1. Be Medicaid eligible ~~Whether the individual is eligible~~
 566 ~~for Medicaid.~~

567 2. Be ~~Whether the individual is~~ 18 years of age or older.

568 3. Have a developmental disability as defined in s.
 569 393.063.

570 4. Be placed in any preenrollment category for individual
 571 budget waiver services under chapter 393 and reside in Statewide
 572 Medicaid Managed Care Regions D or I; effective October 1, 2025,
 573 be placed in any preenrollment category for individual budget
 574 waiver services under chapter 393, regardless of region; or,
 575 effective July 1, 2026, be enrolled in the individual budget
 576 waiver services program under chapter 393 or in the long-term
 577 care managed care program under this part, regardless of region
 578 and is on the waiting list for individual budget waiver services
 579 under chapter 393 and assigned to one of categories 1 through 6
 580 as specified in s. 393.065(5).

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3. ~~Whether the individual resides in a pilot program region.~~

(c) The agency shall enroll individuals in the pilot program based on verification that the individual has met the criteria in paragraph (b).

1. The Agency for Persons with Disabilities shall transmit to the agency weekly data files of clients enrolled in the Medicaid home and community-based services waiver program under chapter 393 and clients in preenrollment categories pursuant to s. 393.065. The agency shall maintain a record of individuals with developmental disabilities who may be eligible for the pilot program using this data, Medicaid enrollment data transmitted by the Department of Children and Families, and any available collateral data.

2. The agency shall determine and administer the process for enrollment. A needs assessment conducted by the Agency for Persons with Disabilities is not required for enrollment. The agency shall notify individuals with developmental disabilities of the opportunity to voluntarily enroll in the pilot program and explain the benefits available through the pilot program, the process for enrollment, and the procedures for disenrollment, including the requirement for continued coverage after disenrollment pursuant to paragraph (d).

3. The agency shall provide a call center staffed by agents trained to assist individuals with developmental disabilities and their families in learning about and enrolling in the pilot program.

4. The agency shall coordinate with the Department of Children and Families and the Agency for Persons with

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Disabilities to develop partnerships with community-based organizations to disseminate information about the pilot program to providers of covered services and potential enrollees.

(d) Notwithstanding any provisions of s. 393.065 to the contrary, an enrollee must be afforded an opportunity to enroll in any appropriate existing Medicaid waiver program if any of the following conditions occur:

1. At any point during the operation of the pilot program, an enrollee declares an intent to voluntarily disenroll, provided that he or she has been covered for the entire previous plan year by the pilot program.

2. The agency determines the enrollee has a good cause reason to disenroll.

3. The pilot program ceases to operate.

Such enrollees must receive an individualized transition plan to assist him or her in accessing sufficient services and supports for the enrollee's safety, well-being, and continuity of care.

(3) PILOT PROGRAM BENEFITS.—

(a) Plans participating in the pilot program must, at a minimum, cover the following:

1. All benefits included in s. 409.973.

2. All benefits included in s. 409.98.

3. All benefits included in s. 393.066(3).

4. Any additional benefits negotiated by the agency pursuant to paragraph (4)(b), and all of the following:

~~a. Adult day training.~~

~~b. Behavior analysis services.~~

~~c. Behavior assistant services.~~

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639 ~~d. Companion services.~~
 640 ~~e. Consumable medical supplies.~~
 641 ~~f. Dietitian services.~~
 642 ~~g. Durable medical equipment and supplies.~~
 643 ~~h. Environmental accessibility adaptations.~~
 644 ~~i. Occupational therapy.~~
 645 ~~j. Personal emergency response systems.~~
 646 ~~k. Personal supports.~~
 647 ~~l. Physical therapy.~~
 648 ~~m. Prevocational services.~~
 649 ~~n. Private duty nursing.~~
 650 ~~o. Residential habilitation, including the following~~
 651 ~~levels:~~
 652 ~~(I) Standard level.~~
 653 ~~(II) Behavior-focused level.~~
 654 ~~(III) Intensive behavior level.~~
 655 ~~(IV) Enhanced intensive behavior level.~~
 656 ~~p. Residential nursing services.~~
 657 ~~q. Respiratory therapy.~~
 658 ~~r. Respite care.~~
 659 ~~s. Skilled nursing.~~
 660 ~~t. Specialized medical home care.~~
 661 ~~u. Specialized mental health counseling.~~
 662 ~~v. Speech therapy.~~
 663 ~~w. Support coordination.~~
 664 ~~x. Supported employment.~~
 665 ~~y. Supported living coaching.~~
 666 ~~z. Transportation.~~
 667 (b) All providers of the benefits services listed under

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668 paragraph (a) must meet the provider qualifications established
 669 by the agency for the Medicaid long-term care managed care
 670 program under this section. If no such qualifications apply to a
 671 specific benefit or provider type, the provider must meet the
 672 provider qualifications established by the Agency for Persons
 673 with Disabilities for the individual budget waiver services
 674 program under chapter 393 outlined in the Florida Medicaid
 675 Developmental Disabilities Individual Budgeting Waiver Services
 676 Coverage and Limitations Handbook as adopted by reference in
 677 rule 59C-13.070, Florida Administrative Code.
 678 (c) Support coordination services must maximize the use of
 679 natural supports and community partnerships.
 680 (d) The plans participating in the pilot program must
 681 provide all categories of benefits through a single, integrated
 682 model of care.
 683 (e) Participating plans must provide benefits ~~services must~~
 684 ~~be provided~~ to enrollees in accordance with an individualized
 685 care plan which is evaluated and updated at least quarterly and
 686 as warranted by changes in an enrollee's circumstances.
 687 Participating plans must conduct an individualized assessment of
 688 each enrollee within 5 days after enrollment to determine the
 689 enrollee's functional, behavioral, and physical needs. The
 690 assessment method or instrument must be approved by the agency.
 691 (f) Participating plans must offer a consumer-directed
 692 services option in accordance with s. 409.221.
 693 (6) PROGRAM IMPLEMENTATION AND EVALUATION.—
 694 (a) The agency shall conduct monitoring and evaluations and
 695 require corrective actions or payment of penalties as may be
 696 necessary to secure compliance with contractual requirements,

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consistent with its obligations under this section, including, but not limited to, compliance with provider network standards, financial accountability, performance standards, health care quality improvement systems, and program integrity ~~select participating plans and begin enrollment no later than January 31, 2024, with coverage for enrollees becoming effective upon authorization and availability of sufficient state and federal resources.~~

(b) ~~Upon implementation of the program, the agency, in consultation with the Agency for Persons with Disabilities, shall conduct audits of the selected plans' implementation of person-centered planning.~~

~~(c)~~ The agency, ~~in consultation with the Agency for Persons with Disabilities,~~ shall submit progress reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives upon the federal approval, implementation, and operation of the pilot program, as follows:

1. By August 30, 2025 ~~December 31, 2023~~, a status report on progress made toward federal approval of the waiver or waiver amendment needed to implement the pilot program.

2. By December 31, 2025 ~~2024~~, a status report on implementation of the pilot program.

3. By December 31, 2025, and annually thereafter, a status report on the operation of the pilot program, including, but not limited to, all of the following:

a. Program enrollment, including the number and demographics of enrollees.

b. Any complaints received.

c. Access to approved services.

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~~(c)(d)~~ The agency, ~~in consultation with the Agency for Persons with Disabilities,~~ shall establish specific measures of access, quality, and costs of the pilot program. The agency may contract with an independent evaluator to conduct such evaluation. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; plans for future capacity and the enrollment of new Medicaid providers; coordination of care; person-centered planning and person-centered well-being outcomes; health and quality-of-life outcomes; and quality of care by each eligibility category and managed care plan in each pilot program site. The evaluation must describe any administrative or legal barriers to the implementation and operation of the pilot program in each region.

1. The agency, ~~in consultation with the Agency for Persons with Disabilities,~~ shall conduct quality assurance monitoring of the pilot program to include client satisfaction with services, client health and safety outcomes, client well-being outcomes, and service delivery in accordance with the client's care plan.

2. The agency shall submit the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2029.

Section 6. This act shall take effect July 1, 2025.

Howard, Jay

From: Anna Grace Futch <annagrace.futch@apdcares.org>
Sent: Monday, April 21, 2025 5:04 PM
To: Howard, Jay
Subject: RE: CS/SB 1050 Services for Individuals with Developmental Disabilities

Hi Jay,

The agency will need 1 year, at a minimum, to fully complete the algorithm study and development. Additional time will be needed for potential rulemaking and any challenges / litigation resulting. Based on APD's experience with expert statistical firms, we estimate the fiscal will be \$1,000,000, which is based on 2,000 hours (1 year) at \$500 hourly.

Additionally, APD is projecting to revert \$282,749 in contracted services for FY 24-25.

Please let me know if you need anything else!

Anna Grace Futch
Director of Legislative Affairs
Agency for Persons with Disabilities

-----Original Message-----

From: Howard, Jay <Jay.Howard@LASPBS.STATE.FL.US>
Sent: Monday, April 21, 2025 1:28 PM
To: Anna Grace Futch <annagrace.futch@apdcares.org>
Subject: CS/SB 1050 Services for Individuals with Developmental Disabilities

CAUTION: This email originated from outside of APD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

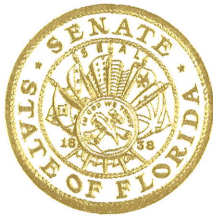
Can you let me know if the changes to the proposed bill, see below, change the fiscal impact for APD.
This amendment requires APD to contract for a study related to the algorithm required under s. 393.0662.

I would like to get this by close of business today if possible.
The bill is on the Appropriations agenda tomorrow.

Thanks,

CS/SB 1050 (2025) Services for Individuals with Developmental Disabilities
<http://www.flsenate.gov/Session/Bill/2025/01050>
Filed to this Bill:
454718 - Delete All Amendment filed by Appropriations (Senator Bradley)
<http://www.flsenate.gov/Session/Bill/2025/01050/Amendment/454718/PDF>

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

April 15, 2025

Senator Ed Hooper, Chair
Senate Committee on Appropriations
202 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Hooper:

I respectfully request that CS/SB 1050 be placed on the committee's agenda at your earliest convenience. This bill relates to services for individuals with developmental disabilities.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Tim Sadberry, Staff Director
Alicia Weiss, Committee Administrative Assistant

REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

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

4/22/2025

Meeting Date

Approps

Committee

SB 1050

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Carol Gormley

Phone

Address

201 Park Ave #400B

Email

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐ For☐ Against☐ Information

OR

Waive Speaking:

☒ In Support☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
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 Appropriations

BILL: CS/SB 1060

INTRODUCER: Appropriations Committee on Health and Human Services and Senator Brodeur and others

SUBJECT: Medicaid Oversight

DATE: April 21, 2025

REVISED: 4/23/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Morgan	Brown	HP	Favorable
2.	Barr	McKnight	AHS	Fav/CS
3.	Barr	Sadberry	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1060 establishes the Joint Legislative Committee on Medicaid Oversight to ensure the state Medicaid program is operating in accordance with the Legislature’s intent and to promote transparency and efficiency in government spending.

The bill creates a statutory definition for the term “Legislative Committee on Medicaid Oversight” to specify a committee designated by joint rule of the Legislature, by the presiding officer of either house of the Legislature, or by agreement between the presiding officers.

The bill authorizes the committee chair to create subcommittees and requires the committee to convene at least twice a year, and as often as necessary to conduct its business. Meetings may be held through teleconference or other electronic means.

The bill requires the committee to identify and recommend policies and authorizes the committee to submit periodic reports, including recommendations, to the Legislature on issues related to the state Medicaid program and any affiliated programs.

The bill requires the Auditor General and the Agency for Health Care Administration (AHCA) to enter into and maintain a data-sharing agreement by July 1, 2025. The bill requires the Auditor General to assist the committee in its work. The bill also requires the committee to be given access to any relevant record, paper, or document in possession of a state agency, any political

subdivision of the state, or any entity engaged in business or under contract with a state agency during the course of its official duties. The committee may compel the attendance and testimony of any state official or employee before the committee or secure any evidence.

The bill requires the AHCA to notify the committee of any change to the Medicaid managed care capitation rates and to appear before the committee to provide a report detailing the managed care capitation rates and administrative costs built into the capitation rates before implementation of any change to the capitation rates.

If the AHCA or any division within the AHCA is required by law to report to the Legislature or to any legislative committee or subcommittee on matters relating to the state Medicaid program, the bill requires the AHCA to submit a copy of the report to the committee.

The bill will have an indeterminate impact on state expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Joint Legislative Committees

A joint legislative committee is composed of members of the Senate and the House of Representatives appointed by their respective presiding officers to oversee a specified legislative function.¹ Joint legislative committees and other joint units of the Legislature are governed by joint rules of the Senate and the House of Representatives.²

The 2024-2026 Joint Rules of the Florida Legislature

The Joint Rules of the Florida Legislature, previously adopted in November 2024, address the following subjects:³

- JOINT RULE ONE – Lobbyist Registration and Compensation Reporting
- JOINT RULE TWO – General Appropriations Review Period and Budget Conference Committee Rules
- JOINT RULE THREE – Joint Offices and Policies
- JOINT RULE FOUR – Joint Committees
- JOINT RULE FIVE – Auditor General
- JOINT RULE SIX – Joint Legislative Budget Commission
- JOINT RULE SEVEN – Qualifications of Members
- JOINT RULE EIGHT – Adjourning and Reconvening of Each House of the Legislature and Providing for Adjournment Sine Die

¹ The Florida Senate, *Glossary*, available at <https://www.flsenate.gov/reference/glossary> (last visited Mar. 16, 2025).

² Section 11.147(2), F.S.

³ SCR 2 ORG (2024), enrolled.

JOINT RULE FOUR – Joint Committees

Joint Rule Four establishes the following standing joint committees:⁴

- The Joint Administrative Procedures Committee (JAPC);⁵
- The Joint Committee on Public Counsel Oversight;⁶ and
- The Joint Legislative Auditing Committee (JLAC).⁷

The rule requires that no other joint committee may exist except as agreed to by the presiding officers or by concurrent resolution approved by the Senate and the House of Representatives. The rule also requires that each standing joint committee appoint no fewer than five and no more than seven members from each house.⁸

The rule establishes procedures for the appointment of the chair and vice chair of the standing joint committees and procedures for joint committees other than conference committees. The rule also establishes the powers and administration of joint committees.⁹

JOINT RULE FIVE – Auditor General

Joint Rule Five provides rulemaking authority to the Auditor General and requires the Auditor General to prepare and submit a proposed budget for the ensuing fiscal year annually to the President of the Senate and the Speaker of the House of Representatives for joint approval. The rule has provisions related to the salaries and expenses of the Auditor General. The rule also requires the Auditor General to distribute copies of each audit report to certain state officers, including the Governor; the Chief Financial Officer; the officer or person in charge of the state agency or political subdivision audited; the board of county commissioners of the county in which the audit was made, if applicable; each member of the JLAC; appropriate substantive and fiscal committees of the Senate and House of Representatives; and any other person who, in the opinion of the Auditor General, is directly interested in the audit or who has a connected duty to perform.¹⁰

⁴ SCR 2 ORG (2024), enrolled.

⁵ The primary function of the JAPC is to generally review agency action pursuant to the operation of the Florida Administrative Procedure Act, particularly as these actions relate to the rulemaking process. Florida Administrative Law Central Online Network, *About the Joint Administrative Procedures Committee*, available at <https://www.japc.state.fl.us/Pages/About.aspx> (last visited Mar. 15, 2025).

⁶ The Joint Committee on Public Counsel Oversight appoints a Public Counsel, pursuant to s. 350.061, F.S. The committee may file a complaint with the Commission on Ethics alleging a violation of ch. 350, F.S., by a current or former public service commissioner, an employee of the Public Service Commission, or a member of the Public Service Commission Nominating Council. [SCR 2 ORG (2024), enrolled.]

⁷ In general, the responsibilities of the JLAC are broad and affect all areas of government in the state. For instance, the JLAC may direct the Auditor General or the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an audit, review, or examination of any entity or record as specified in s. 11.45(3), F.S. The JLAC is responsible for appointing the Auditor General, pursuant to s. 11.42(2), F.S., when there is a vacancy in the position. The Florida Legislature, Online Sunshine, *Joint Legislative Auditing Committee*, available at http://www.leg.state.fl.us/cgi-bin/View_Page.pl?File=about.cfm&Directory=committees/joint/Jcla/&Tab=committees (last visited Mar. 15, 2025).

⁸ SCR 2 ORG (2024), enrolled.

⁹ *Id.*

¹⁰ *Id.*

The Auditor General

Florida's Auditor General is a constitutional and legislative officer, a certified public accountant, and the state's independent auditor providing unbiased, timely, and relevant information that the Legislature, citizens of the state of Florida, public entity management, and other stakeholders can use to promote government accountability and stewardship, as well as improve government operations.¹¹

The Constitution of the State of Florida requires the Legislature to appoint an auditor to audit public records and perform related duties as prescribed by law or concurrent resolution. Section 11.42, F.S., designates the constitutional auditor as the Auditor General, and ss. 11.42, 11.45, and 11.47, F.S., establish the general authority and duties. Independently, and in accordance with applicable professional standards, the Auditor General:

- Conducts financial audits of the accounts and records of state government, state universities, state colleges, and school districts.
- Conducts operational and performance audits of public programs, activities, and functions, as well as information technology systems.
- Adopts rules, in consultation with the Florida Board of Accountancy, for audits performed by independent certified public accountants of local governmental entities, charter schools and technical career centers, school districts, and certain nonprofit and for-profit organizations.
- Conducts reviews of audit reports of local governmental entities, charter schools and technical career centers, school districts, and certain nonprofit and for-profit organizations.
- Conducts examinations of school district records to evaluate compliance with state requirements governing the Florida Education Finance Program student enrollment and student transportation funding allocations.
- Conducts quality assessment reviews of the internal audits performed by state agency offices of inspector general.¹²

The Florida Medicaid Program

The Medicaid program is a voluntary, federal-state program that finances health coverage for individuals, including eligible low-income adults, children, pregnant women, elderly adults, and persons with disabilities.¹³ The federal Centers for Medicare & Medicaid Services (CMS) within the U.S. Department of Health and Human Services is responsible for administering the Medicaid program at the federal level. Florida Medicaid is the health care safety net for low-income Floridians. Florida's program is administered by the Agency for Health Care (AHCA) and financed through state and federal funds.¹⁴

Statewide Medicaid Managed Care

Approximately 80 percent of Florida Medicaid recipients receive services through a plan contracted with the AHCA under the Statewide Medicaid Managed Care (SMMC) program. The

¹¹ Florida Auditor General, *About the Florida Auditor General*, available at <https://flauditor.gov/pages/aboutus.html#tab> (last visited Mar. 16, 2025).

¹² *Id.*

¹³ Medicaid.gov, *Medicaid*, available at <https://www.medicaid.gov/medicaid/index.html> (last visited Mar. 16, 2025).

¹⁴ Section 20.42, F.S.

SMMC program has three components: Managed Medical Assistance (MMA), Long-Term Care (LTC), and Dental. Florida's SMMC program benefits are authorized through federal waivers and are specifically required by the Florida Legislature in ss. 409.973 and 409.98, F.S.¹⁵

The AHCA awarded contracts to the current SMMC managed care plans through a competitive procurement process called an Invitation to Negotiate. The AHCA awarded and executed new contracts for SMMC 3.0 in October 2024, and officially rolled out the new SMMC 3.0 program on February 1, 2025. The rate year for the SMMC contracts is October 1 through September 30 of each contract year.¹⁶

Managed care plans providing MMA program services are required to cover acute, preventive, and other health care services, such as:

- Hospital services;
- Physician services;
- Pharmacy services;
- Behavioral health services;
- Transportation to medical services;
- Nursing facility services; and
- Other service benefits, including, but not limited to, medical equipment and supplies, therapies, and home health services.¹⁷

The AHCA contracts with LTC plans in each region to provide LTC services, including all home and community-based waiver services, through their provider networks. Currently, all of the LTC plans contracted with the AHCA are also contracted to provide MMA services, streamlining care with a more comprehensive enrollment approach where a Medicaid recipient can enroll with one plan for all services.¹⁸

Managed care plans are considered “at-risk” because they are required to pay for the medically necessary services their members require, regardless of whether the capitation rates are sufficient to cover those costs. For instance, since the AHCA pays a fixed price per-member per-month PMPM capitation rate that covers all (or nearly all) the services a plan provides, if the plan spends more than it is paid, the plan loses money; however, if the plan needs to spend less than it is paid and still fulfills its contract with the AHCA and provides the services it's supposed to provide, then the plan makes money.¹⁹

Achieved Savings Rebate

Pursuant to s. 409.967(3), F.S., the AHCA implemented the Achieved Savings Rebate (ASR) Program as an incentive for proper use of state funds. The program monitors the premium revenues, medical and administrative costs, and income or losses for each plan. The ASR allows plans to retain a profit margin specified in statute; however, if the profit margin exceeds the

¹⁵ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

limits specified in statute, plans must share a portion of the profits with the state or return the entire dollar amount beyond a certain threshold to the state.

The detailed financial reports for each plan are audited by an independent public accountant. The AHCA has program rules to ensure the independence of the public accountant and to establish criteria for the independent auditor.²⁰ The plans are responsible for paying the audit expenses incurred by the AHCA and, as part of the audit process, must provide all books, accounts, documents, files, and information pertaining to Medicaid transactions to the AHCA and the contracted certified public accounting firm.²¹

The ASR is established by determining pre-tax income as a percentage of revenues and applying the following income sharing ratios:²²

- 100 percent of income up to and including five percent of revenue shall be retained by the plan.
- 50 percent of income above five percent and up to 10 percent shall be retained by the plan, and the other 50 percent shall be refunded to the state and adjusted for the Federal Medical Assistance Percentages. The state share shall be transferred to the General Revenue Fund, unallocated, and the federal share shall be transferred to the Medical Care Trust Fund, unallocated.
- 100 percent of income above 10 percent of revenue shall be refunded to the state and adjusted for the Federal Medical Assistance Percentages. The state share shall be transferred to the General Revenue Fund, unallocated, and the federal share shall be transferred to the Medical Care Trust Fund, unallocated.

The program is tied to plan performance; if a plan exceeds the AHCA-defined quality measures in the reporting period, it may retain an additional one percent of revenue.²³

The following may not be included as allowable expenses in calculating income for determining the achieved savings rebate:²⁴

- Payment of achieved savings rebates.
- Any financial incentive payments made to the plan outside of the capitation rate.
- Any financial disincentive payments levied by the state or federal government.
- Expenses associated with any lobbying or political activities.
- The cash value or equivalent cash value of bonuses of any type paid or awarded to the plan's executive staff, other than base salary.
- Reserves and reserve accounts.
- Administrative costs, including, but not limited to, reinsurance expenses, interest payments, depreciation expenses, bad debt expenses, and outstanding claims expenses in excess of actuarially sound maximum amounts set by the AHCA.

²⁰ Office of Program Policy Analysis & Government Accountability, *Report No. 16-03, AHCA Reorganized to Enhance Managed Care Program Oversight and Continues to Recoup Fee-for-Service Overpayments* (Feb. 2016), available at <https://oppaga.fl.gov/Documents/Reports/16-03.pdf> (last visited Mar. 16, 2025).

²¹ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

²² Section 409.967(3), F.S.

²³ *Id.*

²⁴ *Id.*

Plans that incur a loss in the first contract year may apply the full amount of the loss as an offset to income in the second contract year.²⁵

If, after an audit, the AHCA determines that a plan owes an additional rebate, the plan has 30 days after notification to make the payment. Upon failure to timely pay the rebate, the AHCA will withhold future payments to the plan until the entire amount is recouped. If the AHCA determines that a plan has made an overpayment, the AHCA will return the overpayment within 30 days.²⁶

Fee-for-Service and Managed Care Capitation Payments

In the state of Florida, Medicaid services can be delivered through a fee-for-service (FFS) or managed care delivery model. In FFS, providers contract directly with the AHCA to provide services, followed by billing and receiving direct reimbursement from the AHCA. In a managed care delivery model, managed care plans contract with the AHCA and are paid a per-member, per-month (PMPM) capitation rate for each plan enrollee to provide medical, dental, or home and community-based care, depending on the type of managed care plan. Providers contract with the managed care plans and bill the plans for services rendered to enrollees.²⁷

The AHCA maintains provider fee schedules, which include the rates the AHCA pays FFS providers for services. However, in managed care, the managed care plans negotiate mutually agreed-upon rates with contracted providers for most services. The capitation rates reflect historical utilization and spending for covered services projected forward, and the PMPM capitation rate is paid to each plan each month regardless of the actual expenditure or level of claims of an individual enrollee. Currently, managed care plan capitation rates are both calculated and certified as actuarially sound by the AHCA's actuarial services vendor;²⁸ however, in the past, the AHCA conducted rate setting in-house and the certification was performed independently.²⁹

Florida's Medicaid capitation rate-setting process is guided by standards and regulations set by the federal CMS. Actuaries must adhere to multiple standards and codes of conduct, including:³⁰

- All federal requirements related to Medicaid;
- The federal CMS Medicaid Managed Care Rate Development Guide;³¹

²⁵ Section 409.967(3), F.S.

²⁶ *Id.*

²⁷ Florida Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

²⁸ *Id.*

²⁹ The Florida Senate, *Issue Brief 211-226, Medicaid Managed Care Rate-Setting* (November 2010), available at <https://www.flsenate.gov/UserContent/Session/2011/Publications/InterimReports/pdf/2011-226hr.pdf> (last visited Mar. 16, 2025).

³⁰ *Supra* note 27.

³¹ The Federal CMS Medicaid Managed Care Rate Development Guide outlines the necessary documentation required for the federal CMS review and approval of capitation rates.

U.S. Department of Health & Human Services, Centers for Medicare & Medicaid Services, *2024-25 Medicaid Managed Care Rate Development Guide*, available at <https://www.medicare.gov/medicaid/managed-care/downloads/2024-2025-medicare-rate-guide-01222024.pdf> (last visited Mar. 16, 2025).

- The American Academy of Actuaries (AAA) Actuarial Standards of Practice (ASOPs);³² and
- The AAA³³ and Society of Actuaries Code of Conduct.³⁴

To ensure full compliance with these standards and regulations, a comprehensive appendix is included in all final rate setting reports to address each relevant item of the federal CMS Medicaid Managed Care Rate Development Guide. Each rate submission is accompanied by an actuarial certification that verifies the accuracy and regulatory adherence of the rates. Additionally, all capitation rates undergo a thorough review by the federal CMS, involving multiple rounds of question and answers to validate the methodology utilized to develop rates for the approval.³⁵

The AHCA's actuarial services vendor is Milliman Inc. (Milliman), and using encounter data in conjunction with financial data reported by the plans, Milliman develops capitation rates through the following steps:³⁶

- Establishes the base data set using historical utilization and cost data;
- Adjusts the base data for any program changes, fee schedule increases, or legislative directives;
- Applies utilization, trend, seasonality, and acuity adjustments to reflect the new or current rating period; and
- Builds in managed care plan administrative costs and profit margins.

Capitation rates are risk-adjusted monthly for LTC and quarterly for MMA, but once the rates are set on October 1, they generally remain constant throughout the rate year unless a generational event or a material mistake requires a technical correction.³⁷

Legislative increases to facility rates or provider fee schedules are built into the capitation rates for the health plans to pass-through to the providers during the following state fiscal year. Administrative expenses and increases to administrative expenses as a result of programmatic changes are built into the capitation rates as well, along with a two-percent profit margin for the plans, which may be more or less depending on the health of a plan's membership.³⁸

³² Standard 49 of the ASOPs, Medicaid Managed Care Capitation Rate Development and Certification, provides detailed guidance for setting Medicaid managed care capitation rates.

American Academy of Actuaries, Actuarial Standards Board, *All Standards*, available at <https://www.actuarialstandardsboard.org/standards-of-practice/> (last visited Mar. 16, 2025).

³³ American Academy of Actuaries, *Code of Professional Conduct*, available at <https://www.actuary.org/content/code-of-professional-conduct> (last visited Mar. 16, 2025).

³⁴ Society of Actuaries, *Code of Professional Conduct*, available at <https://www.soa.org/about/governance/about-code-of-professional-conduct/> (last visited Mar. 16, 2025).

³⁵ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

The total capitated amount the health plans are paid is used to forecast the Medicaid budget for the following state fiscal year. At the Social Services Estimating Conference (SSEC),^{39,40} managed care expenditures are combined with FFS expenditures and other appropriations to arrive at a total program cost, which is then trended forward to estimate the budgetary need for the coming state fiscal year.⁴¹

As part of the rate-setting process, Milliman and the AHCA meet with the managed care plans to share base data and assumptions on costs of upcoming Medicaid program changes and potential changes and trends to the cost of the health care delivery system in general. Draft rates are developed during and shortly after each legislative session and most legislative changes are incorporated into the draft rates. After the legislative session, Milliman and the AHCA meet with the plans again to share and discuss the draft rates, and the plans are given an opportunity to provide feedback before the rates are finalized. Managed care plan feedback, post-legislative session changes to the General Appropriations Act, and additional months of experiential data can result in minor changes to the final rates when compared to the draft rates.⁴²

Managed Care Plan Accreditation

Accreditation is a “seal of approval” given to a plan by an independent organization that evaluates the practices and performances of the plan. Accreditation indicates the plan meets specific quality standards. Accreditation status is one of the quality selection criteria the AHCA considers in the selection of eligible plans. Section 409.967(f)(3), F.S., requires each plan to be

³⁹ The SSEC is a conference body consisting of members of the Legislature, representatives from the Governor’s Office, and designees from various state agencies, which meets to develop Medicaid caseload or workload data and revenue/expenditure projections as it relates to TANF/WAGES, Medicaid, and KidCare to assist in the budgeting and appropriations process. Florida Office of Economic & Demographic Research, *Consensus Estimating Conference Process*, available at <https://edr.state.fl.us/Content/conferences/confprocess.pdf> (last visited Mar. 16, 2025).

⁴⁰ The Florida Senate, *Glossary*, available at <https://www.flsenate.gov/reference/glossary> (last visited Mar. 16, 2025).

⁴¹ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁴² *Id.*

accredited by the National Committee for Quality Assurance (NCQA),⁴³ the Joint Commission,⁴⁴ or another nationally recognized accrediting body, or have initiated the accreditation process, within one year after the contract is executed. Each accrediting organization assesses plan performance against applicable standards and elements and establishes quality and performance standards, including, but not limited to, provider credentialing, prior authorization of services, and prompt payment of provider claims.⁴⁵

SMMC Plan Provider Networks

The SMMC plans must adhere to all requirements as specified in their contract with the AHCA, including requirements to enter into provider agreements with a sufficient number of providers to deliver all covered services to enrollees and ensure that each medically necessary covered service is accessible and provided with reasonable promptness. If the managed care plan declines to include individual or group providers in its provider network, the plan is required to give written notice to the affected provider(s) of the reason for its decision.⁴⁶ Managed care plans conduct credentialing and recredentialing for network providers and offer onboarding activities for new providers joining their networks.⁴⁷

The new SMMC 3.0 contracts include strict requirements for improving quality and incorporating value-based purchasing (VBP) in provider agreements. VBP is a reimbursement strategy that links provider payments to high-quality performance. This agreement holds the providers accountable for both the quality and cost of care rendered. VBP supports a holistic approach to care that addresses both mental and physical health needs. VBP promotes the use of innovative health care models, such as telehealth and patient-centered medical homes, enhancing accessibility and coordination of care.⁴⁸

⁴³ The NCQA Health Plan Accreditation provides a current, rigorous, and comprehensive framework for essential quality improvement and measurement. Organizations use the NCQA to perform a gap analysis and align improvement activities with areas that are most important to states and employers, such as network adequacy and consumer protection. Standards evaluate plans on quality management and improvement, population health management, network management, utilization management, credentialing and recredentialing, members' rights and responsibilities, member connections, and Medicaid benefits and services. The use of Healthcare Effectiveness Data and Information Set (HEDIS) data focuses attention on activities that keep members healthy.

National Committee for Quality Assurance, *Health Plan Accreditation*, available at <https://www.ncqa.org/programs/health-plans/health-plan-accreditation-hpa/> (last visited Mar. 16, 2025).

⁴⁴ Accreditation by the Joint Commission is the objective evaluation process helping health care organizations measure, assess, and improve performance to provide safe, high-quality care to patients. Accreditation is awarded upon successful completion of an on-site survey. The on-site survey is conducted by a specially trained Joint Commission surveyor, or team of surveyors, who assess the organization's compliance with the Joint Commission standards. During the survey, surveyors select patients randomly and use medical records as a roadmap to evaluate standards compliance. As surveyors trace a patient's experience in a health care organization, they speak to doctors, nurses, and other staff who interacted with the patient. Surveyors also observe doctors and nurses providing care and often speak to the patients themselves. All regular Joint Commission accreditation surveys are unannounced. Accreditation for most types of organizations is a three-year award. The exception is laboratory accreditation, which is a two-year award.

The Joint Commission, *What is Accreditation*, available at <https://www.jointcommission.org/what-we-offer/accreditation/become-accredited/what-is-accreditation/> (last visited Mar. 16, 2025).

⁴⁵ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁴⁶ 42 C.F.R. § 438.12(a)(1)

⁴⁷ *Supra* note 45.

⁴⁸ *Id.*

Provider Credentialing Timeframes

Credentialing is the systematic process of verifying the qualifications of health care workers providing medical services. This important safety check ensures health care workers have the proper education, training, and licenses to care for patients, and reduces improper payments in Medicaid by minimizing the risk of unscrupulous providers billing the Medicaid program.⁴⁹

To become a plan provider, the health care provider must obtain a Medicaid identification number from the AHCA and complete the plan's credentialing process. The average time required for a provider to obtain a Medicaid provider identification number from the AHCA is 61 days. The AHCA's contracts require the SMMC plans to fully enroll or on-board providers it chooses to contract with within 60 days of the provider submitting a complete application to the plan. Plans that fail to meet provider credentialing requirements could pay up to \$5,000 per occurrence to the AHCA in liquidated damages.⁵⁰

Both federal regulations⁵¹ and state law⁵² require each plan to have a system for verification and examination of the credentials of each of its providers. The same is true for plan accrediting bodies; however, no timeliness standard exists for the credentialing of plan providers.⁵³

As part of the AHCA's federally required redesign of the Florida Medicaid Management Information System (FLMMIS), the AHCA contracted with an NCQA-certified vendor for its Provider Services Module to handle all aspects of the provider credentialing process, including those currently performed by the plans. The Provider Services Module will combine the Medicaid provider enrollment and plan credentialing processes into a single source to minimize errors and confusion in the provider community. Transitioning providers from the current FLMMIS to the new Provider Services Module is scheduled to begin in fall of 2025.⁵⁴

Prior Authorization Timeframes

Prior authorization is part of the overall utilization management program for a plan, which serves to identify patterns of over-utilization and under-utilization of services, identifying fraud, waste, and abuse. Prior authorization is a decision-making process conducted by a plan to determine whether a health care service or good is medically necessary before it is rendered. Not all Medicaid services require prior authorization. Federal regulations⁵⁵ require Medicaid managed care plans to conduct a prior authorization program that complies with the requirements of s. 1927(d)(5) of the Social Security Act. State Medicaid programs and contracted plans have the discretion to determine which services require prior authorization. Prior authorization processes are most often required for costly services and for services subject to a high-risk of fraud, waste, or abuse; however, plans are prohibited from requiring authorization for emergency services.⁵⁶

⁴⁹ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁵⁰ *Id.*

⁵¹ 42 C.F.R. § 438.214

⁵² See Part IV of ch. 409, F.S., and s. 641.495(6), F.S.

⁵³ *Supra* note 49.

⁵⁴ *Id.*

⁵⁵ 42 C.F.R. § 438.3(s)(6)

⁵⁶ *Supra* note 49.

Federal regulations⁵⁷ require Medicaid managed care plans to provide standard authorization decisions within 14 calendar days following receipt of the request for service. An additional 14 calendar day extension is available upon request of the enrollee or provider, or if the plan justifies a need for additional information and how the extension is in the enrollee's interest. The AHCA reduced this timeframe by negotiating a standard authorization timeframe of seven days with an extension period of four additional days, if necessary, reducing the authorization period from a maximum of 28 days to 11 days.

Federal regulations⁵⁸ also require Medicaid managed care plans to provide expedited authorization decisions within 72 hours following receipt of the request for service; an additional 14 calendar day extension remains available, if applicable. The AHCA further reduced this timeframe by negotiating an expedited authorization timeframe of two days with an extension period of one additional day, reducing the authorization period from a maximum of 17 days to three days.⁵⁹

The AHCA currently requires plans to report monthly on all service authorization requests completed during the previous reporting month. Service authorizations are identified in one of four categories: standard authorization, extended standard authorization, expedited authorization, or extended expedited authorization. Plans that fail to meet provider credentialing requirements could pay up to \$2,500 per occurrence to the AHCA in liquidated damages.⁶⁰

Prompt Payment Timeframes

Federal Medicaid law⁶¹ sets requirements for timely claims payment to providers and defines a “claim” to mean a bill for services, a line item of service, or all services for one beneficiary within a bill. It also defines a “clean claim” to mean one that can be processed without obtaining additional information from the provider of the service or from a third-party. A clean claim does not include a claim from a provider who is under investigation for fraud or abuse, or a claim under review for medical necessity.⁶²

To receive timely payment, a provider must submit a clean claim that includes multiple, mandatory pieces of information about the patient and medical service. A claim that contains invalid or missing data elements required for acceptance of the claim into the claim processing system can be rejected. If all minimum edits pass and the claim is accepted, it will be entered into the system for processing. A denial is a claim that has passed minimum edits and is entered into the system but has been billed with invalid or inappropriate information causing the claim to be denied. There are hundreds of legitimate reasons a plan could and should deny payment for a health care service, all of which are standardized across the industry in the X12 Claim

⁵⁷ 42 C.F.R. § 438.210(d)

⁵⁸ *Id.*

⁵⁹ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁶⁰ *Id.*

⁶¹ 42 C.F.R. § 447.45

⁶² *Supra* note 59.

Adjustment Reason Code set,⁶³ referenced in the Health Care Claim Payment/Advice (835) Consolidated Guide, available from the Washington Publishing Company.⁶⁴

Federal regulations⁶⁵ require state Medicaid programs to pay 90 percent of all clean claims from practitioners, who are in individual or group practice or who practice in shared health facilities, within 30 days of the date of receipt. States must pay 99 percent of all clean claims from practitioners, who are in individual or group practice or who practice in shared health facilities, within 90 days of the date of receipt. States must pay all other claims within 12 months of the date of receipt, except in certain circumstances that allow the states to have additional time.⁶⁶

Section 409.966(3)(c)6., F.S., requires SMMC plans to have a claims payment process that ensures claims that are not contested or denied will be promptly paid pursuant to s. 641.3155, F.S. Section 641.3155(3), F.S., specifies electronic claims payment standards and requires the plan to pay the claim or notify a provider if the claim is denied or contested within 20 days after receipt of the claim. If required, a provider must submit additional information and documentation as requested by the plan within 35 days after receipt of the plan notification. The claim must be paid or denied within 90 days of receipt of the claim. If the plan neither pays nor denies the electronic claim within 120 days, the plan is then obligated to pay the claim.⁶⁷

For non-electronically submitted claims, a plan must pay the claim or notify a provider if the claim is denied or contested within 40 days after receipt of the claim. If required, a provider must submit additional information and documentation as requested by the plan within 35 days after receipt of the plan notification. The claim must be paid or denied within 90 days of receipt of the claim. If the plan has not paid or denied the nonelectronic claim within 120 days, the plan is then obligated to pay the claim within 140 days.⁶⁸

As with the provider credentialing and prior authorization standards, the AHCA further reduced the claims payment timeframes by negotiating more stringent claims payment standards for the 2025-2030 SMMC contracts. Pursuant to the contracts, a plan must pay or notify the provider that the claim is denied or contested within 10 business days of receipt of nursing facility and hospice clean claims and within 15 days after receipt of all other claims. If the claim is denied or contested, the claim must be paid or denied within 90 days after receipt of the claim. If the plan neither pays nor denies the electronic claim within 120 days, the plan is then obligated to pay the claim. For non-electronically submitted claims, the plan must pay the paper claim or notify the provider that the claim is denied or contested within 20 days after receipt of the claim. If the plan neither pays nor denies the non-electronic claim within 140 days, the plan is then obligated to pay the claim.⁶⁹

⁶³ X12, *External Code Lists, Claim Adjustment Reason Codes*, available at <https://x12.org/codes/claim-adjustment-reason-codes> (last visited Mar. 16, 2025).

⁶⁴ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁶⁵ 42 C.F.R. § 447.45

⁶⁶ *Supra* note 64.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

Additionally, the AHCA applies the following timely claims processing standards, which if not met, could result in a plan compliance action from the AHCA:⁷⁰

- The managed care plan must pay 85 percent of all clean claims submitted within seven days.
- The managed care plan must pay 95 percent of all clean claims submitted within 10 days.
- The managed care plan must pay 98 percent of all clean claims submitted within 20 days.

Plans that fail to comply with claims processing requirements could pay up to \$10,000 per month to the AHCA in liquidated damages for each month the AHCA determines the managed care plan is not in compliance.⁷¹

Managed Care Plan Complaints

The AHCA has a centralized complaint operations center to resolve Medicaid complaints timely and to determine if plans are complying with contract terms. All complaints are captured, whether substantiated or not, and the AHCA collects, aggregates, and trends the data for quality improvement initiatives.⁷²

Federal laws and rules governing the Medicaid managed care plans do not define enrollee complaints. Instead, the AHCA has distinguished between “complaint” and “grievance” in the SMMC plan contracts, which are reviewed and approved by the federal CMS. Federal regulation⁷³ defines “grievance” as an expression of dissatisfaction about any matter other than an adverse benefit determination.⁷⁴

For purposes of the SMMC program, the AHCA’s contracts with the plans define a “complaint” as any oral or written expression of dissatisfaction by an enrollee submitted to the managed care plan or to a state agency and resolved by close of business the following business day. A complaint is a subcomponent of the grievance and appeal system. A complaint that is not resolved timely by close of business the following day becomes a grievance, for which the plan must provide the enrollee with a written notice of resolution within 90 days from receipt of the grievance. This process of escalation can continue from grievance to plan appeal, from plan appeal to Medicaid fair hearing, from Medicaid fair hearing to District Court of Appeals (DCA), and from DCA to the Florida Supreme Court. Each of these processes includes maximum timeframes mandated by the Code of Federal Regulations.⁷⁵

Consistent with federal law, s. 409.967(2)(h), F.S., requires that each plan establish an internal process for reviewing and responding to grievances from enrollees. Each plan submits quarterly reports to the AHCA on the number, description, and outcome of grievances filed by enrollees. Plans that do not comply with grievance and appeal requirements could pay between \$250 and \$10,000 per occurrence to the AHCA in liquidated damages depending on the contract requirement the plan was out of compliance with.⁷⁶

⁷⁰ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁷¹ *Id.*

⁷² *Id.*

⁷³ 42 C.F.R. § 438.400(b)

⁷⁴ *Supra* note 70.

⁷⁵ *Id.*

⁷⁶ *Id.*

External Quality Review Organization

Federal regulations⁷⁷ require states to contract with a qualified external quality review organization (EQRO) to perform an annual, independent assessment of each managed care organization with which the state contracts. To conduct this assessment, the EQRO conducts activities consistent with the associated external quality review protocols developed by the federal CMS. The purpose of these activities, in general, is to improve the state's ability to oversee and manage plans they contract with for services and help plans improve their performance with respect to quality, timeliness, and access to care. Activities conducted by the EQRO each year are as follows:⁷⁸

- Review of compliance, determining the extent to which plans comply with federal managed care regulations and state standards.
- Validation of performance measures, monitoring the performance of individual plans to track performance over time and to compare performance among the plans.
- Validation of performance improvement projects (PIPs), assessing the validity and reliability of PIPs.
- Validation of network adequacy, ensuring health plans maintain sufficient provider networks to provide adequate access to covered services for all enrollees.

Each April, the AHCA must submit the Annual Technical Report (ATR)⁷⁹ produced by the EQRO to the federal CMS and publish the report on the AHCA's external website. The ATR is a comprehensive report that describes the collection and analysis of data from all external quality review activities, as well as provides conclusions drawn related to the quality, timeliness, and access to care provided by the plans. Another element in the ATR is an assessment of the degree to which each plan has effectively addressed the recommendations for quality improvement made by the EQRO during the previous year's external quality review activities. The federal CMS reviews the EQRO's recommendations, including the ATR's overall compliance with federally required elements, and provides the state with its findings.⁸⁰

Healthcare Effectiveness Data and Information Set Measures

By July 1 of each year, Medicaid health plans are required to report to the AHCA a number of Healthcare Effectiveness Data and Information Set (HEDIS) measures, and Medicaid and CHIP Core Sets of Health Care Quality measures (the Child and Adult Core Set measures). HEDIS measures are developed and validated by the NCQA and used by over 90 percent of managed care plans in the nation to track their performance. The federal CMS requires states to report the Child Core Set and Adult Behavioral Health Core Set measures to the federal CMS on an annual basis. Many of the core set measures are HEDIS measures but there are also non-HEDIS measures in the core sets.⁸¹

⁷⁷ 42 C.F.R. § 438.358

⁷⁸ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁷⁹ Florida Agency for Health Care Administration, *SFY 2022-23 External Quality Review Technical Report* (April 2024), available at https://ahca.myflorida.com/content/download/24499/file/FL_2022-2023_EQR-TR_Report_F1.pdf (last visited Mar. 16, 2025).

⁸⁰ *Supra* note 78.

⁸¹ *Id.*

Plans report HEDIS data based on the services enrollees received in the previous calendar year (e.g., performance measure data reported on July 1, 2025, represents calendar year 2024 services). The AHCA requires the plans to use NCQA-certified software vendors for running and calculating performance measures and requires the plans to have performance measures reviewed and certified by NCQA-certified HEDIS auditors prior to submitting performance measure results to the AHCA. Examples of required performance measures are well-child visits, immunizations, mammograms and other cancer screenings, pregnancy-related care, mental and behavioral health care, and diabetes care. The performance measure data provided by the plans are reviewed by the AHCA's staff and validated by the AHCA's EQRO. The AHCA compares performance measure data to national benchmarks to calculate performance measure liquidated damages and create the Florida Medicaid Health Plan Report Card.^{82,83}

The AHCA compares plan performance on performance measures to benchmarks that are set in the plan contracts and plans may be assessed liquidated damages for measures where performance is worse than the benchmarks. When assessed liquidated damages, plans are required to pay the AHCA within 30 days after receipt of the notice of damages, regardless of any dispute in the amount or interpretation which led to the notice. Plans may dispute the imposition of liquidated damages by requesting that the AHCA's Deputy Secretary for Medicaid or designee hear and decide the dispute.⁸⁴

Under the 2025-2030 SMMC contracts, the AHCA established a new quality continuum of incentives and accountability based on performance measure results. There is a quality withhold that plans may earn back based on their performance on specified performance measures, as well as a Quality Bonus Pool, built with the funds from plans that have not earned their full withhold back. Plans that earn their whole withhold may also earn funds from the Quality Bonus Pool, and the top plans may earn a quality preferred assignment incentive. The highest performing plans may qualify for the Achieved Savings Rebate one percent quality incentive. The plans that do not meet specific benchmarks set in the contract may be assessed for liquidated damages or sanctions.⁸⁵

Performance Improvement Projects

In accordance with federal law⁸⁶ and as part of a comprehensive quality assessment and performance improvement program, states must require managed care plans to implement performance improvement projects (PIPs). The purpose of these projects is to achieve significant

⁸² The Florida Medicaid Health Plan Report Card is a tool that enrollees can use when comparing and choosing plans based on quality of care. Plans are compared using a five-star rating scale in five categories: Pregnancy-related Care, Keeping Kids Healthy, Keeping Adults Healthy, Living with Illness, and Behavioral Health Care.

Agency for Health Care Administration, Health Care Transparency, *Quality of Care Indicators – Ratings, Medicaid Health Plan Report Cards*, available at <https://quality.healthfinder.fl.gov/Facility-Provider/Medicaid-ReportCard?&type=-13> (last visited Mar. 16, 2025).

⁸³ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ 42 C.F.R. § 438.330

improvement in measurement of quality performance with objective indicators, as well as to generally sustain this improvement over time.⁸⁷

States must⁸⁸ require plans to conduct clinical and nonclinical PIPs to examine access to and quality of care. PIPs must include four key elements:⁸⁹

- Performance measurement;
- Implementation of interventions;
- Evaluation of the interventions' impact using the performance measures; and
- Activities to increase or sustain improvement.

Under the 2025-2030 SMMC contracts, the MMA plans are required to conduct PIPs focused on the following topics: promoting healthy birth outcomes for mothers and infants, improving child and adolescent mental health, Hope Florida, and closing gaps in health care outcomes between plan sub-populations. Plans providing specialty product lines are required to conduct an additional PIP focused on a clinical area in need of improvement for each specialty area. Plans providing LTC services are also required to conduct a PIP focused on improving mental health in adults and a PIP focused on maximizing home and community-based placement, as well as services to improve independence, well-being, and safety.⁹⁰

Historically, the plans have submitted PIP documentation annually for the AHCA's review and validation by the EQRO. Under the 2025-2030 SMMC contracts, the AHCA is requiring the plans to submit quarterly progress reports on PIPs to allow for more frequent monitoring of the plans' progress toward reaching the goals identified in the PIPs.⁹¹

Plan Performance Dashboard

The AHCA maintains an extensive internal plan performance dashboard, which allows the AHCA to comprehensively track the performance of each plan on executing the terms of their contract. The AHCA first launched this dashboard in January 2020. The dashboard visualizes how the SMMC plans are performing and compares the performance of each plan across key performance areas, such as Potentially Preventable Events, Performance Measures, Provider Network Adequacy, Quality Indicators, Birth Outcomes, LTC Performance, Administrative and Financial, and Delivery System Performance. The AHCA posts a new dashboard every quarter for plans to review performance compared to their peers.⁹²

Compliance Actions

The AHCA is responsible for imposing compliance actions as a result of plan failure to meet any aspect of the responsibilities of a contract and its exhibits. The three types of compliance actions that may be imposed include liquidated damages, sanctions, and/or corrective action plans. Liquidated damages are the lowest level of compliance actions and are considered non-punitive,

⁸⁷ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁸⁸ 42 C.F.R. § 438.330

⁸⁹ *Supra* note 87.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

as they reflect the projected financial loss or damage to the AHCA. Sanctions may be monetary or non-monetary (e.g., freeze in enrollment) and are issued for more egregious non-compliance issues. Corrective action plans are utilized when non-compliance rises to the level of immediate remediation and steps are put into place to ensure the non-compliance does not reoccur.⁹³

Ongoing plan monitoring is a responsibility across all the AHCA's functional units. Functional units contain subject matter experts (SMEs) needed to monitor and improve plan or program performance. Monitoring is conducted through a variety of channels including review of reports, ad hoc requests, standard contract monitoring, and monitoring of complaints received by the AHCA.⁹⁴

For the state fiscal year 2023-2024, the AHCA executed 354 compliance actions, which resulted in a total of approximately \$33.8 million in liquidated damages paid by the plans.⁹⁵

Medical Care Advisory Committee (MCAC)

Federal regulations⁹⁶ require each state Medicaid program to establish a committee to serve in an advisory capacity on health and medical care issues. The committee must include the following:⁹⁷

- Board-certified physicians and other representatives of the health professions familiar with the medical needs of low-income people and the resources available for their care;
- Members of consumer groups, including Medicaid recipients; and
- Agency heads from the Department of Children and Families and the Florida Department of Health.

The committee may be asked to provide the AHCA with advice on improving Medicaid recipients' access to specialists and enhancing communication with Medicaid recipients. Members may also be asked to review and provide input on a variety of Medicaid materials and to make recommendations to the AHCA about Medicaid policies, rules, and procedures.⁹⁸

Medicaid Oversight Committees in Other States

Medicaid oversight committees similar to the committee created by the bill exist in the following states:

- Connecticut;⁹⁹

⁹³ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ 42 C.F.R. § 431.12

⁹⁷ Florida Agency for Health Care Administration, *Medical Care Advisory Committee*, available at <https://ahca.myflorida.com/medicaid/medical-care-advisory-committee> (last visited Mar. 16, 2025).

⁹⁸ Florida Agency for Health Care Administration, *Medical Care Advisory Committee*, available at <https://ahca.myflorida.com/medicaid/medical-care-advisory-committee> (last visited Mar. 16, 2025).

⁹⁹ The Connecticut Council on Medical Assistance Program Oversight, referred to as the Medical Assistance Program Oversight Council (MAPOC), biannually reports to the General Assembly as required under state law. The Medical Assistance Program Oversight Council (previously called the Medicaid Managed Care Council) is a collaborative body established by the General Assembly in 1994 to initially advise the Connecticut Department of Social Services (DSS) on the development and implementation of Connecticut's Medicaid Managed Care Program (HUSKY A). Legislation in 2011

- Illinois;¹⁰⁰
- Indiana;¹⁰¹
- Iowa;¹⁰²
- Louisiana;¹⁰³
- North Carolina;¹⁰⁴ and

revised state law to include council oversight of the Medicaid HUSKY Health Program that encompasses all Medicaid enrollees' health care. State statute charges the council with monitoring and advising DSS on matters including, but not limited to, program planning and implementation of the new delivery system under Administrative Service Organizations (ASOs), transitional issues from managed care, eligibility standards, benefits, health care access, and quality measures. Connecticut General Assembly, *Council on Medical Assistance Program Oversight*, available at <https://www.cga.ct.gov/ph/med/> (last visited Mar. 16, 2025).

¹⁰⁰ The Illinois Medicaid Managed Care Oversight Commission was created within the Illinois Department of Healthcare and Family Services (HFS) to evaluate the effectiveness of the Illinois managed care program. The HFS details the [membership composition](#) and the [commission requirements](#). Illinois Department of Healthcare and Family Services, *Medicaid Managed Care Oversight Commission*, available at <https://hfs.illinois.gov/about/boardsandcommissions/medicaidmanagedcareoversightcommission.html> (last visited Mar. 16, 2025).

¹⁰¹ The Indiana Medicaid Oversight Committee was created to review, consider, and make recommendations concerning all requests for new services and changes in existing services for the state Medicaid program. Indiana General Assembly, *Medicaid Oversight Committee*, available at <https://iga.in.gov/2023/committees/interim/medicaid-oversight-committee> (last visited Mar. 16, 2025).

¹⁰² The Iowa Joint Health Policy Oversight Committee was established in 2015 to provide continuing oversight for Medicaid managed care, ensure effective and efficient administration of the program, address stakeholder concerns, monitor program costs and expenditures, and make recommendations to the General Assembly. Levin Center for Oversight and Democracy, Levin Center Home, *New Series Oversight Overview: Medicaid Oversight Committees*, available at <https://www.levin-center.org/introducing-oversight-overview-medicaid-oversight-committees/> (last visited Mar. 16, 2025).

The Iowa Legislature, *Health Policy Oversight Committee (J)*, available at <https://www.legis.iowa.gov/committees/committee?groupID=24165&ga=91> (last visited Mar. 16, 2025).

¹⁰³ The Louisiana Joint Medicaid Oversight Committee was established in 2020 to improve oversight and teach appointed legislators the complexities of the program, which consists of nearly half of the state's budget. Duties of the committee are as follows: to monitor, review, and make recommendations; to review the compliance of the Louisiana Department of Health; and to plan, advertise, organize, and conduct forums, conferences, and other meetings in which representatives of state agencies, and other individuals with expertise in the state Medicaid program, may participate to increase knowledge and understanding of the state Medicaid program, as well as propose improvements. The committee can hold hearings, require the production of books and records, and may call upon staff of any department, agency, or official of the state for data and assistance.

Levin Center for Oversight and Democracy, Levin Center Home, *New Series Oversight Overview: Medicaid Oversight Committees*, available at <https://www.levin-center.org/introducing-oversight-overview-medicaid-oversight-committees/> (last visited Mar. 16, 2025).

¹⁰⁴ North Carolina's Joint Legislative Oversight Committee on Medicaid and NC Health Care is responsible for examining the budget, finance, administration, and operational issues related to the programs. The committee can gain access to any paper or document and may compel the attendance of any state official or employee before the committee or secure any evidence and issue subpoenas. The committee receives reports from the North Carolina Department of Health and Human Services (DHHS) throughout the session, and the DHHS is required to send a copy of any report to the General Assembly or committee to the co-chairs of the Medicaid Oversight Committee.

Levin Center for Oversight and Democracy, Levin Center Home, *New Series Oversight Overview: Medicaid Oversight Committees*, available at <https://www.levin-center.org/introducing-oversight-overview-medicaid-oversight-committees/> (last visited Mar. 16, 2025).

- Ohio.¹⁰⁵

III. Effect of Proposed Changes:

Section 1 modifies s. 1.01, F.S., to create a statutory definition for the term “Legislative Committee on Medicaid Oversight” to specify a committee designated by joint rule of the Legislature, by the President of the Senate or the Speaker of the House of Representatives, or by agreement between the President of the Senate and the Speaker of the House of Representatives.

Section 2 creates s. 11.405, F.S., to establish the Joint Legislative Committee on Medicaid Oversight to ensure the state Medicaid program is operating in accordance with the Legislature’s intent and to promote transparency and efficiency in government spending.

The bill requires that the committee be composed of five members of the Senate appointed by the President of the Senate and five members of the House of Representatives appointed by the Speaker of the House of Representatives, with each member serving a two-year term. The chair and vice chair must be appointed for one-year terms, with the appointments alternating between the President of the Senate and the Speaker of the House of Representatives. The chair and vice chair may not be members of the same house of the Legislature, and if both the chair and the vice chair are absent at any meeting, the members present must elect a temporary chair by a majority vote.

The bill requires that members serve without compensation, but authorizes reimbursement for per diem and travel expenses pursuant to s. 112.061, F.S. The bill authorizes the chair to establish subcommittees as needed to fulfill committee duties. The bill also requires the committee to convene at least twice a year, and as often as necessary to conduct its business. Meetings may be held through teleconference or other electronic means.

The bill requires the committee to evaluate all aspects of the state Medicaid program related to program financing, quality of care and health outcomes, administrative functions, and operational functions to ensure the program is providing transparency in the provision of health care plans and providers, ensuring access to quality health care services to Medicaid recipients, and providing stability to the state’s budget through a health care delivery system designed to contain costs.

¹⁰⁵ The Ohio General Assembly established the Joint Medicaid Oversight Committee in 2014 to continuously oversee the state’s Medicaid program. The committee’s responsibilities include ensuring Medicaid compliance aligns with legislative objectives, assessing the long-term effects of legislation on Medicaid, and aiding in controlling spending growth while enhancing the quality of care and health outcomes for Medicaid beneficiaries in the state. Apart from possessing subpoena power, the committee and its staff are authorized to conduct unannounced inspections of Medicaid offices within state and local governments. The committee requires regular reports from the Ohio Department of Medicaid on issues, including access barriers, program participation, and the needs of low-income pregnant women and children. The State Auditor provides reports to the committee upon request. Levin Center for Oversight and Democracy, Levin Center Home, *New Series Oversight Overview: Medicaid Oversight Committees*, available at <https://www.levin-center.org/introducing-oversight-overview-medicaid-oversight-committees/> (last visited Mar. 16, 2025).

The bill requires the committee to identify and recommend policies that limit Medicaid spending growth while improving health care outcomes for Medicaid recipients. In developing its recommendations, the committee must do the following:

- Evaluate legislation for its long-term impact on the state Medicaid program.
- Review data submitted to the Agency for Health Care Administration (AHCA) by Medicaid managed care plans pursuant to statutory and contract requirements, including, but not limited to, timeliness of provider credentialing, timely payment of claims, rate of claim denials, prior authorization for services, and consumer complaints.
- Review the Medicaid managed care plans' encounter data, financials, and audits and the data used to calculate the plans' achieved savings rebates and medical loss ratios.
- Review data related to health outcomes of Medicaid recipients, including, but not limited to, Healthcare Effectiveness Data and Information Set measures for each Medicaid managed care plan, each Medicaid managed care plan's performance improvement projects, and outcome data related to all quality goals included in the Medicaid managed care organization contracts to improve quality for recipients.
- Identify any areas for improvement in statute and rule relating to the state Medicaid program.
- Develop a plan of action for the future of the state Medicaid program.

The bill authorizes the committee to submit periodic reports, including recommendations, to the Legislature on issues related to the state Medicaid program and any affiliated programs.

The bill requires the Auditor General and the AHCA to enter into and maintain a data sharing agreement by July 1, 2025, to ensure the committee has full access to all data needed to fulfill its responsibilities. The Auditor General must assist the committee in its work by providing credentialed professional staff or consulting services, including, but not limited to, an actuary not associated with the state Medicaid program or any Medicaid managed care organization who currently has a contract with the state.

The bill requires the committee to be given access to any relevant record, paper, or document in possession of a state agency, any political subdivision of the state, or any entity engaged in business or under contract with a state agency during the course of its official duties. The committee may compel the attendance and testimony of any state official or employee before the committee or secure any evidence as provided in s. 11.143, F.S. The bill provides that the committee shall also have any other powers conferred on it by joint rules of the Senate and the House of Representatives, and any joint rules of the Senate and the House of Representatives applicable to joint legislative committees apply to the proceedings of the committee.

The bill requires the AHCA to notify the committee of any change to the Medicaid managed care capitation rates and to appear before the committee to provide a report detailing the managed care capitation rates and administrative costs built into the capitation rates before implementation of any change to the capitation rates. The report must include the AHCA's historical and projected Medicaid program expenditure and utilization trend rates by Medicaid program and service category for the rate year, an explanation of how the trend rates were calculated, and the policy decisions that were included in setting the capitation rates.

If the AHCA or any division within the AHCA is required by law to report to the Legislature or to any legislative committee or subcommittee on matters relating to the state Medicaid program, the bill requires the AHCA to submit a copy of the report to the committee.

Section 2 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 bill could result in an indeterminate fiscal impact on state expenditures. While member reimbursement for per diem and travel expenses, pursuant to s. 112.061, F.S., is nominal, the Office of the Auditor General, the Agency for Health Care Administration (AHCA), and the Statewide Medicaid Managed Care (SMMC) plans may experience an increased workload, impacting all entities administratively and/or operationally, potentially creating a need for additional staff and resources.

According to the AHCA, the function of the committee would result in the duplication of efforts already conducted by the AHCA, its contracted vendors, the Office of the Auditor General, the SMMC plans, and the federal Centers for Medicare & Medicaid Services.¹⁰⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Agency for Health Care Administration (AHCA) expressed the bill may cause delays in Statewide Medicaid Managed Care rate setting that could impact the AHCA's ability to comply with federal Medicaid managed care laws.¹⁰⁷

VIII. Statutes Affected:

This bill substantially amends section 1.01 of the Florida Statutes.

This bill creates section 11.405 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 15, 2025:

The committee substitute modifies s. 1.01, F.S., to provide a definition for the term “Legislative Committee on Medicaid Oversight” to specify a committee designated by joint rule of the Legislature, by the presiding officer of either house of the Legislature, or by agreement between the presiding officers. The committee substitute also removes the language that would establish the new joint committee within the Office of the Auditor General.

B. Amendments:

None.

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

¹⁰⁶ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

¹⁰⁷ Agency for Health Care Administration, *Senate Bill 1060 Bill Analysis* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).

By the Appropriations Committee on Health and Human Services;
and Senator Brodeur

603-03589-25

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A bill to be entitled

An act relating to Medicaid oversight; amending s. 1.01, F.S.; defining the term "Legislative Committee on Medicaid Oversight"; creating s. 11.405, F.S.; establishing the Joint Legislative Committee on Medicaid Oversight for specified purposes; providing for membership, subcommittees, and meetings of the committee; specifying duties of the committee; requiring the Auditor General and the Agency for Health Care Administration to enter into a data sharing agreement by a specified date; requiring the Auditor General to assist the committee; providing that the committee must be given access to certain records, papers, and documents; authorizing the committee to compel testimony and evidence according to specified provisions; providing for additional powers of the committee; providing that certain joint rules of the Legislature apply to the proceedings of the committee; requiring the agency to notify the committee of certain changes and provide a report of specified information to the committee; requiring the agency to submit a copy of certain reports to the committee; providing an effective date.

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

Section 1. Subsection (20) is added to section 1.01, Florida Statutes, to read:

1.01 Definitions.—In construing these statutes and each and

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every word, phrase, or part hereof, where the context will permit:

(20) The term "Legislative Committee on Medicaid Oversight" means a committee or committees designated by joint rule of the Legislature, by the President of the Senate or the Speaker of the House of Representatives, or by agreement between the President of the Senate and the Speaker of the House of Representatives.

Section 2. Section 11.405, Florida Statutes, is created to read:

11.405 Joint Legislative Committee on Medicaid Oversight.—The Joint Legislative Committee on Medicaid Oversight is created to ensure that the state Medicaid program is operating in accordance with the Legislature's intent and to promote transparency and efficiency in government spending.

(1) MEMBERSHIP; SUBCOMMITTEES; MEETINGS.—

(a) The committee shall be composed of five members of the Senate appointed by the President of the Senate and five members of the House of Representatives appointed by the Speaker of the House of Representatives, with each member serving a 2-year term. The chair and vice chair shall be appointed for 1-year terms, with the appointments alternating between the President of the Senate and the Speaker of the House of Representatives. The chair and vice chair may not be members of the same house of the Legislature. If both the chair and vice chair are absent at any meeting, the members present must elect a temporary chair by a majority vote.

(b) Members shall serve without compensation but may be reimbursed for per diem and travel expenses pursuant to s.

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112.061.

(c) The chair may establish subcommittees as needed to fulfill the committee's duties.

(d) The committee shall convene at least twice a year, and as often as necessary to conduct its business as required under this section. Meetings may be held through teleconference or other electronic means.

(2) COMMITTEE DUTIES.—

(a) The committee shall evaluate all aspects of the state Medicaid program related to program financing, quality of care and health outcomes, administrative functions, and operational functions to ensure the program is providing transparency in the provision of health care plans and providers, ensuring access to quality health care services to Medicaid recipients, and providing stability to the state's budget through a health care delivery system designed to contain costs.

(b) The committee shall identify and recommend policies that limit Medicaid spending growth while improving health care outcomes for Medicaid recipients. In developing its recommendations, the committee shall do all of the following:

1. Evaluate legislation for its long-term impact on the state Medicaid program.

2. Review data submitted to the agency by the Medicaid managed care plans pursuant to statutory and contract requirements, including, but not limited to, timeliness of provider credentialing, timely payment of claims, rate of claim denials, prior authorizations for services, and consumer complaints.

3. Review the Medicaid managed care plans' encounter data,

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financials, and audits and the data used to calculate the plans' achieved savings rebates and medical loss ratios.

4. Review data related to health outcomes of Medicaid recipients, including, but not limited to, Health Effectiveness Data and Information Set measures for each Medicaid managed care plan, each Medicaid managed care plan's performance improvement projects, and outcome data related to all quality goals included in the Medicaid managed care organization contracts to improve quality for recipients.

5. Identify any areas for improvement in statute and rule relating to the state Medicaid program.

6. Develop a plan of action for the future of the state Medicaid program.

(c) The committee may submit periodic reports, including recommendations, to the Legislature on issues related to the state Medicaid program and any affiliated programs.

(3) COOPERATION.—

(a) The Auditor General and the Agency for Health Care Administration shall enter into and maintain a data sharing agreement by July 1, 2025, to ensure the committee has full access to all data needed to fulfill its responsibilities.

(b) The Auditor General shall assist the committee in its work by providing credentialed professional staff or consulting services, including, but not limited to, an actuary not associated with the state Medicaid program or any Medicaid managed care organization who currently has a contract with the state.

(c) The committee, in the course of its official duties, must be given access to any relevant record, paper, or document

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117 in possession of a state agency, any political subdivision of
118 the state, or any entity engaged in business or under contract
119 with a state agency, and may compel the attendance and testimony
120 of any state official or employee before the committee or secure
121 any evidence as provided in s. 11.143. The committee shall also
122 have any other powers conferred on it by joint rules of the
123 Senate and the House of Representatives, and any joint rules of
124 the Senate and the House of Representatives applicable to joint
125 legislative committees apply to the proceedings of the committee
126 under this section.

127 (4) AGENCY REPORTS.—

128 (a) Before implementing any change to the Medicaid managed
129 care capitation rates, the Agency for Health Care Administration
130 shall notify the committee of the change and appear before the
131 committee to provide a report detailing the managed care
132 capitation rates and administrative costs built into the
133 capitation rates. The report must include the agency's
134 historical and projected Medicaid program expenditure and
135 utilization trend rates by Medicaid program and service category
136 for the rate year, an explanation of how the trend rates were
137 calculated, and the policy decisions that were included in
138 setting the capitation rates.

139 (b) If the Agency for Health Care Administration or any
140 division within the agency is required by law to report to the
141 Legislature or to any legislative committee or subcommittee on
142 matters relating to the state Medicaid program, the agency must
143 also submit a copy of the report to the committee.

144 Section 3. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Ed Hooper, Chair
Appropriations Committee

Subject: Committee Agenda Request

Date: April 17, 2025

I respectfully request that **Senate Bill # 1060**, relating to Medicaid Oversight, be placed on the:

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

A handwritten signature in black ink that reads "Jason Brodeur". The signature is fluid and cursive, with a long horizontal stroke at the end.

Senator Jason Brodeur
Florida Senate, District 10

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 Appropriations

BILL: CS/CS/CS/SB 1348

INTRODUCER: Appropriation Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator Trumbull

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 23, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	Fav/CS
2. Wells	Nortelus	ATD	Fav/CS
3. Wells	Sadberry	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1348 amends various provisions related to the Department of Highway Safety and Motor Vehicles (DHSMV), including tax collector duties and responsibilities, driver license issuance and revocation, and disabled parking permits. Specifically, the bill:

- Enhances penalties related to the "Florida Ban on Texting While Driving Law" and directs the DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving.
- Prohibits and penalizes a person who, without authorization from the DHSMV or a tax collector, sells or offers to sell service appointments offered by the DHSMV or an authorized tax collector.
- Authorizes tax collectors to deliver certain documents by mail or make them available at the tax collector's office.
- Allows tax collectors to process applications for duplicate certificates of title.
- Allows a disabled veteran who meets certain requirements to be issued a military/special or specialty license plate embossed with the initials "DV" in the top left-hand corner and provides that disabled veteran-designated military/special or specialty license plates must be processed in the specified manner.
- Revises the requirements governing the issuance of permanent disabled parking permits.
- Amends legislative intent language to provide that the transition of driver license issuance services from the DHSMV to tax collectors must be completed no later than June 30, 2027.
- Requires certain driver license applicants to retake examinations.

- Authorizes tax collectors to process specified transactions using the DHSMV’s online license and registration portal and offer licensees certain charitable donation options.
- Requires the revocation of a restricted driving privilege in certain circumstances.

The bill will have an indeterminate negative fiscal impact on the government sector. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Florida Ban on Texting While Driving Law

The legislative intent of the “Florida Ban on Texting While Driving Law” is to:

- Improve roadway safety for all vehicle operators, vehicle passengers, bicyclists, pedestrians, and other road users;
- Prevent crashes related to the act of text messaging while driving a motor vehicle;
- Reduce injuries, deaths, property damage, health care costs, health insurance rates, and automobile insurance rates related to motor vehicle crashes; and
- Authorize law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving.¹

Prohibition

The Florida Ban on Texting While Driving Law prohibits a person from operating a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging.² The term “wireless communications device” is defined as any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service and that allows text communications.³

A motor vehicle that is stationary is not being operated and, therefore, is not subject to this prohibition.⁴ Additionally, the prohibition does not apply to a motor vehicle operator who is:

- Performing official duties as an operator of an authorized emergency vehicle, a law enforcement or fire service professional, or an emergency medical services professional;
- Reporting an emergency or criminal or suspicious activity to law enforcement authorities;
- Receiving messages that are related to the operation or navigation of the motor vehicle; safety-related information, including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio broadcasts;
- Using a device or system for navigation purposes;

¹ Section 316.305(2), F.S.

² Section 316.305(3)(a), F.S.

³ *Id.*

⁴ *Id.*

- Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function;
- Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function; and
- Operating an autonomous vehicle with the automated driving system engaged.⁵

Enforcement and Penalties

A law enforcement officer who stops a motor vehicle for a violation of the Florida Ban on Texting While Driving Law must inform the motor vehicle operator of his or her right to decline a search of his or her wireless communications device and may not:

- Access the wireless communications device without a warrant;
- Confiscate the wireless communications device while awaiting issuance of a warrant to access such device; and
- Obtain consent from the motor vehicle operator to search his or her wireless communications device through coercion or other improper method. Consent to search a motor vehicle operator's wireless communications device must be voluntary and unequivocal.⁶

A first violation of the ban on texting while driving is punishable as a nonmoving violation and carries a \$30 fine plus court costs,⁷ which could result in a total fine up to \$108.⁸ A second or subsequent violation of the ban committed within five years after the date of a prior conviction is a moving violation and carries a \$60 fine plus court costs,⁹ which could result in a total fine up to \$158.¹⁰

Data Collection and Reporting Requirement

When a law enforcement officer issues a citation for a violation of the Florida Ban on Texting While Driving Law, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report the information to the Department of Highway Safety and Motor Vehicles (DHSMV) by April 1 annually in a form and manner determined by the DHSMV. The DHSMV must annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.¹¹

⁵ Section 316.305(3)(b), F.S.

⁶ Section 316.305(3)(c), F.S.

⁷ Section 316.305(4)(a), F.S. *See also* ch. 318, F.S.

⁸ Florida Court Clerks and Comptrollers, *2023 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording*, p. 39, https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 6, 2025).

⁹ Section 316.305(4)(b), F.S. *See also* Ch. 318, F.S.

¹⁰ Florida Court Clerks and Comptrollers, *supra* note 8, at p. 42.

¹¹ Section 316.305(5), F.S.

Ban on the Use of Wireless Communications Devices in a Handheld Manner in School and Work Zones

Prohibition and Enforcement

In addition to the ban on texting while driving, law enforcement officers are authorized to stop motor vehicles and issue citations to persons who are driving in a designated school crossing, school zone, or work zone area¹²¹³ while using a wireless communications device in a handheld manner.¹⁴ Wireless communications device has the same meaning aforementioned for the Florida Ban on Texting While Driving Law and includes, but is not limited to, a cell phone, a tablet, a laptop, two-way messaging device, or an electronic game that is used or capable of being used in a handheld manner.¹⁵

The ban on the use of wireless communications devices in a handheld manner in school and work zones has almost identical exceptions and enforcement procedures as the Florida Ban on Texting While Driving Law.¹⁶ However, the ban on the use of a wireless communications device in a handheld manner in school and work zones expressly allows the use of a wireless communications device if it is operated in a hands-free or hands-free in voice-operated mode, including, but not limited to, a factory-installed or after-market Bluetooth device while driving.¹⁷

Penalties

A first violation of the ban on the use of wireless communications devices in a handheld manner in school and work zones is punishable as a noncriminal traffic infraction, punishable as a moving violation,¹⁸ and a violator will have 3 points assessed against his or her driver license.¹⁹ For a first offense, in lieu of the \$60 fine, additional court costs, and the assessment of points, a person may elect to participate in a wireless communications device driving safety program approved by the DHSMV. Upon completion of such program, the penalty and associated costs may be waived by the clerk of the court and the assessment of points must be waived.²⁰

Additionally, the clerk of the court may dismiss a case and assess court costs for a nonmoving traffic infraction for a person who is cited for a first-time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.²¹ All the proceeds collected from

¹² Section 316.003(111), F.S., defines work zone as the area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

¹³ Section 316.306(3)(a), F.S., provides that the prohibition on work zone areas is only applicable if the construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area.

¹⁴ Sections 316.306(2) and 316.306(3)(a), F.S.

¹⁵ Section 316.306(1), F.S.

¹⁶ Section 316.306(3), F.S.

¹⁷ *Id.*

¹⁸ Chapter 318, F.S., provides that such violation carries a \$60 fine plus court costs.

¹⁹ Section 316.306(4)(a), F.S.

²⁰ *Id.*

²¹ Section 316.306(4)(b), F.S.

such penalties must be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.²²

Data Collection and Reporting Requirement

When a law enforcement officer issues a citation for a violation of the ban on the use of wireless communications device in a handheld manner in school and work zones, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and must report such information to the DHSMV in a form and manner determined by the DHSMV. The DHSMV must annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.²³

Driver Improvement Schools

The DHSMV currently approves and regulates the courses of all driver improvement schools. They are responsible for setting and modifying course content requirements to keep with current laws and safety information. They must annually review changes made to major traffic laws of the state and change course content accordingly.²⁴

As previously discussed, under certain circumstances a person may take a driver improvement course to waive the fees and fines associated with a traffic violation.

Sale of Service Appointments

Current law does not prohibit a person from selling or offering to sell a service appointment offered by an office of the DHSMV or an office of a tax collector acting as an authorized agent of the DHSMV. The DHSMV and authorized tax collectors offer various service appointments, including those relating to the issuance of:

- Driver licenses and identification cards;
- Motor Vehicle, mobile home and vessel registrations; and
- Certificate of titles for motor vehicles, mobile homes, and vessels.²⁵

Currently, certain private entities have been accused of booking DHSMV-related appointments and selling them for money. For example, officials with the Miami-Dade Tax Collector's Office have indicated that they, "have uncovered a network of appointment scalpers that are profiting

²² Section 316.306(5), F.S.

²³ Section 316.306(6), F.S.

²⁴ Section 318.1451, F.S.

²⁵ See Chs 319, 320, 322, and 328, F.S.

from [such] appointments.”²⁶ The Miami-Dade Tax Collector has found that certain entities are using fake accounts and selling appointments at prices ranging from \$25 to \$250.²⁷

Certificate of Original and Duplicate Title Issuance

An application for a certificate of title must be filed with the DHSMV, and must be accompanied by the required fee of \$75.75 (or \$87.75 for a vehicle with an out-of-state title).²⁸ If a certificate of title has previously been issued for a motor vehicle or mobile home in this state, the application for a certificate of title must be accompanied by the certificate of title duly assigned, or assigned and reassigned.²⁹ If the motor vehicle or mobile home for which application for a certificate of title is made is a new motor vehicle or new mobile home for which one or more manufacturers’ statements of origin are required by the provisions of the application for a certificate of title must be accompanied by all such manufacturers’ statements of origin.³⁰

A duly authorized person must sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the motor vehicle or mobile home, as shown in the records of the DHSMV or as shown in the application, deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application.³¹

Lost or Destroyed Certificates

If a certificate of title is lost or destroyed, application for a duplicate copy must be made to the DHSMV by the owner of the motor vehicle or mobile home or the holder of a lien on a form prescribed by the DHSMV and accompanied by the fee prescribed in ch. 319, F.S. The application must be signed and sworn to by the applicant.³² The DHSMV must issue a duplicate copy of the certificate of title to the person entitled to receive the certificate of title under the provisions of ch. 319, F.S.³³

Mailing of Registration Certificates, License Plates, and Validation Stickers

The DHSMV and tax collectors may, at the request of the applicant, use the United States Postal Service to deliver registration certificates and renewals, license plates, mobile home stickers, and validation stickers to applicants.³⁴

²⁶ Kevin Boulandier, [Driving schools are booking up DMV appointments and selling them for hundreds of dollars, officials say](#), Miami 7 News, March 17, 2025. See also Amanda Plasencia, [Miami-Dade County tax collector uncovers network of scalpers selling DMV appointments](#), NBC 6 South Florida, March 18, 2025.

²⁷ *Id.*

²⁸ Section 319.23(1), F.S.

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 319.24(2), F.S.

³² Section 319.29(4), F.S.

³³ *Id.*

³⁴ Section 320.031(1), F.S.

Disabled Veteran (“DV”) License Plate

Section 320.084(1), F.S., requires one free “DV” motor vehicle license number plate to be issued by the DHSMV for use on any motor vehicle owned or leased by any disabled veteran who has been a Florida resident continuously for the preceding five years or has established a domicile in this state, and who has been honorably discharged from the United States Armed Forces.³⁵

Additionally, a disabled veteran who meets these requirements may be issued, in lieu of the “DV” license plate, a military license plate for which he or she is eligible, or a specialty license plate. A disabled veteran who elects a military license plate or specialty license plate, must pay all applicable fees related to such license plate, except for fees otherwise waived.³⁶

Personalized License Plates

Section 320.0805, F.S., requires DHSMV to issue a personalized license plate to any owner or lessee of a motor vehicle, upon application and payment of the appropriate license fees and taxes associated with the sale of the personalized license plate.³⁷

Issuance of Permanently Disabled Parking Permits

The DHSMV or its authorized agents must, upon application and receipt of the required fee, issue a disabled parking permit for a period of up to 4 years, which period ends on the applicant’s birthday, to any person who has long-term mobility impairment. No person will be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.³⁸

In order for an applicant to be certified as having a long-term mobility impairment for a disabled parking permit, they must meet one of the following criteria:

- Is certified legally blind.
- Has an inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person’s ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.
- The need to permanently use a wheelchair.
- Restriction by lung disease to the extent that the person’s forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the person’s arterial oxygen is less than 60 mm/hg on room air at rest.
- Use of portable oxygen.
- Restriction by cardiac condition to the extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.

³⁵ Section 320.084(1), F.S.

³⁶ Section 320.084(6)(a), F.S.

³⁷ Section 320.0805, F.S.

³⁸ Section 320.0848(1)(a), F.S.

- Severe limitation in the person’s ability to walk due to an arthritic, neurological, or orthopedic condition.³⁹

The certification of the disability listed above must be provided by a specified physician, with certain requirements related to the long-term mobility impairment. The certificate of disability must include the:

- Disability of the applicant;
- Certifying practitioner’s name, address, and certification number;
- Eligibility criteria for the permit;
- Penalty for falsification by either the certifying practitioner or applicant;
- Duration of the condition that entitles the applicant for the permit;
- Justification for any additional placard;
- Statement, in bold letters: “A disabled parking permit may be issued only for a medical necessity that severely affects mobility;” and
- Signatures of the applicant’s physician or other certifying practitioner, applicant, and employee of the DHSMV’s authorized agent which is processing the application.⁴⁰

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and must be hung from the vehicle’s rear-view mirror when the vehicle is parked in a designated accessible parking space.⁴¹ Each side of the placard displays the international symbol of accessibility, and a decal indicating the expiration date of the placard. One side of the placard must display the applicant’s Florida driver license or identification card number, along with a warning that the applicant must have such identification at all times while using the permit.⁴²

A law enforcement officer or parking enforcement specialist has the right to demand to be shown the person’s disabled parking permit and driver license or identification card and may charge the person in control of the vehicle with resisting an officer without violence if the person refuses.⁴³

Any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space, or who uses an unauthorized replica of such permit, is guilty of a second degree misdemeanor.⁴⁴

Any person who knowingly makes a false or misleading statement on an application to obtain a disabled parking permit commits a first degree misdemeanor.⁴⁵

³⁹ Section 320.0848(1)(b), F.S.

⁴⁰ Section 320.0848(1)(c), F.S.

⁴¹ DHSMV, Application for Disabled Person Parking Permit, available at <https://www.flhsmv.gov/pdf/forms/83039.pdf> (last visited March 29, 2025).

⁴² An exemption may be obtained from this requirement by the certifying physician in cases where the severity of the disability prevents the person from physically visiting or being transported in order to be issued a driver license or identification card; s. 320.0848(2)(a), F.S.

⁴³ Section 316.1955, F.S.

⁴⁴ Section 320.0848(7), F.S.

⁴⁵ Section 320.0848(6), F.S.

Transition of Driver License Issuance Services to Tax Collectors

Section 322.02, F.S., provides a statement of legislative intent relating to the transition of driver license services from the DHSMV to the tax collectors.⁴⁶ Specifically, the statement provides that it is the intent of the Legislature that the complete transition of all driver license issuance services to tax collectors, who are constitutional officers under s. 1(d), Art. VIII of the State Constitution, be completed no later than June 30, 2015.⁴⁷ The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.⁴⁸

The tax collector in and for his or her county may be designated the exclusive agent of the DHSMV to implement and administer the provisions of ch. 322, F.S., as provided by s. 322.135, F.S.⁴⁹

On November 6, 2018, Florida voters approved Amendment 10 to the Florida Constitution, which provided for the election of tax collectors in all counties, including the counties of Volusia, Broward, and Miami-Dade, who had yet to elect tax collectors in their respective counties. A tax collector for Volusia County was elected in 2021 and began to assume the duties of issuing driver's licenses in its two offices, which was completed at the end of January 2022. Broward and Miami-Dade counties elected new tax collectors in November of 2024, and as of March 2025, have begun the transition of those duties from the DHSMV. Until the transition is complete for Miami-Dade and Broward counties, the DHSMV will continue its driver license services in its eight offices in Miami-Dade County, and its five offices in Broward County. Miami-Dade County has assumed operation of one of the DHSMV's driver license offices as of March 2025.⁵⁰

Driver License Examinations

The DHSMV is required to conduct an examination of every applicant for a driver license, including an applicant who is licensed in another state or country, except under certain conditions.⁵¹ A person who holds a learner's driver license is not required to pay a fee for successfully completing the examination showing his or her ability to operate a motor vehicle and need not pay the fee for a replacement license.⁵²

Class E Driver License

A Class E driver license examination includes all of the following:

- A test of the applicant's eyesight given by the driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician.⁵³

⁴⁶ Section 322.02(1), F.S.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Section 322.02(5), F.S.

⁵⁰ DHSMV, *2025 Legislative Bill Analysis: SB 1348* (March 17, 2025) at p. 4 (on file with the Senate Transportation Committee).

⁵¹ Section 322.12(2), F.S.

⁵² *Id.*

⁵³ Section 322.12(3)(a), F.S.

- A test of the applicant's hearing given by a driver license examiner or a licensed physician.⁵⁴
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances.⁵⁵
- An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.⁵⁶

Commercial Driver License

The examination for a commercial driver license must include the following:

- A test of the applicant's eyesight given by a driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver license examiner or a licensed physician.
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate.
- An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.⁵⁷

The portion of the examination which tests an applicant's safe driving ability must be administered by the DHSMV or by an entity authorized by the DHSMV to administer such examination, pursuant to s. 322.56, F.S. Such an examination must be administered at a location approved by the DHSMV.⁵⁸

A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement as specified in s. 322.57(1)(e) F.S., if the person has not taken and passed the hazardous-materials test within two years preceding his or her application for a commercial driver license in this state.⁵⁹

⁵⁴ Section 322.12(3)(b), F.S.

⁵⁵ Section 322.12(3)(c), F.S.

⁵⁶ Section 322.12(3)(d), F.S.

⁵⁷ Section 322.12(4), F.S.

⁵⁸ Section 322.12(4)(a), F.S.

⁵⁹ Section 322.12(4)(b), F.S.

If the DHSMV has sufficient evidence that an applicant has cheated on an examination, the DHSMV, after providing a notice of rights under ch. 120, F.S., may suspend a person's driver license for one year. When an applicant returns to take the examination, they are charged \$20 for each subsequent examination. If the test is administered by a tax collector, the tax collector retains the \$20 fee, less the general revenue service fee. The tax collector may also charge a \$6.25 service fee.⁶⁰

Driver License Agents - Voluntary Contributions

The DHSMV must authorize by interagency agreement the tax collectors, in accordance with rules of the department, to serve as its agent for the provision of specified driver license services.⁶¹ The services provided by tax collectors are limited to the issuance of driver licenses and identification cards as authorized by ch. 322, F.S.⁶²

Currently, customers do not have the option of rounding up their transaction amount to the next dollar amount to charity, however, customers are allowed to make a voluntary contribution when renewing a driver license or motor vehicle registration to statutorily approved organizations.⁶³

Temporary Disqualification of a Commercial Driver License

A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial driver license, at no cost.⁶⁴ Such person may, upon the completion of his or her disqualification, be issued a commercial driver license, of the type disqualified, for the remainder of his or her unexpired license period.⁶⁵ Eligible persons must pay the reinstatement fee provided in s. 322.21, F.S., before being issued a commercial driver license.⁶⁶ This section of law does not currently reference the term "if eligible," rather it is implied that eligibility is a requirement.

Restricted Driving Privileges

A person whose driving privilege has been revoked under s. 322.27(5) F.S.,⁶⁷ may, upon expiration of 12 months from the date of such revocation, petition the DHSMV for reinstatement of his or her driving privilege.⁶⁸ Upon such petition and after investigation of the person's qualification, fitness, and need to drive, the DHSMV must hold a hearing pursuant to ch. 120,

⁶⁰ DHSMV, *supra* note 20, at 5.

⁶¹ Section 322.135(1), F.S.

⁶² Section 322.135(1)(a), F.S.

⁶³ Section 322.08(8), F.S.

⁶⁴ Section 322.251(4), F.S.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ Section 322.27, F.S., provides that DHSMV shall revoke the license of any person designated a habitual offender, as set forth in s. [322.264](#), and such person is not eligible to be relicensed for a minimum of 5 years from the date of revocation, except as provided for in s. [322.271](#). Any person whose license is revoked may, by petition to DHSMV, show cause why his or her license should not be revoked.

⁶⁸ Section 322.271(1)(b), F.S.

F.S., to determine whether the driving privilege should be reinstated on a restricted basis solely for business or employment purposes.⁶⁹

Return of Certain Suspended Driver Licenses

An examination is not required for the return of a driver license suspended under the following conditions:

- Failure to comply with civil penalty or failure to appear.
- Failure of a person charged with specified offenses under chs. 316 and 320, F.S.
- Failure to comply with directives ordered by traffic court.
- Failure to pay child support in non-IV-D cases.⁷⁰

A person applying for the return of a license suspended under the above conditions must present the DHSMV with certification from the court that he or she has complied with all obligations and penalties imposed pursuant to the conditions, and that they have complied with all the directives of the court, and pay a nonrefundable service fee of \$60, of which \$37.50 shall be deposited into the General Revenue Fund and \$22.50 shall be deposited into the Highway Safety Operating Trust Fund.⁷¹ If reinstated by the clerk of the court or tax collector, \$37.50 must be retained and \$22.50 must be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. Drivers whose licenses are suspended or revoked are required to pay a \$45 fee or \$75 fee under s. 322.21(8), F.S., to reinstate a suspended or revoked license, however, if the \$45 or \$75 fee is paid, the DHSMV will not charge the \$60 fee referenced above.⁷²

III. Effect of Proposed Changes:

Section 1 amends ss. 316.305, F.S., to enhance penalties related to the “Florida Ban on Texting While Driving.” Specifically, the bill does the following:

- Increases the first offense of texting while driving from a nonmoving violation to a moving violation and provides that a person shall have 3 points assessed to his or her driver license. A person may elect to participate in a specific distracted driving program. Upon successful completion, the fine and points may be waived.
- Provides that upon a second or subsequent offense of texting while driving within 5 years the person shall have 4 points assessed to his or her driver license. A person may elect to participate in a specific distracted driving program. Upon successful completion, the fine and points may be waived.

Section 2 amends s. 316.306, F.S. to provide that a person who is in violation of the prohibition on the use of a wireless communication device in a handheld manner while driving in a school or work zone, may also opt to take a distracted driving program to waive the fine and points from his or her driver license.

Section 3 amends s. 316.88, F.S., to provides that unless authorized in writing by the DHSMV or a tax collector, a person is prohibited from selling or offering to sell a service appointment with a

⁶⁹ *Id.*

⁷⁰ Section 322.29(2), F.S.

⁷¹ *Id.*

⁷² *Id.*

DHSMV office, or the office of a tax collector for any the DHSMV-related service authorized in law. The bill provides that any person who violates this prohibition commits a first degree misdemeanor.

Section 4 amends s. 318.14, F.S. to direct the DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving. The course must include testimonials of people whose lives have been affected by death or injury caused by distracted driving.

The bill also provides that all basic driver improvement courses must dedicate at least one hour to distracted driving, and that the course must include testimonials of people whose lives have been affected by death or injury caused by distracted driving.

Section 5 amends s. 319.24, F.S., to allow tax collectors, as authorized agents of the DHSMV, to deliver original certificates of title and corrected certificates by mail or make such certificates available to applicants at tax collectors' offices.

Section 6 amends s. 319.29, F.S., to provide that an application for a duplicate copy of a certificate of title may be fulfilled by the tax collector, acting as an authorized agent of the DHSMV. Upon the applicant's request, the duplicate copy may be issued by the tax collector and provided to the applicant at the tax collector's office or mailed by the tax collector to the applicant's address.

Section 7 amends s. 320.031, F.S., to allow tax collectors the ability to deliver in person at the request of the applicant, registration certificates, renewals, duplicate registration certificates, license plates, mobile home stickers, and validation stickers to the applicant.

Section 8 amends s. 320.084, F.S., to allow a disabled veteran who meets certain requirements to be issued a special or specialty license plate embossed with the initials "DV" in the top left-hand corner. It also provides that a disabled veteran-designated military/special or specialty license must be processed in the same manner as a personalized license plate.

Section 9 amends s. 320.0848, F.S., to provide that the DHSMV must renew the disabled parking permit of a person certified as permanently disabled on the previous application for a subsequent four-year period without requiring the person to provide another certificate of disability, a United States Department of Veteran Affairs Form Letter 27-333, or its equivalent.

The bill would effectively allow a person to continue to apply for a permanently disabled parking permit decal every four years but only have to provide certification of disability from a physician every eight years.

Section 10 amends s. 322.02, F.S., to provide that the transition of all driver license issuance services from the DHSMV to tax collectors, including the transition to the recently elected tax collectors in Broward and Miami-Dade counties, must be completed no later than June 30, 2027. The bill also repeals an existing provision that states that the transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.

The DHSMV has indicated that tax collector offices are largely turn-key operations, and the transition of driver license issuance services to the tax collectors should be completed by December 31, 2026. The Miami-Dade County Tax Collector has committed to transitioning at least three of its offices by June 30, 2026. The Broward County Tax Collector is continuing to assess the timeline to transition operations of the DHSMV's driver license offices. The DHSMV indicates that the budget to operate the 14 driver license offices in Miami-Dade and Broward counties is approximately \$27 million a year. The longer the transition takes, the longer the DHSMV will incur expenses associated with the operation of these driver license offices.⁷³

Section 11 amends s. 322.12, F.S., to explicitly state that a Class E driver license or a commercial driver license applicant who is found to have cheated during or otherwise circumvented any portion of the driver license examination must retake the examination.

Section 12 amends s. 322.135, F.S., to allow tax collectors to process driver license transactions using the DHSMV's online license and registration portal. It also allows tax collectors to offer a licensee or prospective licensee the option to increase the amount of his or her transaction to the next whole dollar amount in order to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services.

According to the DHSMV, the department previously agreed it will build functionality into the myDMV Portal to allow a customer the option to order a credential online and pick it up at their local tax collector's office the same day, if the customer is willing to pay the additional \$6.25 tax collector service fee.⁷⁴

Section 13 amends s. 322.251, F.S., to stipulate that a person whose privilege to operate a commercial motor vehicle is temporarily disqualified, may upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial license, if eligible, at no cost.

Section 14 amends s. 322.271, F.S., to provide that a person whose driving privilege has been revoked under s. 322.27(5) F.S., as a habitual traffic offender, may upon expiration of 12 months from the date of such revocation, petition the DHSMV for reinstatement of his or her driving privilege on a restricted basis for business or employment purposes. If the person subsequently violates the conditions of the restricted driving privilege, the restricted driving privilege must be revoked and the person is not eligible for any driving privilege for the remaining duration of the five-year period after his or her initial license revocation.

Section 15 amends s. 322.66 F.S., to conform a cross-reference.

Section 16 provides that the bill takes effect July 1, 2025.

⁷³ DHSMV, *Supra* note 20 at 6.

⁷⁴ *Id.*

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 DHSMV reports that the bill would not have a fiscal impact related the implementation of a new distracted driving improvement course. The DHSMV currently utilizes third-party vendors to assist in developing and creating driver improvement courses and content.

To the extent the bill delays the transition of driver license issuance services in Broward and Miami-Dade counties from the DHSMV to the recently elected tax collectors in those counties the DHSMV could incur additional, indeterminate expenditures.

The DHSMV reports that the bill would have an indeterminate negative fiscal impact on the department associated with information technology programming and implementation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.305, 316.306, 316.88, 318.14, 319.24, 319.29, 320.031, 320.084, 320.0848, 322.02, 322.12, 322.135, 322.251, 322.271, and 322.66.

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

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

CS/CS/CS by Appropriations on April 22, 2025:

The committee substitute provides that a disabled veteran-designated military/special or specialty license plate must be processed in the same manner as a personalized license plate.

CS/CS by Appropriations Committee on Transportation, Tourism, and Economic Development on April 15, 2025:

The committee substitute:

- Enhances penalties related to the "Florida Ban on Texting While Driving Law." It also directs the DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving, and requires that at least one hour of all basic driver improvement courses must be dedicated to distracted driving content.
- Prohibits a person, without authorization from the DHSMV or a tax collector, from selling or offering to sell service appointments offered by the DHSMV or an authorized tax collector.
- Allows a disabled veteran who meets certain requirements to be issued a special or specialty license plate embossed with the initials "DV" in the top left-hand corner.

CS by Transportation on April 1, 2025:

- Removes the provision related to removing certain commercial motor vehicles from service and the requirement for driver reexamination and third-party testing.
- Provides that a permitholder must continue to apply for a permanently disabled parking permit every four years, but specifies that the permitholder only has to provide certification of disability from a physician every eight years.
- Provides that the transition of driver license issuance services from the DHSMV to the tax collectors must be completed by June 30, 2027.
- Retains the requirement that a driver license applicant who is found to have cheated during the examination must retake the examination but removes an associated fee.

- Removes a provision relating to driver license revocations based solely on convictions for certain nonmoving violations.
- Restores an existing statutory provision that waives a driver license service fee in specified circumstances.

B. Amendments:

None.

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



512774

LEGISLATIVE ACTION

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

The Committee on Appropriations (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Delete line 324
and insert:
subsections (1) and (4). A request for a specialty license plate
under this subsection must be processed as provided in s.
320.0805.

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

And the title is amended as follows:



512774

11 Delete line 37
12 and insert:
13 of "DV" motor vehicle license plates; requiring that
14 requests for certain specialty license plates be
15 processed in a certain manner; amending s.

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

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1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 316.305, F.S.;
 4 revising penalties for the use of a wireless
 5 communications device while operating a motor vehicle;
 6 authorizing certain persons to participate in a
 7 distracted driving safety program approved by the
 8 department; authorizing the waiver of certain
 9 penalties and associated costs, and requiring the
 10 waiver of the assessment of points, upon completion of
 11 such program; amending s. 316.306, F.S.; authorizing a
 12 person to participate in a distracted driving safety
 13 program, upon completion of which certain penalties
 14 and associated costs may, and the assessment of points
 15 must, be waived for certain offenses; creating s.
 16 316.88, F.S.; prohibiting a person from selling or
 17 offering to sell certain service appointments without
 18 the written authorization of the department or a tax
 19 collector; providing criminal penalties; amending s.
 20 318.1451, F.S.; requiring the department to create a
 21 specified driver improvement course related to
 22 distracted driving which driver improvement schools
 23 shall offer to certain persons; requiring that all
 24 basic driver improvement courses include certain
 25 content relating to distracted driving; amending s.
 26 319.24, F.S.; authorizing tax collectors to deliver by
 27 mail or make available at the tax collector's office
 28 certificates of title; amending s. 319.29, F.S.;
 29 providing that certain applications may be fulfilled

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30 by the tax collector acting as an authorized agent of
 31 the department; amending s. 320.031, F.S.; authorizing
 32 the department and tax collectors, as agents of the
 33 department, to deliver certain documents, including
 34 duplicate registration certificates, in person or by
 35 mail; amending s. 320.084, F.S.; providing for
 36 disabled veteran motor vehicle license plates in lieu
 37 of "DV" motor vehicle license plates; amending s.
 38 320.0848, F.S.; requiring the department to renew
 39 certain disabled parking permits for a specified
 40 period without requiring certain documentation;
 41 conforming a provision to changes made by the act;
 42 amending s. 322.02, F.S.; revising the year by which
 43 the Legislature intends that the transition of certain
 44 services to certain tax collectors be completed;
 45 deleting a provision authorizing such transition of
 46 services to appointed charter county tax collectors on
 47 a limited basis; providing that the tax collector is,
 48 rather than may be, designated the exclusive agent of
 49 the department for a specified purpose; amending s.
 50 322.12, F.S.; requiring certain driver license
 51 applicants to retake certain examinations; amending s.
 52 322.135, F.S.; authorizing a tax collector to process
 53 certain transactions using the department's online
 54 license and registration portal; authorizing a tax
 55 collector to offer to a licensee or prospective
 56 licensee a certain donation option; amending s.
 57 322.251, F.S.; authorizing the issuance of a Class E
 58 driver license to certain persons, if eligible;

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amending s. 322.271, F.S.; requiring the revocation of a restricted driving privilege for a specified period in certain circumstances; amending s. 322.66, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Subsection (4) of section 316.305, Florida Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.—

(4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits a noncriminal traffic infraction, punishable as a ~~moving nonmoving~~ violation as provided in chapter 318, and shall have 3 points assessed against his or her driver license as set forth in s. 322.27(3) (d) 8.

(b) A ~~Any~~ person who commits a second or subsequent violation of paragraph (3) (a) within 5 years after the date of a prior conviction for a violation of paragraph (3) (a) commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318, and shall have 4 points assessed against his or her driver license for the purposes of s. 322.27.

(c) In lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates paragraph (3) (a) may elect to participate in a distracted driving safety program approved by the department. Upon the person's completion of such program, the penalty specified in s. 318.18 and associated costs may be waived by the clerk of the court and the assessment of points must be waived.

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Section 2. Subsection (4) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(4) (a) A ~~Any~~ person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation, as provided in chapter 318, and shall have 3 points assessed against his or her driver license as set forth in s. 322.27(3) (d) 8. ~~For a first offense under this section,~~ In lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates this section may elect to participate in a distracted wireless communications device driving safety program approved by the Department of Highway Safety and Motor Vehicles. Upon the person's completion of such program, the penalty specified in s. 318.18 and associated costs may be waived by the clerk of the court and the assessment of points must be waived.

(b) The clerk of the court may dismiss a case and assess court costs in accordance with s. 318.18(12) (a) for a nonmoving traffic infraction for a person who is cited for a first time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.

Section 3. Section 316.88, Florida Statutes, is created to read:

316.88 Sale of appointments prohibited.—Unless authorized in writing by the department or a tax collector acting as an authorized agent of the department, a person may not sell or offer to sell a service appointment with a department office or

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with the office of a tax collector acting as an authorized agent of the department, respectively, for any service authorized by chapter 319, chapter 320, chapter 322, or chapter 328. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Subsection (1) and paragraph (d) of subsection (6) of section 318.1451, Florida Statutes, are amended to read:

318.1451 Driver improvement schools.—

(1)(a) The department shall approve and regulate the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, and 322.291, including courses that use technology as a delivery method.

(b) The department shall create a 4-hour basic driver improvement course specifically related to distracted driving which must include, but need not be limited to, testimonials from people whose lives have been affected by death or injury caused by distracted driving and which driver improvement schools shall offer to persons electing to participate in a distracted driving safety program pursuant to s. 316.305(4)(c) or s. 316.306(4)(a).

(6) The department shall adopt rules establishing and maintaining policies and procedures to implement the requirements of this section. These policies and procedures may include, but shall not be limited to, the following:

(d) *Course content.*—The department shall set and modify course content requirements to keep current with laws and safety information. The department shall annually review changes made to major traffic laws of this state, including s. 316.126(1)(b), and shall require course content for courses referenced in this

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section to be modified in accordance with changes relevant to the courses. Course content includes all items used in the conduct of the course. All basic driver improvement courses must include at least 1 hour dedicated to distracted driving which must include, but need not be limited to, testimonials from people whose lives have been affected by death or injury caused by distracted driving.

Section 5. Subsection (2) of section 319.24, Florida Statutes, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(2) A duly authorized person shall sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the motor vehicle or mobile home, as shown in the records of the department or as shown in the application, must ~~shall~~ deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting such application. Tax collectors, as authorized agents of the department, may deliver original certificates of title and corrected certificates by mail or make such certificates available to applicants at tax collectors' offices. The motor vehicle dealer license number must be submitted to the department when a dealer applies for or receives a duplicate title. The current odometer reading must be submitted on an application for a duplicate title. If there are one or more liens or encumbrances on the motor vehicle or mobile home, the certificate must ~~shall~~ be delivered by the department to the first lienholder as shown by department records or to the owner as indicated in the notice of lien filed by the first

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175 lienholder pursuant to s. 319.27. If the notice of lien filed by
 176 the first lienholder indicates that the certificate should be
 177 delivered to the first lienholder, the department ~~must shall~~
 178 deliver to the first lienholder, along with the certificate, a
 179 form to be subsequently used by the lienholder as a
 180 satisfaction. If the notice of lien filed by the first
 181 lienholder directs the certificate of title to be delivered to
 182 the owner, then, upon delivery of the certificate of title by
 183 the department to the owner, the department ~~must shall~~ deliver
 184 to the first lienholder confirmation of the receipt of the
 185 notice of lien and the date the certificate of title was issued
 186 to the owner at the owner's address shown on the notice of lien
 187 and a form to be subsequently used by the lienholder as a
 188 satisfaction. If the application for certificate shows the name
 189 of a first lienholder different from the name of the first
 190 lienholder as shown by the records of the department or if the
 191 application does not show the name of a judgment lienholder as
 192 shown by the records of the department, the certificate may
 193 ~~shall~~ not be issued to any person until after all parties who
 194 appear to hold a lien and the applicant for the certificate have
 195 been notified of the conflict in writing by the department by
 196 certified mail. If the parties do not amicably resolve the
 197 conflict within 10 days from the date such notice was mailed,
 198 ~~then~~ the department ~~must shall~~ serve notice in writing by
 199 certified mail on all persons appearing to hold liens on that
 200 particular vehicle, including the applicant for the certificate,
 201 to show cause within 15 days from the date the notice is mailed
 202 why it should not issue and deliver the certificate to the
 203 person indicated in the notice of lien filed by the lienholder

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204 whose name appears in the application as the first lienholder
 205 without showing any lien or liens as outstanding other than
 206 those appearing in the application or those which may have been
 207 filed subsequent to the filing of the application for the
 208 certificate. If, within the 15-day period, any person other than
 209 the lienholder shown in the application or a party filing a
 210 subsequent lien, in answer to such notice to show cause, appears
 211 in person or by a representative, or responds in writing, and
 212 files a written statement under oath that his or her lien on
 213 that particular vehicle is still outstanding, the department may
 214 ~~shall~~ not issue the certificate to anyone until after such
 215 conflict has been settled by the lien claimants involved or by a
 216 court of competent jurisdiction. If the conflict is not settled
 217 amicably within 10 days of the final date for filing an answer
 218 to the notice to show cause, the complaining party must shall
 219 have 10 days to obtain a ruling, or a stay order, from a court
 220 of competent jurisdiction; if no ruling or stay order is issued
 221 and served on the department within the 10-day period, it must
 222 ~~shall~~ issue the certificate showing no liens except those shown
 223 in the application or thereafter filed to the original applicant
 224 if there are no liens shown in the application and none are
 225 thereafter filed, or to the person indicated in the notice of
 226 lien filed by the lienholder whose name appears in the
 227 application as the first lienholder if there are liens shown in
 228 the application or thereafter filed. A duplicate certificate or
 229 corrected certificate may shall only show such lien or liens as
 230 were shown in the application and subsequently filed liens that
 231 may be outstanding.

232 Section 6. Present subsection (4) of section 319.29,

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Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

319.29 Lost or destroyed certificates.—

(4) An application for a duplicate copy of a certificate of title may be fulfilled by the tax collector acting as an authorized agent of the department. Upon the applicant's request, the duplicate copy may be issued by the tax collector and provided to the applicant at the tax collector's office or mailed by the tax collector to the applicant's address.

Section 7. Subsection (1) of section 320.031, Florida Statutes, is amended to read:

320.031 Mailing or delivery of registration certificates, license plates, and validation stickers.—

(1) The department and the tax collectors of the several counties of the state, as agents of the department, may at the request of the applicant deliver in person or use United States mail service to deliver registration certificates and renewals thereof, duplicate registration certificates, license plates, mobile home stickers, and validation stickers to applicants.

Section 8. Subsections (1) and (3), paragraphs (a) and (c) of subsection (4), and subsection (6) of section 320.084, Florida Statutes, are amended to read:

320.084 Free motor vehicle license plate to certain disabled veterans.—

(1) One free disabled veteran "DV" motor vehicle license number plate shall be issued by the department for use on any motor vehicle owned or leased by any disabled veteran who has been a resident of this state continuously for the preceding 5 years or has established a domicile in this state as provided by

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s. 222.17(1), (2), or (3), and who has been honorably discharged from the United States Armed Forces, upon application, accompanied by proof that:

(a) A vehicle was initially acquired through financial assistance by the United States Department of Veterans Affairs or its predecessor specifically for the purchase of an automobile;

(b) The applicant has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation; or

(c) The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services.

(3) The department shall, as it deems necessary, require each person to whom a motor vehicle license plate has been issued pursuant to subsection (1) to apply to the department for reissuance of his or her registration license plate. Upon receipt of the application and proof of the applicant's continued eligibility, the department shall issue a new permanent disabled veteran "DV" ~~numerical~~ motor vehicle license plate which shall be of the colors red, white, and blue similar to the colors of the United States flag. The operation of a motor vehicle displaying a disabled veteran "DV" license plate from a previous issue period or a noncurrent validation sticker after the date specified by the department shall subject the owner if he or she is present, otherwise the operator, to the penalty provided in s. 318.18(2). Such permanent license plate

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291 shall be removed upon sale of the vehicle, but may be
 292 transferred to another vehicle owned by such veteran in the
 293 manner prescribed by law. ~~The license number of each plate~~
 294 ~~issued under this section shall be identified by the letter~~
 295 ~~designation "DV."~~ Upon request of any such veteran, the
 296 department is authorized to issue a designation plate containing
 297 only the letters "DV," to be displayed on the front of the
 298 vehicle.

299 (4) (a) With the issuance of each new permanent disabled
 300 veteran "DV" numerical motor vehicle license plate, the
 301 department shall initially issue, without cost to the applicant,
 302 a validation sticker reflecting the owner's birth month and a
 303 serially numbered validation sticker reflecting the year of
 304 expiration. The initial sticker reflecting the year of
 305 expiration may not exceed 27 months.

306 (c) Registration under this section shall be renewed
 307 annually or biennially during the applicable renewal period on
 308 forms prescribed by the department, which shall include, in
 309 addition to any other information required by the department, a
 310 certified statement as to the continued eligibility of the
 311 applicant to receive the disabled veteran special "DV" license
 312 plate. Any applicant who falsely or fraudulently submits to the
 313 department the certified statement required by this paragraph is
 314 guilty of a noncriminal violation and is subject to a civil
 315 penalty of \$50.

316 (6) (a) A disabled veteran who meets the requirements of
 317 subsection (1) may be issued, in lieu of the disabled veteran
 318 ~~"DV"~~ license plate, a military license plate for which he or she
 319 is eligible or a specialty license plate embossed with the

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320 initials "DV" in the top left-hand corner. A disabled veteran
 321 electing a military license plate or specialty license plate
 322 under this subsection must pay all applicable fees related to
 323 such license plate, except for fees otherwise waived under
 324 subsections (1) and (4).

325 (b) A military license plate or specialty license plate
 326 elected under this subsection~~+~~

327 ~~1. Does not provide the protections or rights afforded by~~
 328 ~~ss. 316.1955, 316.1964, 320.0848, 526.141, and 553.5041.~~

329 ~~2.~~ is not eligible for the international symbol of
 330 accessibility as described in s. 320.0842.

331 Section 9. Paragraph (d) of subsection (1) and paragraph
 332 (e) of subsection (2) of section 320.0848, Florida Statutes, are
 333 amended to read:

334 320.0848 Persons who have disabilities; issuance of
 335 disabled parking permits; temporary permits; permits for certain
 336 providers of transportation services to persons who have
 337 disabilities.—

338 (1)

339 (d) The department shall renew the disabled parking permit
 340 of ~~a any~~ person certified as permanently disabled on the
 341 previous application for a subsequent 4-year period without
 342 requiring the person to provide another certificate of
 343 disability or United States Department of Veterans Affairs Form
 344 Letter 27-333, or its equivalent, as applicable. After such 4-
 345 year period, the department shall renew the disabled parking
 346 permit if the person provides a certificate of disability issued
 347 within the last 12 months pursuant to this subsection. A veteran
 348 who has been previously evaluated and certified by the United

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States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability.

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(e) A person who qualifies for a disabled parking permit under this section may be issued an international wheelchair user symbol license plate under s. 320.0843 in lieu of the disabled parking permit; or, if the person qualifies for a disabled veteran “DV” license plate under s. 320.084, such a license plate may be issued to him or her in lieu of a disabled parking permit.

Section 10. Subsections (1) and (5) of section 322.02, Florida Statutes, are amended to read:

322.02 Legislative intent; administration.—

(1) The Legislature finds that over the past several years the department and individual county tax collectors have entered into contracts for the delivery of full and limited driver license services where such contractual relationships best served the public interest through state administration and enforcement and local government implementation. It is the intent of the Legislature that the complete transition of all driver license issuance services to tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution be completed no later than June 30, 2027 ~~2015~~. ~~The transition of services to appointed charter county tax~~

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~~collectors may occur on a limited basis as directed by the department.~~

(5) The tax collector in and for his or her county ~~is~~ may be designated the exclusive agent of the department to implement and administer ~~the provisions of~~ this chapter as provided by s. 322.135.

Section 11. Subsections (3) and (4) of section 322.12, Florida Statutes, are amended to read:

322.12 Examination of applicants.—

(3) (a) For an applicant for a Class E driver license, such examination must ~~shall~~ include all of the following:

1. ~~(a)~~ A test of the applicant's eyesight given by the driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician.

2. ~~(b)~~ A test of the applicant's hearing given by a driver license examiner or a licensed physician.

3. ~~(c)~~ A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances. At least 25 questions within the bank of test questions must address bicycle and pedestrian safety.

4. ~~(d)~~ An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor

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407 vehicle.

408 (b) An applicant who is found to have cheated during, or to
 409 have otherwise circumvented, any portion of the examination must
 410 retake the examination.

411 (4) (a) The examination for an applicant for a commercial
 412 driver license ~~must shall~~ include all of the following:

413 1. A test of the applicant's eyesight given by a driver
 414 license examiner designated by the department or by a licensed
 415 ophthalmologist, optometrist, or physician. ~~and~~

416 2. A test of the applicant's hearing given by a driver
 417 license examiner or a licensed physician.

418 3. ~~The examination shall also include~~ A test of the
 419 applicant's ability to read and understand highway signs
 420 regulating, warning, and directing traffic; his or her knowledge
 421 of the traffic laws of this state pertaining to the class of
 422 motor vehicle which he or she is applying to be licensed to
 423 operate, including laws regulating driving under the influence
 424 of alcohol or controlled substances, driving with an unlawful
 425 blood-alcohol level, and driving while intoxicated; his or her
 426 knowledge of the effects of alcohol and controlled substances
 427 and the dangers of driving a motor vehicle after having consumed
 428 alcohol or controlled substances; and his or her knowledge of
 429 any special skills, requirements, or precautions necessary for
 430 the safe operation of the class of vehicle which he or she is
 431 applying to be licensed to operate.

432 4. ~~In addition, the examination shall include~~ An actual
 433 demonstration of the applicant's ability to exercise ordinary
 434 and reasonable control in the safe operation of a motor vehicle
 435 or combination of vehicles of the type covered by the license

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436 classification which the applicant is seeking, including an
 437 examination of the applicant's ability to perform an inspection
 438 of his or her vehicle.

439 (b) ~~(a)~~ The portion of the examination required under
 440 subparagraph (a)4. which tests an applicant's safe driving
 441 ~~ability~~ shall be administered by the department or by an entity
 442 authorized by the department to administer such examination,
 443 pursuant to s. 322.56. Such examination shall be administered at
 444 a location approved by the department.

445 (c) ~~(b)~~ A person who seeks to retain a hazardous-materials
 446 endorsement must, upon renewal, pass the test for such
 447 endorsement as specified in s. 322.57(1)(e), if the person has
 448 not taken and passed the hazardous-materials test within 2 years
 449 preceding his or her application for a commercial driver license
 450 in this state.

451 (d) An applicant who is found to have cheated during, or to
 452 have otherwise circumvented, any portion of the examination must
 453 retake the examination.

454 Section 12. Paragraph (a) of subsection (1) of section
 455 322.135, Florida Statutes, is amended, and paragraph (d) is
 456 added to that subsection, to read:

457 322.135 Driver license agents.—

458 (1) The department shall, upon application, authorize by
 459 interagency agreement any or all of the tax collectors who are
 460 constitutional officers under s. 1(d), Art. VIII of the State
 461 Constitution in the several counties of the state, subject to
 462 the requirements of law, in accordance with rules of the
 463 department, to serve as its agent for the provision of specified
 464 driver license services.

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(a) These services shall be limited to the issuance of driver licenses and identification cards as authorized by this chapter, transactions for which may be processed by the tax collector using the department's online license and registration portal.

(d) A tax collector may offer a licensee or prospective licensee the option to increase the amount of his or her transaction to the next whole dollar amount in order to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services.

Section 13. Subsection (4) of section 322.251, Florida Statutes, is amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.—

(4) A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial driver license, if eligible, at no cost. Such person may, upon the completion of his or her disqualification, be issued a commercial driver license, of the type disqualified, for the remainder of his or her unexpired license period. Any such person must ~~shall~~ pay the reinstatement fee provided in s. 322.21 before being issued a commercial driver license.

Section 14. Paragraph (b) of subsection (1) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(1)

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(b) A person whose driving privilege has been revoked under s. 322.27(5) may, upon expiration of 12 months from the date of such revocation, petition the department for reinstatement of his or her driving privilege. Upon such petition and after investigation of the person's qualification, fitness, and need to drive, the department shall hold a hearing pursuant to chapter 120 to determine whether the driving privilege shall be reinstated on a restricted basis solely for business or employment purposes. If such person is granted a limited driving privilege and subsequently violates the conditions of the restricted driving privilege, the restricted driving privilege must be revoked and the person is not eligible for any driving privilege for the remaining duration of the 5-year period after his or her initial license revocation.

Section 15. Section 322.66, Florida Statutes, is amended to read:

322.66 Vehicles permitted to be driven during driving skills tests.—A person who does not possess a valid driver license may drive a noncommercial or commercial motor vehicle during a driving skills test conducted in accordance with s. 322.12(3) and (4) (b) ~~s. 322.12(3) and (4) (a)~~, if the person has passed the vision, hearing, road rules, and road signs tests ordinarily administered to applicants for a Class E license, and, if required, has passed the commercial driver license knowledge and appropriate endorsement tests.

Section 16. This act shall take effect July 1, 2026.



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 15, 2025

Re: SB 1348

Dear Chair Hooper,

I respectfully request that Senate Bill 1348, relating to the Department of Highway Safety and Motor Vehicles, be placed on the agenda for the next meeting of the Appropriations 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,

A handwritten signature in black ink, appearing to be "J. Trumbull", written in a cursive style.

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

4/22/25

Meeting Date

Approps

Committee

SB 1348

Bill Number or Topic

512774

Amendment Barcode (if applicable)

Name Tim Qualls

Phone 850-222-7206

Address 216 S. Monroe St.
Street

Email TQUALLS@YULAW.NET

Tally
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 Tax Collectors Association

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 1664

INTRODUCER: Finance and Tax Committee; Community Affairs Committee; and Senator Trumbull

SUBJECT: Local Option Taxes

DATE: April 21, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shuler	Fleming	CA	Fav/CS
2. Byrd	Khan	FT	Fav/CS
3. Byrd	Sadberry	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1664 requires that any local discretionary sales surtax or tourist development tax that must be enacted by a referendum and is in effect on June 30, 2025 must be renewed on or before January 1, 2033 or the expiration date for the tax, whichever is later. The bill provides similar requirements for a tax approved by voters, but not yet levied. A tax must have an expiration date. If local discretionary sales surtax or tourist development tax levies are pledged for debt service, the levy may continue until the debt is retired and the levy will be subject to renewal the following January 1st. Additionally, an ordinance must specify certain information about the indebtedness. None of these changes affect the pension liability discretionary sales surtax.

The bill also provides requirements for the local option food and beverage tax in certain cities. A tax levied and in effect on June 30, 2025, must be reenacted by an ordinance approved in a referendum on or before January 1, 2033, or the expiration date for the tax as of June 30, 2025, whichever is later. A tax must have an expiration date.

The Revenue Estimating Conference determined that CS/SB 1664 does not have a revenue impact. Staff estimate that CS/CS/SB 1664 will also not have a revenue impact. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Local Discretionary Sales Surtaxes

Counties have been granted limited authority to levy a discretionary sales surtaxes for specific purposes on all transactions occurring in the county subject to the state sales tax in ch. 212, F.S., and on communications services as defined in ch. 202, F.S.¹ A discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered into, and is levied in addition to the state sales and use tax of 6 percent. The surtax does not apply to the sales price above \$5,000 on any item of tangible personal property.

Approved purposes for levying a surtax include:

- Operating a transportation system;²
- Financing local government infrastructure projects;³
- Providing additional revenue for specified small counties;⁴
- Providing medical care for indigent persons;⁵
- Funding trauma centers;⁶
- Operating, maintaining, and administering a county public general hospital;⁷
- Constructing and renovating schools;⁸
- Providing emergency fire rescue services and facilities; and⁹
- Funding pension liability shortfalls.¹⁰

Current rates range from 0.5% to 2.0% in each of the 65 counties currently levying one or more surtaxes.¹¹ Many of the levies have restrictions on what combination of taxes can be levied by a single county at one time.¹²

¹ The tax rates, duration of the surtax, method of imposition, and proceed uses are individually specified in s. 212.055, F.S. General limitations, administration, and collection procedures are set forth in s. 212.054, F.S.

² Section 212.055(1), F.S.

³ Section 212.055(2), F.S.

⁴ Section 212.055(3), F.S. Note that the small county surtax may be levied by extraordinary vote of the county governing board if the proceeds are to be expended only for operating purposes.

⁵ Section 212.055(4)(a), F.S. (for counties with more than 800,000 residents); Section 212.055(7), F.S. (for counties with less than 800,000 residents).

⁶ Section 212.055(4)(b), F.S.

⁷ Section 212.055(5), F.S.

⁸ Section 212.055(6), F.S.

⁹ Section 212.055(8), F.S.

¹⁰ Section 212.055(9), F.S.

¹¹ Fla. Dep't of Revenue, *Discretionary Sales Surtax Information for Calendar Year 2025, Form DR-15DSS*, available at https://floridarevenue.com/Forms_library/current/dr15dss.pdf (last visited April 10, 2025)

¹² See, e.g., ss. 212.055(4)(a)6., F.S., 212.055(5)(f), F.S., and s. 212.055(9)(g), F.S.

Fiscal Year 2023-24 levies for these taxes were as follows:

Surtax	Florida Statute	Counties Levying/ Can Levy ¹³	2023-24 Statewide Revenue ¹⁴
Charter County Transportation	Section 212.055(1), F.S.	3/23	\$1.07 Billion
Local Gov't Infrastructure	Section 212.055(2), F.S.	26/67	\$2.32 Billion
Small County	Section 212.055(3), F.S.	30/31	\$211 Million
Indigent Care (divided by population)	Sections 212.055(4)(a), F.S. and 212.055(7), F.S.	1/9 (greater than 800k); 5/58 (fewer than 800k)	\$195 Million; \$88 Million
Trauma Center	Section 212.055(4)(b), F.S.	0/58	\$ -
County General Hospital	Section 212.055(5), F.S.	1/1	\$403 Million
School Construction	Section 212.055(6), F.S.	30/67	\$1.56 Billion
Emergency Fire Rescue Services	Section 212.055(8), F.S.	1/65	\$311, 042
Pension Liability	Section 212.055(9), F.S.	0/27 ¹⁵	\$-

Most local discretionary sales surtaxes may only be approved by referendum, while some may be approved by a vote of the county commission.¹⁶ Some of the surtaxes have set periods of time that they can be enacted for before requiring reenactment, others have no such specified time limit. For example, the Trauma Center Sales Surtax that may be levied for counties with a population of fewer than 800,000 residents expires four years after the effective date of the surtax, unless reenacted through a referendum.¹⁷ On the other hand, the Charter County and Regional Transportation System Surtax in s. 212.055(1), F.S. is currently limited to 30 years if adopted on or after July 1, 2020.

Tourist Development Taxes

The Local Option Tourist Development Act¹⁸ authorizes counties to levy five separate taxes on transient rental¹⁹ transactions (tourist development taxes or TDTs) for specified purposes, all of which are generally related to the tourism industry.

Depending on a county's eligibility to levy such taxes, the maximum potential tax rate varies:

¹³ Levy details available at Office of Economic and Demographic Research, *2023 Local Discretionary Sales Surtax Rates in Florida's Counties*, <https://edr.state.fl.us/Content/local-government/data/county-municipal/2023LDSSrates.pdf> (last visited April 11, 2025).

¹⁴ Revenue Estimates taken from: Legislative Office of Economic and Demographic (EDR) *2023 Local Government Financial Information Handbook*, (Jan. 2024) available at <https://edr.state.fl.us/Content/local-government/reports/lghfih23.pdf> (last visited April 11, 2025).

¹⁵ The Pension Liability Surtax has been approved in a referendum to take effect in Duval County no later than January 1, 2031; but is not currently levied.

¹⁶ See generally s. 212.055, F.S.; but see s. 212.055(3), F.S. (small county surtax may be approved by extraordinary vote of the county governing authority as long as surtax revenues are not used for servicing bond indebtedness), and s. 212.055(5), F.S. (county public hospital surtax may be approved by extraordinary vote of the county commission).

¹⁷ Section 212.055(4)(b)4., F.S.

¹⁸ Section 125.0104, F.S.

¹⁹ Section 125.0104(3)(a)1., F.S. considers "transient rental" to be the rental or lease of any accommodation for a term of six months or less.

- The original TDT may be levied at the rate of 1 or 2 percent.²⁰
- An additional 1 percent tax may be levied by counties who have previously levied the original TDT at the 1 or 2 percent rate for at least 3 years.²¹
- A high tourism impact tax may be levied at an additional 1 percent.²²
- A professional sports franchise facility tax may be levied up to an additional 1 percent.²³
- An additional professional sports franchise facility tax no greater than 1 percent may be imposed by a county that has already levied the professional sports franchise facility tax.²⁴

TDTs are levied in 62 of 67 counties, and total rates range from 2% to 6%.²⁵

Fiscal Year 2023-24 levies for these taxes were as follows:

Tax	Florida Statute	Counties Levying/ Can Levy ²⁶	2023-24 Statewide Revenues ²⁷
Original TDT	Section 125.0104(3)(c), F.S.	62/67 (all at 2%)	\$709 Million
Additional TDT	Section 125.0104(3)(d), F.S.	56/59	\$291 Million
High Tourism Impact TDT	Section 125.0104(3)(m), F.S.	10/14	\$201 Million
Pro Sports TDT	Section 125.0104(3)(l), F.S.	46/67	\$330 Million
Additional Pro Sports TDT	Section 125.0104(3)(n), F.S.	36/65	\$252 Million

Prior to the authorization of a new TDT, the levy must be approved by a countywide referendum held at a general election and approved by a majority of the electors voting in the county.²⁸ TDTs have no maximum period for which they may be levied, and no currently adopted TDT has a scheduled expiration date.²⁹

Each county proposing to levy the original one or two percent tax must adopt an ordinance for the levy and imposition of the tax, which must include a plan for tourist development prepared by the tourist development council.³⁰ The plan for tourist development must include the anticipated net tax revenue to be derived by the county for the two years following the tax levy,

²⁰ Section 125.0104(3)(c), F.S.

²¹ Section 125.0104(3)(d), F.S.

²² Section 125.0104(3)(m), F.S.

²³ Section 125.0104(3)(l), F.S. Revenue can be used to pay debt service on bonds for the construction or renovation of professional sports franchise facilities, spring training facilities or professional sports franchises, and convention centers and to promote and advertise tourism.

²⁴ Section 125.0104(3)(n), F.S.

²⁵ Office of Economic and Demographic Research, *2024 Local Option Tourist/Food and Beverage Tax Rates in Florida's Counties*, available at <https://edr.state.fl.us/content/local-government/data/county-municipal/2024LOTTates.pdf> (last visited April 11, 2025).

²⁶ *Id.*

²⁷ Office of Economic and Demographic Research, *2023 Local Government Financial Information Handbook* (Jan. 2024), <http://edr.state.fl.us/Content/local-government/reports/lghfih23.pdf> (last visited April 11, 2025).

²⁸ Section 125.0104(6), F.S.

²⁹ Office of Economic and Demographic Research, *Local Option Tourist Taxes - Summary of Impositions, Expirations, and Rate Changes*, available at <https://www.edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm> (last visited April 11, 2025).

³⁰ Section 125.0104(4), F.S.

as well as a list of the proposed uses of the tax and the approximate cost for each project or use.³¹ The plan for tourist development may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the governing board.³²

Currently, once a county has obtained approval to levy a TDT tax through a referendum, that county is not required to seek electorate approval through a referendum to continue levying such TDT.

Local Option Food & Beverage Tax (Miami-Dade)

In 1967, Florida authorized the municipal resort tax.³³ The law authorized cities and towns meeting certain population requirements located within counties also meeting certain population requirements to levy the tax.³⁴ Currently, the tax may be levied at a rate of up to 4 percent on rentals of hotel rooms and similar accommodations, and it could also be levied on sales of food and certain beverages consumed in restaurants and bars at a rate of up to 2 percent.³⁵ The municipal resort tax is currently levied in the cities of Bal Harbour, Surfside, and Miami Beach, all of which are located within Miami-Dade County.³⁶

Florida has since authorized Miami Dade County to levy the local option food and beverage tax.³⁷ The local option food and beverage tax consists of two taxes: a 2 percent tax on the sale of food, beverages, and alcoholic beverages sold in hotels and motels, and a 1 percent tax on the sale of food, beverages, and alcoholic beverages sold at an establishment licensed by the state to sell alcoholic beverages on site.³⁸ Sales in cities levying the municipal resort tax were required to be exempt from the local option food and beverage tax through July 1, 2023.³⁹

In 2023, the Legislature, authorized the imposition of the 1 percent local option food and beverage tax in a city or town that levies the municipal resort tax if the levy is approved by referendum in the city or town at a general election.⁴⁰ In 2024, the Legislature clarified that the approval of the tax in a referendum as authorized in 2023 must be by a majority of the voters voting in the election (not a majority of registered voters).⁴¹

³¹ Section 125.0104(4)(c), F.S.

³² Section 125.0104(4)(d), F.S. The provisions found in s. 125.0104(4)(a)-(d), F.S., do not apply to the additional 1% tax, high tourism impact tax, the professional sports franchise facility tax, or the additional professional sports franchise facility tax.

³³ Chapter 67-930, Laws of Fla.

³⁴ Section 1, ch. 67-930, Laws of Fla.

³⁵ Florida Revenue Estimating Conference, *2024 Florida Tax Handbook*, available at: <https://edr.state.fl.us/content/revenues/reports/tax-handbook/> (last visited April 11, 2025).

³⁶ Fla. Dep't of Revenue, *History of Local Sales Tax and Current Rates*, (Mar. 1, 2025) available at <https://floridarevenue.com/taxes/Documents/flHistorySalesTaxRates.pdf> (last visited April 11, 2025).

³⁷ Section 212.0306, F.S.

³⁸ Section 212.0306(1), F.S.

³⁹ Section 212.0306(2)(d), F.S. (2022)

⁴⁰ Chapter 2023-157, Laws of Fla.

⁴¹ Chapter 2024-158, Laws of Fla.

Miami-Dade County reports collections for food and beverage taxes were \$53.6 million in County Fiscal Year 2022-2023 and estimates collections of \$56 million in County Fiscal Year 2023-2024 and \$55.0 million in County Fiscal Year 2024-2025.⁴²

Referendum Procedures

The Florida Election Code provides the general requirements for a referendum.⁴³ The question presented to voters must contain a ballot summary with clear and unambiguous language, such that a “yes” or “no” vote on the measure indicates approval or rejection, respectively.⁴⁴ The ballot summary should explain the chief purpose of the measure and may not exceed 75 words.⁴⁵ The ballot summary and title must be included in the resolution or ordinance calling for the referendum.⁴⁶ For some discretionary sales surtaxes, the form of the ballot question is specified by statute.⁴⁷

Five types of elections exist under the Florida Election Code: primary elections, special primary elections, special elections, general elections, and presidential preference primary elections.⁴⁸ Historically, voter turnout during a general election is higher than during other elections.⁴⁹ A referendum to adopt, amend, or reenact a local government discretionary sales surtax must be held at a general election. A referendum to reenact an expiring surtax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted surtax. Such a referendum may appear on the ballot only once within the 48-month period.⁵⁰

III. Effect of Proposed Changes:

Local Discretionary Sales Surtaxes

This bill requires that, for any local discretionary sales surtax that currently must be enacted pursuant to a referendum and that is in effect on June 30, 2025, the local government must renew or continue such tax by a referendum on or before January 1, 2033, or the expiration date for the tax as of June 30, 2025, whichever is later, in order for the tax to remain in effect after January 1, 2033, or the existing expiration date.

Additionally, a tax approved by voters in a referendum before July 1, 2025, which has not yet been levied, must be renewed or continued by an ordinance approved in a referendum on or before 8 years from the date the tax takes effect, or the expiration date for the tax as of June 30, 2025, whichever is later, in order to remain in effect.

⁴² Office of Economic and Demographic Research, *Local Option Food and Beverage Tax Collections*, available at <https://www.edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm> (last visited April 11, 2025).

⁴³ Section 101.161, F.S.

⁴⁴ Section 101.161(1), F.S.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *See, e.g.,* s. 212.055(4)(b), F.S.

⁴⁸ Section 97.021(13), F.S.

⁴⁹ *See* Dep’t of State, *Voter Turnout*, <http://dos.myflorida.com/elections/data-statistics/elections-data/voter-turnout/> (last visited April 11, 2025).

⁵⁰ Section 212.055(10), F.S.

A tax which is required to be approved by voters in a referendum must have an expiration date and be subject to approval by a majority of the electors voting in a subsequent referendum in order to be renewed or continued.

If taxes are pledged for debt service, the levy may continue until the debt is retired, and the levy will be subject to renewal the following January 1st.

Additionally, if proceeds will be used for the purpose of servicing bond indebtedness, the ordinance enacting a new tax or reenacting an existing tax must specify that the proceeds from the tax will be used for the purpose of servicing bond indebtedness and that the maximum duration of such bond indebtedness is not to exceed 30 years. The ordinance must also provide specificity regarding the purposes of the bond indebtedness. The referendum question on the ballot must specify that the proceeds of the tax will be used for that purpose and must include a brief and general description of the purposes for which the indebtedness will be incurred and the maximum length of time the tax may be imposed.

None of these changes affect the pension liability discretionary sales surtax found in s. 212.055(9), F.S.

Tourist Development Taxes

For any tourist development tax that currently must be enacted pursuant to a referendum and that is in effect on June 30, 2025, the local government must renew or reenact such tax by a referendum on or before January 1, 2033, or the expiration date for the tax as of June 30, 2025, whichever is later, in order for the tax to remain in effect after January 1, 2033, or the existing expiration date.

Additionally, a tax approved by voters in a referendum before July 1, 2025, which has not yet been levied, must be renewed or reenacted by an ordinance approved in a referendum on or before 8 years from the date the tax takes effect, or the expiration date for the tax as of June 30, 2025, whichever is later, in order to remain in effect.

A tax which is required to be approved by voters in a referendum must have an expiration date and be subject to approval by a majority of the electors voting in a subsequent referendum in order to be renewed or reenacted.

If tax levies are pledged for debt service, the levy may continue until the debt is retired, and the levy will be subject to renewal the following January 1st.

Additionally, if proceeds will be used for the purpose of servicing bond indebtedness, the ordinance enacting a new tax or renewing or reenacting an existing tax must specify that the proceeds from the tax will be used for the purpose of servicing bond indebtedness and that the maximum duration of such bond indebtedness is not to exceed 30 years. The ordinance must also provide specificity regarding the purposes of the bond indebtedness. The referendum question on the ballot must specify that the proceeds of the tax will be used for that purpose and must include a brief and general description of the purposes for which the indebtedness will be incurred and the maximum length of time the tax may be imposed.

Local Option Food & Beverage Tax (Miami-Dade)

The bill also provides requirements for the imposition of the local option food and beverage tax in those cities in Miami-Dade County that currently levy the municipal resort tax. Any tax levied and in effect on June 30, 2025, must be reenacted by an ordinance approved in a referendum on or before January 1, 2033, or the expiration date for the tax as of June 30, 2025, whichever is later, in order to remain in effect after January 1, 2033, or the existing expiration date. Any tax levied must also have an expiration date.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the State Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact,⁵¹ which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.

The bill requires certain local taxes to have an expiration date and be renewed by referendum. Reduction of a local government's authority to raise revenues generally refers to limiting its power to levy a tax, raising the vote of the governing body required to levy a tax, lowering the rate of a tax, or reducing the base against which a tax is levied. In the case of these local taxes, a local government's authority extends only to the ability to submit taxes for referendum approval, which remains unchanged under the bill.

If the anticipated effect of the imposition of a time limit on these local taxes is considered a not-insignificant reduction of local authority to raise taxes, the bill must be approved by a two-thirds' vote of each house of the legislature to be validly enacted.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁵¹ FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See Fla. S. 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> (last visited April 11, 2025).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference determined that CS/SB 1664 does not have a revenue impact. Staff estimate that CS/CS/SB 1664 will also not have a revenue impact.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Local governments may incur additional expenses due to the potential increased frequency of referendums.

Because the bill does not remove the authority of local government to levy local discretionary sales surtaxes, tourist development taxes, or local option food and beverage taxes, staff does not anticipate that the bill will have an impact on local government revenues. However, revenues would be impacted if a referendum to renew an existing levy were not to pass.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.0104, 212.0306, and 212.055.

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 Finance and Tax on April 15, 2025:**

For the tourist development taxes and local discretionary sales surtaxes, the committee substitute:

- Clarifies that the bill applies to a tax which is required to be approved by voters in a referendum.
- Adds that a tax must be renewed, reenacted, or continued by referendum before January 1, 2033, or the expiration date for the tax, whichever is later.
- Adds that a tax approved in a referendum before July 1, 2025 that has not yet been levied, must be renewed, reenacted, or continued in a referendum on or before 8 years from the date the tax takes effect, or the expiration date for the tax, whichever is later.
- Requires that a tax must have an expiration date and be subject to future approval by a majority of electors.

For only the local discretionary sales surtaxes, the committee substitute:

- Retains an existing expiration for the charter county and regional transportation system surtax.

For certain local option food and beverage taxes, the committee substitute:

- Removes the 8-year renewal requirement.
- Adds that a tax in effect on June 30, 2025, must be reenacted in a referendum on or before January 1, 2033, or the expiration date for the tax, whichever is later.
- Requires that any tax must have an expiration date.

CS by Community Affairs on March 25, 2025:

The committee substitute:

- Applies the new referendum requirement for a surtax to remain in effect to only those discretionary sales surtaxes required under existing law to be approved by referendum;
- Corrects cross-references and dates; and
- Specifies additional content to be included in ordinances and referendum ballot questions.

B. Amendments:

None.

By the Committees on Finance and Tax; and Community Affairs; and
Senator Trumbull

593-03612-25

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A bill to be entitled

An act relating to local option taxes; amending s. 125.0104, F.S.; requiring that specified taxes be renewed or reenacted by an ordinance in a specified manner; providing construction and applicability; requiring that specified taxes have an expiration date and are subject to approval in a specified manner; requiring that specified ordinances specify certain information if certain conditions are met; amending s. 212.0306, F.S.; requiring that specified taxes be reenacted by an ordinance in a specified manner; requiring that such taxes have an expiration date; amending s. 212.055, F.S.; conforming provisions to changes made by the act; requiring that specified taxes be renewed or continued by an ordinance in a specified manner; providing construction and applicability; requiring that specified taxes have an expiration date and are subject to approval in a specified manner; requiring that specified ordinances specify certain information if certain conditions are met; providing an effective date.

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

Section 1. Paragraph (n) of subsection (3) of section 125.0104, Florida Statutes, is amended, and paragraphs (f), (g), and (h) are added to subsection (4) of that section, to read:
125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

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

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(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (1) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by ordinance approved by referendum pursuant to subsection (6) to:

1. Pay the debt service on bonds issued to finance:

a. The construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b. The acquisition, construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a retained spring training franchise.

2. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

A county that imposes the tax authorized in this paragraph may

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not expend any ad valorem tax revenues for the acquisition, construction, reconstruction, or renovation of a facility for which tax revenues are used pursuant to subparagraph 1. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section ~~does shall~~ not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Paragraphs (4)(a)-(d) do ~~Subsection (4) does~~ not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by referendum or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance ~~must shall~~ be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(4) ORDINANCE LEVY TAX; PROCEDURE.—

(f) Any tax imposed pursuant to this section and in effect on June 30, 2025, which is required to be approved by voters in a referendum under this section must be renewed or reenacted by an ordinance approved in a referendum held pursuant to subsection (6) on or before January 1, 2033, or the expiration date for the tax as of June 30, 2025, whichever is later, in order to remain in effect after January 1, 2033, or the existing expiration date. Any tax imposed pursuant to this section approved by voters in a referendum under this section before July 1, 2025, which has not yet been levied must be renewed or reenacted by an ordinance approved in a referendum held pursuant

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to subsection (6) on or before 8 years from the date the tax takes effect, or the expiration date for the tax as of June 30, 2025, whichever is later, in order to remain in effect.

(g) The state covenants with holders of bonds or other instruments of indebtedness issued by counties before July 1, 2025, that it will not impair or materially alter the rights of those holders or relieve counties of the duty to meet their obligations as a result of previous pledges or assignments entered into under this section as it existed before July 1, 2025. Paragraph (f) does not apply in any case in which the proceeds of a tax levied pursuant to this section on or before June 30, 2025, have been pledged to secure and liquidate revenue bonds or revenue refunding bonds as authorized by this section, unless such bonds are retired before January 1, 2033. If the bonds are not retired before January 1, 2033, paragraph (f) applies as though January 1, 2033, were instead replaced with January 1 of the year following the retirement of such bonds.

(h) Any tax imposed pursuant to this section which is required to be approved by voters in a referendum under this section must have an expiration date and be subject to approval by a majority of the electors voting in a subsequent referendum held pursuant to subsection (6) in order to be renewed or reenacted. If the proceeds of the tax will be used for the purpose of servicing bond indebtedness, the ordinance enacting a new tax or renewing or reenacting an existing tax must specify that the proceeds from the new, renewed, or reenacted tax will be used for the purpose of servicing bond indebtedness and that the maximum duration of such bond indebtedness is not to exceed 30 years. The ordinance must also provide specificity regarding

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the purposes of the bond indebtedness. Additionally, if the proceeds of the tax will be used for the purpose of servicing bond indebtedness, the referendum question on the ballot must specify that the proceeds of the tax will be used for that purpose and must include a brief and general description of the purposes for which the indebtedness will be incurred and the maximum length of time the tax may be imposed.

Section 2. Paragraph (d) of subsection (2) of section 212.0306, Florida Statutes, is amended to read:

212.0306 Local option food and beverage tax; procedure for levying; authorized uses; administration.—

(2)

(d) Sales in cities or towns presently imposing a municipal resort tax as authorized by chapter 67-930, Laws of Florida, are exempt from the taxes authorized by subsection (1); however, the tax authorized by paragraph (1)(b) may be levied in such city or town if the governing authority of the city or town adopts an ordinance that is subsequently approved by a majority of the electors in such city or town voting in a referendum held at a general election as defined in s. 97.021. Any tax levied in a city or town pursuant to this paragraph takes effect on the first day of January following the general election in which the ordinance was approved. Any tax levied pursuant to this paragraph and in effect on June 30, 2025, must be reenacted by an ordinance approved in a referendum on or before January 1, 2033, or the expiration date for the tax as of June 30, 2025, whichever is later, in order to remain in effect after January 1, 2033, or the existing expiration date. Any tax levied pursuant to this paragraph must have an expiration date. A

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referendum to reenact an expiring tax authorized under this paragraph must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

Section 3. Present subsection (11) of section 212.055, Florida Statutes, is redesignated as subsection (12), a new subsection (11) is added to that section, and paragraph (c) of subsection (1) of that section is amended, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, ~~if any~~; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(c)1. The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law and must be approved in a referendum held at a general election in accordance with subsection (10).

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2. If the proposal to adopt a surtax is by initiative, the petition sponsor must, at least 180 days before the proposed referendum, comply with all of the following:

a. Provide a copy of the final resolution or ordinance to the Office of Program Policy Analysis and Government Accountability. The Office of Program Policy Analysis and Government Accountability shall procure a certified public accountant in accordance with subsection (12) ~~(11)~~ for the performance audit.

b. File the initiative petition and its required valid signatures with the supervisor of elections. The supervisor of elections shall verify signatures and retain signature forms in the same manner as required for initiatives under s. 100.371(11).

3. The failure of an initiative sponsor to comply with the requirements of subparagraph 2. renders any referendum held void.

(11) LIMITATIONS ON LEVY.—

(a) Any surtax imposed pursuant to this section and in effect on June 30, 2025, which is required to be approved by voters in a referendum under this section must be renewed or continued by an ordinance or by a resolution for the purpose of the surtax authorized under subsection (6), approved in a referendum held pursuant to subsection (10) on or before January 1, 2033, or the expiration date for the surtax as of June 30, 2025, whichever is later, in order to remain in effect after January 1, 2033, or the existing expiration date. Any surtax imposed pursuant to this section approved by voters in a referendum under this section before July 1, 2025, which has not

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yet been levied must be renewed or continued by an ordinance approved in a referendum held pursuant to subsection (10) on or before 8 years from the date the surtax takes effect, or the expiration date for the surtax as of June 30, 2025, whichever is later, in order to remain in effect.

(b) The state covenants with holders of bonds or other instruments of indebtedness issued by counties or school boards before July 1, 2025, that it will not impair or materially alter the rights of those holders or relieve counties or school boards of the duty to meet their obligations as a result of previous pledges or assignments entered into under this section as it existed before July 1, 2025. Paragraph (a) does not apply in any case in which the proceeds of a tax levied pursuant to this section on or before June 30, 2025, have been pledged to secure and liquidate revenue bonds or revenue refunding bonds as authorized by this section, unless such bonds are retired before January 1, 2033. If the bonds are not retired before January 1, 2033, paragraph (a) must apply as though January 1, 2033, were instead replaced with January 1 of the year following the retirement of such bonds.

(c) Any surtax imposed pursuant to this section which is required to be approved by voters in a referendum under this section must have an expiration date and be subject to approval by a majority of the electors voting in a subsequent referendum held pursuant to subsection (10) in order to be reenacted or continued. If the proceeds of the surtax will be used for the purpose of servicing bond indebtedness, the ordinance, or the resolution for the purpose of the surtax authorized under subsection (6), enacting a new surtax or reenacting an existing

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233 surtax must specify that the proceeds from the new or reenacted
234 surtax will be used for the purpose of servicing bond
235 indebtedness and that the maximum duration of such bond
236 indebtedness is not to exceed 30 years. The ordinance or
237 resolution must also provide specificity regarding the purposes
238 of the bond indebtedness. Additionally, if the proceeds of the
239 surtax will be used for the purpose of servicing bond
240 indebtedness, the referendum question on the ballot must specify
241 that the proceeds of the surtax will be used for the purpose of
242 servicing bond indebtedness and must include a brief and general
243 description of the purposes for which the indebtedness will be
244 incurred and the maximum length of time the surtax may be
245 imposed.

246 (d) This subsection does not apply to the enactment or
247 reenactment of the surtax authorized under subsection (9).

248 Section 4. This act shall take effect July 1, 2025.

The Florida Senate
APPEARANCE RECORD

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

4/22/25
Meeting Date

Appropriations
Committee

1664
Bill Number or Topic

Amendment Barcode (if applicable)

Name Davin Suggs 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
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3-25

Meeting Date

1664

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-247-2917

Address 107 E College

Email DMartinez@AFPHQ.org

Street

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:

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/22/25

Meeting Date

Appropriations

Committee

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1664

X

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

(727) 637-4081

Address

100 S Monroe Street

Email

jscala@fl-counties.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

Florida Association of Counties

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

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4/22/25

Meeting Date

1664

Bill Number or Topic

App. ed

Committee

Amendment Barcode (if applicable)

Name Yale Olenick (Florida Education Assoc.) 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 Education
Association (FEA)

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

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

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S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

4/22/25

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1664

Bill Number (if applicable)

Topic Local Option Taxes

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title VP Government Relations & General Counsel

Address 230 S. Adams Street

Phone (850) 224-2250

Street

Tallahassee FL 32301

City

State

Zip

Email Spadgett@FLA.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida Restaurant & Lodging Assn.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

4/22/25

Meeting Date

Appropriations

Committee

The Florida Senate
APPEARANCE RECORD

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1664

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Mark Jeffries

Phone

407-836-5909

Address

281 S. Rosalind Ave

Email

mark.jeffries@ocfl.net

Street

Orlando FL 32801

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Orange County

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

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

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S-001 (08/10/2021)

The Florida Senate
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 Appropriations

BILL: SB 7032

INTRODUCER: Appropriations Committee on Health and Human Services

SUBJECT: Medicaid Enrollment for Permanently Disabled Individuals

DATE: April 21, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
Barr	McKnight		AHS Submitted as Comm. Bill/Fav
1. Barr	Sadberry	AP	Favorable

I. Summary:

SB 7032 provides presumptive eligibility to permanently disabled individuals receiving Medicaid-covered institutional care, hospice, or home and community-based services and requires the Agency for Health Care Administration (AHCA) to continue payments unless there is a material change in the individual's disability or economic status that affects eligibility.

The bill requires covered individuals, caregivers, or responsible parties to notify the AHCA and the Department of Children and Families (DCF) of any change in disability or economic status. The DCF may then conduct eligibility redeterminations and must notify the individual or caregiver of the start and result of such redetermination.

The bill also requires the AHCA to seek federal approval to exempt permanently disabled Medicaid-qualified individuals from annual eligibility redeterminations. The AHCA and the DCF are required to establish a process to facilitate notification of changes impacting eligibility.

The bill will have a significant negative fiscal impact on the DCF and an indeterminate negative fiscal impact on the Florida Medicaid Program. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Medicaid

Medicaid is the health care safety net for low-income Floridians. Medicaid is a partnership of the federal and state governments established to provide coverage for health services for eligible persons. The program is administered by the Agency for Health Care Administration (AHCA)

and financed by federal and state funds.¹ The AHCA delegates certain functions to other state agencies, including the Department of Children and Families (DCF), the Agency for Persons with Disabilities (APD), the Department of Health (DOH), and the Department of Elderly Affairs (DOEA).

The structure of each state's Medicaid program varies and what states must pay for is largely determined by the federal government, as a condition of receiving federal funds. Federal law sets the amount, scope, and duration of services offered in the program, among other requirements. These federal requirements create an entitlement that comes with constitutional due process protections. The entitlement means that two parts of the Medicaid cost equation – people and utilization – are largely predetermined for the states. The federal government sets the minimum mandatory populations to be included in every state Medicaid program. The federal government also sets the minimum mandatory benefits to be covered in every state Medicaid program. These benefits include physician services, hospital services, home health services, and family planning.² States can add benefits, with federal approval. Florida has added many optional benefits, including prescription drugs, adult dental services, and dialysis.³

States have some flexibility in the provision of Medicaid services. Section 1915(b) of the Social Security Act provides authority for the Secretary of the U.S. Department of Health and Human Services (HHS) to waive requirements to the extent that he or she “finds it to be cost-effective and efficient and not inconsistent with the purposes of this title.” Section 1115 of the Social Security Act allows states to implement demonstrations of innovative service delivery systems that improve care, increase efficiency, and reduce costs. These laws allow HHS to waive federal requirements to expand populations or services, or to try new ways of service delivery.

Florida operates under a Section 1115 waiver to use a comprehensive managed care delivery model for primary and acute care services, the Statewide Medicaid Managed Care (SMMC) Managed Medical Assistance (MMA) program. Florida also has waivers under Sections 1915(b) and (c) of the Social Security Act to operate the SMMC Long-Term Care (LTC) program and the Development Disabilities Individual Budgeting (iBudget) Waiver.⁴

Federal Medicaid law establishes coverage for institutional care, such as nursing home care and residential institutions for people with developmental disabilities but does not allow federal dollars to be spent on alternatives to such care. Those alternatives include home- and community-based services (HCBS) designed to keep people in their homes and communities instead of going into an institution when they need higher levels of care. This federal spending limitation creates a bias toward institutional care, and toward acute care, rather than allowing the non-acute supports that avoid institutionalization.

¹ Title 42 U.S.C. §§ 1396-1396w-5; Title 42 C.F.R. Part 430-456 (§§ 430.0-456.725) (2016).

² S. 409.905, F.S.

³ S. 409.906, F.S.

⁴ S. 409.964, F.S.

Long-Term Care Home and Community-Based Services Program

Florida obtained a federal waiver to allow the state Medicaid program to cover HCBS long-term care services for elders and people with disabilities,⁵ to prevent admission into a nursing home.

iBudget Home and Community-Based Services Waiver Program

The AHCA oversees the Medicaid HCBS program for individuals with specified developmental disabilities through a federal waiver administered by the APD, known as iBudget. The purpose of the waiver is to:⁶

- Promote and maintain the health and welfare of individuals with developmental disabilities;
- Provide medically necessary supports and services to delay or prevent institutionalization; and
- Foster the principles of self-determination as a foundation for services and supports.

The iBudget provides HCBS to eligible persons with developmental disabilities living at home or in a home-like setting. Eligible diagnoses include disorders or syndromes attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome. The disorder must manifest before the age of 18, and it must constitute a substantial handicap that can reasonably be expected to continue indefinitely.⁷

The iBudget program allocates available funding through an algorithm, providing each client an established budget with the flexibility to choose from the authorized array of services that best meet their individual needs within their community.⁸

Medicaid Eligibility

Medicaid eligibility in Florida is determined either by the DCF or the Social Security Administration (SSA) for Supplemental Security Income (SSI) recipients. Since Medicaid is designed for low-income individuals, Medicaid eligibility is based on an evaluation of the individual's income and assets.

Section 1614(3) of the Social Security Act provides that an individual shall be considered to be disabled if they are unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. Further, an individual under the age of 18 shall be considered disabled if that individual has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

⁵ S. 409.979, F.S. Individuals 65 years of age or older and in need of nursing facility level of care; or 18 years of age or older and eligible for Medicaid by reason of a disability and in need of nursing facility level of care.

⁶ Agency for Health Care Administration, *Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook (May 2023)*, available at <https://apd.myflorida.com/ibudget/docs/iBudget%20Handbook%20with%20ADT%20Redesign%20Final.pdf> (last visited Apr. 7, 2025).

⁷ S. 393.063(11), F.S.

⁸ S. 393.0662(1), F.S.

Under Florida's Medicaid State Plan, permanent and total disability is a physical or mental condition of major significance which is expected to continue throughout the lifetime of an individual and is not expected to be removed or substantially improved by medical treatment. It is expected to continue for a prolonged period of disability and the eventual prognosis may be indefinite. Total disability exists when a permanent impairment, or a combination of permanent impairments, substantially precludes the individual from engaging in a useful occupation.

The DCF uses the same criteria that the SSA uses to determine disability for benefits. If the SSA determines an individual is disabled, the DCF adopts their disability decision. If an individual does not have a disability decision from the SSA, then the DCF must obtain a disability determination based on the individual's circumstances.⁹

The DOEA is responsible for conducting clinical level of care evaluations under the LTC Waiver, while the APD is responsible for conducting clinical level of care evaluations under the iBudget Waiver. To be eligible for Medicaid under 1915(c) waivers, the individual must be determined to need the level of care provided by a hospital, nursing home, or intermediate care facility for the developmentally disabled.¹⁰ The clinical level of care is determined during an initial evaluation and the individual must be reevaluated at least annually.¹¹

Federal regulations require the DCF make a redetermination of eligibility without requiring information from the individual if it is possible to make a redetermination based on reliable information contained in the individual's account or obtained from another state agency or federal agency.¹² If the DCF is unable to verify the individual's eligibility, they send the recipient a renewal notice, electronically and by mail, requesting the required information to make an eligibility determination.¹³

Between April 2023 and February 2025, approximately 534 disabled individuals lost Medicaid coverage¹⁴ because they failed to provide information requested by the DCF to make an eligibility determination.¹⁵ The number of individuals who may have remained eligible for Medicaid had they submitted the requested information to the DCF is unknown. During the same period, approximately 3,357 disabled individuals lost Medicaid coverage due to not meeting income and asset eligibility requirements.¹⁶

⁹ Department of Children and Families, *House Bill 1227 Bill Analysis* (Mar. 17, 2025)(on file with Senate Appropriations Committee on Health and Human Services).

¹⁰ 42 C.F.R., § 441.301(b).

¹¹ 42 C.F.R., § 441.302(c).

¹² 42 C.F.R., § 435.916.

¹³ *Supra* note 9.

¹⁴ Includes the following categories of Medicaid that cover disabled populations: Family Related Medicaid; Long-term Care Medicaid; HCBS Waiver Medicaid; Community Hospice Medicaid; and Medicaid for Aged and Disabled (MEDS-AD).

¹⁵ *Supra* note 9.

¹⁶ *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 409.904, F.S., to provide presumptive Medicaid eligibility to individuals who are permanently disabled and receiving institutional care, hospice, or home and community-based services, during any redetermination process.

The bill requires the Agency for Health Care Administration (AHCA) to continue payments for these services unless a material change in the individual's disability or economic status results in ineligibility and requires that individuals, caregivers, or responsible parties notify the AHCA and the Department of Children and Families (DCF) of any such changes. The DCF is then authorized to conduct a redetermination and required to notify the individual, caregiver, or responsible party before and, at its conclusion, the results of the redetermination.

The bill requires the AHCA to seek federal approval by October 1, 2025, to exempt permanently disabled Medicaid recipients from annual redetermination. For this exemption, the term “permanently disabled” means that a person has been determined to be disabled under s. 409.904(1)(a), F.S., and has had his or her qualifying disability certified by a physician licensed under ch. 458 or ch. 459, F.S., as permanent.

In addition, the bill requires the AHCA and the DCF to develop a process to facilitate required notifications.

Section 2 provides that 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 is expected to have a significant negative fiscal impact of \$708,000 on the Department of Children and Families to update their online Medicaid application platform, the Florida System (ACCESS).¹⁷ Based on an analysis of the unreserved cash in DCF's trust funds, the costs to the department can be absorbed within existing resources.

The bill will have an indeterminate negative fiscal impact on the Florida Medicaid Program.¹⁸ Because the exemption is limited to individuals with medically verified, permanent disabilities, the potential for ineligible individuals remaining enrolled is expected to be minimal, given the eligibility criteria and required physician certification. However, the cost of providing continued Medicaid coverage to any ineligible individuals within this group is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 409.904 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.

¹⁷ Department of Children and Families, *House Bill 1227 Bill Analysis* (Mar. 17, 2025)(on file with Senate Appropriations Committee on Health and Human Services).

¹⁸ Agency for Health Care Administration, *House Bill 1227 Bill Analysis* (Mar. 4, 2025)(on file with Senate Appropriations Committee on Health and Human 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 Appropriations Committee on Health and Human Services

603-03472-25

20257032

A bill to be entitled

An act relating to Medicaid enrollment for permanently disabled individuals; amending s. 409.904, F.S.; requiring that certain persons who receive specified Medicaid-covered services and who are permanently disabled be presumed eligible for continued Medicaid coverage during redetermination processes; requiring the Agency for Health Care Administration to continue to make payments for such services; providing exceptions; requiring certain persons to notify the agency and the Department of Children and Families of certain changes in disability or economic status; authorizing the department to conduct a redetermination of eligibility under certain circumstances; requiring the department to make notifications under certain circumstances; defining the term "permanently disabled"; requiring the agency to seek federal authorization to exempt certain persons from annual redetermination of eligibility; requiring the agency and the department to develop a specified process; providing an effective date.

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

Section 1. Subsection (1) of section 409.904, Florida Statutes, is amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be

Page 1 of 3

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603-03472-25

20257032

eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) (a) Subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care services, hospice services, or home and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage.

(b)1. A person who was initially determined eligible for Medicaid under paragraph (a) and is receiving Medicaid-covered institutional care services, hospice services, or home and community-based services pursuant to s. 393.066 or s. 409.978, and who is permanently disabled, shall be presumed eligible for continued coverage for these Medicaid-covered services during any redetermination process, and the agency shall continue to make payments for such services, unless the person experiences a material change in his or her disability or economic status which results in a loss of eligibility. In the event of such a change in disability or economic status, the person or his or her designated caregiver or responsible party shall notify the agency and the Department of Children and Families of such change, and the Department of Children and Families may conduct a redetermination of eligibility. If such redetermination is

Page 2 of 3

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603-03472-25

20257032__

59 conducted, the Department of Children and Families must notify
60 the person or his or her designated caregiver or responsible
61 party before the commencement of the redetermination and, at its
62 conclusion, the results of the redetermination.

63 2. As used in this paragraph, the term "permanently
64 disabled" means that a person has been determined to be disabled
65 under paragraph (a) and has had his or her qualifying disability
66 or disabilities certified by a physician licensed under chapter
67 458 or chapter 459 as permanent in nature. The agency shall, no
68 later than October 1, 2025, seek federal authorization to exempt
69 a Medicaid-eligible permanently disabled person from annual
70 redetermination of eligibility under the parameters of this
71 paragraph.

72 3. The agency and the Department of Children and Families
73 shall develop a process to facilitate the notifications required
74 under subparagraph 1.

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

The Florida Senate

APPEARANCE RECORD

4-22-2025

Meeting Date

7032

Bill Number or Topic

Appropriation S

Committee

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

Name

Margaret S. Hooper

Phone

850-294-0052

Address

124 Marriott Dr. #203

Email

Margaret.D@FODE.org

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida D.D. Council

☐

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

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

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S-001 (08/10/2021)

4/22/25
Meeting Date

The Florida Senate
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#7032
Bill Number or Topic

Committee
Name Violet Gonzalez Phone 305 495-2686
Address 9040 Sunset Dr. Email vgonzalez@sunrisegroup.org
Street
City Miami State FL Zip 33173

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship

☒ I am a registered lobbyist, Employee
representing:
Sunrise Community

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-22-24

Meeting Date

Appropriations

Committee

7032

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tyler Sumund

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850-228-4800

Address

3111 E Tennessee St

Email

tsumund@FloridaGov.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:

☐ For☐ Against☐ Information

OR

Waive Speaking:

☒ In Support☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Association of
Rehabilitation Facilities

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/HB 1133

INTRODUCER: Criminal Justice Subcommittee; Natural Resources & Disasters Subcommittee; and Representative Shoaf

SUBJECT: Fish and Wildlife Conservation Commission

DATE: April 21, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Reagan	Sadberry	AP	Favorable

I. Summary:

HB 1133 titled as the Fish and Wildlife Conservation Commission Regional Representation Act (Act) does the following:

- Creates residency requirements for members of the Florida Fish and Wildlife Conservation Commission (Commission); and
- Requires the Governor to ensure compliance with the Act when appointing members to the Commission.

Additionally, the bill aligns the authority of the members of the Commission, the executive director, and law enforcement officers with other law enforcement officers.

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:

Florida Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (Commission), created by Art. IV, s. 9 of the Florida Constitution, is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.¹ The Commission is headquartered in Tallahassee,² with five regional offices and 76 field offices and facilities throughout the state.³

¹ Art. IV, s. 9, Fla. Const.

² Section 379.10255, F.S.

³ Commission, *FWC Overview*, <https://myfwc.com/about/overview/> (last visited April 16, 2025).

As a result of the Commission's constitutional authority, the Legislature is prohibited from adopting statutes in conflict with rules adopted by the Commission to execute such authority.⁴ However, the Constitution specifies that all licensing fees for taking wild animal life, freshwater aquatic life, and marine life as well as the penalties for violating the Commission regulations must be prescribed by the Legislature.⁵ In addition, the Legislature must provide for the Commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing.⁶ The Legislature may also enact laws to aid the Commission that are not inconsistent with its constitutionally-conferred powers, except for special laws or general laws of local application relating to hunting and fishing.⁷

Members

Art. IV, s. 9 of the Florida Constitution requires the Commission to be composed of seven members who are appointed by the Governor, subject to confirmation by the Senate, for staggered terms of five years.⁸ The members meet four times per year to hear staff reports, consider rule proposals, and conduct other business.⁹ Each meeting is held at a different location within the state.¹⁰ Currently, there is no residency requirement for members. Members do not receive compensation for their services but may be reimbursed for travel expenses.¹¹ Annually, the members select one of the members to serve as the chair.¹² The chair may be removed at any time for sufficient cause, by an affirmative vote of a majority of the members.¹³

The executive director of the Commission is responsible for keeping meeting minutes for Commission meetings, purchasing supplies and employing assistants, representing the Commission in its dealings with other state departments and entities, appointing and establishing the salaries of other employees, and any other powers and duties as prescribed by the Commission.¹⁴ The Commission has authorized its executive director to perform certain functions.¹⁵

Law Enforcement Officers

The Commission, the executive director, and the assistants designated by her or him, and each Commission law enforcement officer are considered peace officers with the power to make arrests for violations of laws when the act is committed in the presence of the officer or on

⁴ Art. IV, s. 9, Fla. Const.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*; additionally, these requirements have been codified in statute. Section 379.102(1), F.S.

⁹ Commission, *Commission Meetings*, <https://myfwc.com/about/commission/commission-meetings/> (last visited April 16, 2025).

¹⁰ Commission, *The Commission*, <https://myfwc.com/about/commission/> (last visited April 16, 2025). See Commission, *Commission Meetings*, <https://myfwc.com/about/commission/commission-meetings/> (last visited Mar. 28, 2025) for meeting locations from 2012 through 2025.

¹¹ Section 379.102(3), F.S.

¹² Section 379.102(2), F.S.

¹³ *Id.*

¹⁴ Section 379.103, F.S.

¹⁵ Commission, *Executive Orders*, <https://myfwc.com/about/inside-fwc/executive-orders/> (last visited April 16, 2025).

certain state managed or owned lands.¹⁶ Entry onto any of these lands is not considered trespassing.¹⁷

Commission rules must be enforced by certified law enforcement officers.¹⁸ The Division of Law Enforcement within the Commission enforces all laws and rules relating to hunting, fishing, and wildlife.¹⁹ Commission law enforcement officers are authorized to do the following as part of their duties:

- Enter lands, public or private.
- Execute warrants and search warrants.
- Serve subpoenas issued for the examination, investigation, and trial of all offenses that violate laws governing fish and wildlife and Commission rules.
- Carry firearms or other weapons, concealed or otherwise, in performance of their duties.
- Arrest someone upon probable cause and without a warrant for violating laws governing fish and wildlife or Commission rules.
- Secure and execute search warrants.
- Seize and take possession of all fish and wildlife that have been taken or are possessed by any person who has violated the law or Commission rules related to such species.²⁰

Entry onto Private Property

The Fourth Amendment to the United States Constitution protects against unreasonable searches and seizures. The Florida Constitution requires Florida courts to construe Fourth Amendment issues in conformity with rulings of the U.S. Supreme Court.²¹ Fourth Amendment rights are implicated when the government interferes with any person's reasonable expectation of privacy when conducting a search or making a seizure of his or her person or property.²²

To protect against official abuses and unfettered police discretion, most searches of private property require a warrant.²³ Courts will uphold the validity of a warrant that is based on probable cause and issued by a neutral magistrate.²⁴ Searches conducted pursuant to a warrant may not extend beyond the items or localities described in the warrant.²⁵ There are certain exceptions where a warrant is not required to conduct a search, including:

¹⁶ Section 379.3311(1), F.S.; the Commission and other state agencies may acquire conservation easements for certain conservation objectives. Commission, *Conservation Planning*, <https://myfwc.com/conservation/value/fwgc/conservation/planning/> (last visited April 16, 2025).

¹⁷ *Id.*

¹⁸ Section 379.33, 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. Section 943.10(1), F.S.

¹⁹ Section 379.3311, F.S.; Commission, *Law Enforcement*, <https://myfwc.com/about/inside-fwcl/> (last visited April 16, 2025).

²⁰ Section 379.3311(2), F.S.

²¹ Art. I, s. 12, Fla. Const.; *State v. Jimeno*, 588 So. 2d 233 (Fla. 1991).

²² *Oliver v. U.S.*, 466 U.S. 170 (1984); *Jones v. State*, 648 So. 2d 669 (Fla. 1994).

²³ See e.g., *Minnesota v. Dickerson*, 508 U.S. 366 (1993); *Arizona v. Hicks*, 480 U.S. 321 (1987); *Donovan v. Dewey*, 452 U.S. 594 (1981); *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978).

²⁴ *U.S. v. Ventresca*, 380 U.S. 102 (1965).

²⁵ *Marron v. U.S.*, 275 U.S. 192 (1927).

- A search that is incident to a lawful arrest.²⁶
- When evidence or contraband is in plain view of a law enforcement officer who is lawfully on a person's property.²⁷
- When consent is given by the owner or possessor of the property.²⁸
- Exigent circumstances.²⁹

III. Effect of Proposed Changes:

Section 1 titles the act as the Fish and Wildlife Conservation Commission (Commission) Regional Representation Act (Act).

Section 2 amends s. 379.102, F.S., to establish five regions within the state and require one Commission member to reside full-time in each region. The regions are the Northwest Region, North Central Region, Northeast Region, Southwest Region, and South Region. The bill requires the remaining two members to be at-large members, representing the whole state. The bill authorizes the Commission to take all necessary actions to define the geographic boundaries of the five regions. The bill requires the Governor to ensure compliance with the Act.

The bill requires each regional member to reside full-time within the boundaries of his or her respective region at the time of appointment and throughout his or her term of service. The bill specifies that at-large members are not subject to the regional residency requirement but are required to be residents of the state.

The bill requires the members to serve staggered terms of five years and requires a vacancy that occurs during the term of a member to be filled in the same manner as the original appointment and for the remainder of the unexpired term. The bill specifies that a vacancy for a regional member may not be filled by an individual who resides in the same region as a sitting member.

Section 3 amends s. 379.3311, F.S., to specify that members of the Commission, the executive director and his or her assistants, and Commission law enforcement officers may enter private property in the same manner and subject to the same requirements as all other law enforcement officers.³⁰

Effective Date

Section 4 provides an effective date of July 1, 2025.

²⁶ *U.S. v. Robinson*, 414 U.S. 218 (1973); *Gustafson v. Fla.*, 414 U.S. 260 (1973); *Preston v. U.S.*, 376 U.S. 364 (1964). To meet constitutional requirements, the search must be contemporaneous with the arrest and can extend to things under the accused's immediate control and, depending on the circumstances of the case, to the place where he or she is arrested. *Preston*, 376 U.S. 364.

²⁷ *Horton v. California*, 496 U.S. 128 (1990); *Hicks*, 480 U.S. 321.

²⁸ *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973).

²⁹ See *Arkansas v. Sanders*, 442 U.S. 753 (1979). The exception encompasses several common situations when a search warrant is not feasible or advisable, including where there is danger of flight or escape; loss or destruction of evidence; risk of harm to the public or the police; mobility of a vehicle; and hot pursuit. *U.S. v. Holloway*, 290 F.3d 1331 (11th Cir. 2002).

³⁰ See s. 943.10, 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 379.102 and 379.3311.

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.

CS/CS/HB 1133

2025

1 A bill to be entitled
 2 An act relating to the Fish and Wildlife Conservation
 3 Commission; providing a short title; amending s.
 4 379.102, F.S.; providing for regional and at-large
 5 representation on the commission; revising membership
 6 of the commission; providing for staggered terms;
 7 providing for the filling of vacancies; authorizing
 8 the commission to define the geographic boundaries of
 9 the regions; requiring compliance with specified
 10 provisions; amending s. 379.3311, F.S.; specifying the
 11 conditions under which commission officers and other
 12 commission personnel may enter private property;
 13 providing an effective date.

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

17 **Section 1.** This act shall be known as the "Fish and
 18 Wildlife Conservation Commission Regional Representation Act."

19 **Section 2.** **Section 379.102, Florida Statutes, is amended**
 20 **to read:**

21 379.102 Fish and Wildlife Conservation Commission.—
 22 (1) The Fish and Wildlife Conservation Commission shall
 23 consist of seven members who shall be appointed by the Governor,
 24 subject to confirmation by the Senate, ~~for staggered terms of 5~~
 25 ~~years.~~

Page 1 of 4

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hb1133-02-c2

CS/CS/HB 1133

2025

26 (2) Members of the commission ~~so appointed~~ shall annually
 27 select one of their members as chair. ~~The~~ Such chair may be
 28 removed at any time for sufficient cause, by the affirmative
 29 vote of the majority of the members of the commission. ~~If in~~
 30 ~~case the said~~ office of chair becomes vacant by removal or
 31 otherwise, ~~it the same~~ may be filled for the unexpired term at
 32 any time by the commission from its members.

33 (3) (a) To ensure statewide representation, one member
 34 shall reside full-time within each of the five regions
 35 established by the commission. The five regions are as follows:

36 1. Northwest Region.
 37 2. North Central Region.
 38 3. Northeast Region.
 39 4. Southwest Region.
 40 5. South Region.

41 (b) The remaining two members shall be appointed as at-
 42 large members, representing the state as a whole.

43 (4) (a) Each regional member must reside full-time within
 44 the boundaries of his or her respective region at the time of
 45 appointment and throughout his or her term of service.

46 (b) The at-large members are not subject to regional
 47 residency requirements but must be residents of this state.

48 (5) (a) Members shall serve staggered terms of 5 years.
 49 (b) A vacancy occurring during the term of a member shall
 50 be filled in the same manner as the original appointment and for

Page 2 of 4

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CS/CS/HB 1133

2025

51 the remainder of the unexpired term.

52 (c) A vacancy for a regional member may not be filled by
 53 an individual who resides in the same region as a sitting
 54 regional member.

55 (6) (a) The commission is authorized to take all necessary
 56 actions to define the geographic boundaries of the five regions.

57 (b) The Governor shall ensure compliance with this section
 58 when appointing members to the commission.

59 (7) (3) Commission members shall receive no compensation
 60 for their services as such, but shall be reimbursed for travel
 61 expenses as provided in s. 112.061.

62 **Section 3. Subsection (1) and paragraph (a) of subsection**
 63 **(2) of section 379.3311, Florida Statutes, are amended to read:**

64 379.3311 Police powers of commission and its agents.—

65 (1) The commission, the executive director and the
 66 executive director's assistants designated by her or him, and
 67 each commission officer are constituted peace officers with the
 68 power to make arrests for violations of the laws of this state
 69 when committed in the presence of the officer or when committed
 70 on lands under the supervision and management of the commission,
 71 the department, the Board of Trustees of the Internal
 72 Improvement Trust Fund, or the Department of Agriculture and
 73 Consumer Services, including state parks, coastal and aquatic
 74 managed areas, and greenways and trails. The general laws
 75 applicable to arrests by peace officers of this state shall also

Page 3 of 4

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hb1133-02-c2

CS/CS/HB 1133

2025

76 be applicable to such director, assistants, and commission
 77 officers. Such persons may enter upon any land or waters of the
 78 state in the same manner and subject to the same requirements as
 79 a law enforcement officer as defined in s. 943.10(1) for
 80 performance of their lawful duties and may take with them any
 81 necessary equipment, and such entry does not constitute a
 82 trespass.

83 (2) Such officers may enforce throughout the state all
 84 laws relating to game, nongame birds, fish, and fur-bearing
 85 animals and all rules and regulations of the commission relating
 86 to wild animal life, marine life, and freshwater aquatic life,
 87 and in connection with such laws, rules, and regulations, in the
 88 enforcement thereof and in the performance of their duties
 89 thereunder, to:

90 (a) Go upon all premises in the same manner and subject to
 91 the same requirements as a law enforcement officer as defined in
 92 s. 943.10(1), posted or otherwise;

93 **Section 4.** This act shall take effect July 1, 2025.

Page 4 of 4

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1133

Bill Number or Topic

Amendment Barcode (if applicable)

4/22/25

Meeting Date

Appropriations

Committee

Name

Tripp Hunter

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:

Farm Bureau



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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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4/22/25

Meeting Date

1133

Bill Number or Topic

Approps.

Committee

Amendment Barcode (if applicable)

Name

Jim Spratt

Phone

Address

119 S Monroe St

Email

Street

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 FORESTRY ASSOCIATION

☐

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 4/22/2025 11:00:39 AM

Ends: 4/22/2025 12:42:54 PM

Length: 01:42:16

11:00:42 AM	Sen. Rouson (Chair)
11:02:27 AM	S 132
11:02:33 AM	Sen. Rodriguez
11:02:44 AM	Sen. Rouson
11:02:49 AM	Am. 570732
11:02:58 AM	Sen. Rodriguez
11:03:03 AM	Sen. Rouson
11:03:17 AM	Am. 764388
11:03:27 AM	Sen. Rodriguez
11:03:31 AM	Sen. Rouson
11:04:10 AM	Am. 570732 (cont.)
11:04:23 AM	Sen. Rodriguez
11:04:29 AM	Sen. Rouson
11:04:50 AM	S 132 (cont.)
11:05:00 AM	Sen. Rodriguez
11:05:03 AM	Sen. Rouson
11:06:08 AM	S 1050
11:06:23 AM	Sen. Bradley
11:06:29 AM	Sen. Rouson
11:06:49 AM	Am. 454718
11:06:56 AM	Sen. Bradley
11:09:06 AM	Sen. Rouson
11:09:09 AM	Sen. Harrell
11:09:41 AM	Sen. Bradley
11:09:53 AM	Sen. Rouson
11:09:58 AM	S 1050 (cont.)
11:10:40 AM	Carol Gormley (waives in support)
11:10:49 AM	Sen. Harrell
11:11:40 AM	Sen. Rouson
11:11:43 AM	Sen. Bradley
11:12:30 AM	Sen. Rouson
11:13:20 AM	S 820
11:13:25 AM	Sen. Yarborough
11:15:14 AM	Sen. Rouson
11:15:16 AM	Sen. Polsky
11:15:41 AM	Sen. Yarborough
11:16:04 AM	Sen. Polsky
11:16:15 AM	Sen. Yarborough
11:16:53 AM	Sen. Polsky
11:16:56 AM	Sen. Yarborough
11:18:38 AM	Sen. Polsky
11:18:41 AM	Sen. Yarborough
11:18:43 AM	Sen. Polsky
11:18:48 AM	Sen. Yarborough
11:20:05 AM	Sen. Polsky
11:20:26 AM	Sen. Yarborough
11:20:59 AM	Sen. Polsky
11:21:08 AM	Sen. Yarborough
11:21:37 AM	Sen. Polsky
11:21:41 AM	Sen. Yarborough
11:22:15 AM	Sen. Polsky
11:22:21 AM	Sen. Yarborough

11:22:25 AM	Sen. Polsky
11:22:43 AM	Sen. Yarborough
11:22:46 AM	Sen. Pizzo
11:23:12 AM	Sen. Yarborough
11:23:34 AM	Sen. Pizzo
11:23:52 AM	Sen. Yarborough
11:23:58 AM	Sen. Pizzo
11:24:19 AM	Sen. Yarborough
11:24:26 AM	Sen. Pizzo
11:24:29 AM	Sen. Yarborough
11:25:18 AM	Sen. Pizzo
11:25:44 AM	Sen. Yarborough
11:26:47 AM	Sen. Pizzo
11:26:51 AM	Sen. Yarborough
11:27:51 AM	Sen. Rouson
11:27:58 AM	Sen. Berman
11:28:16 AM	Sen. Yarborough
11:30:02 AM	Sen. Berman
11:30:08 AM	Sen. Yarborough
11:30:33 AM	Sen. Rouson
11:30:40 AM	Aaron Dipietro, Florida Family Voice (waives in support)
11:30:47 AM	Anthony Verdigo (waives in support)
11:30:52 AM	Michael Sheedy, Conference of Catholic Bishops (waives in support)
11:31:04 AM	Daniel Diaz, Citizens for Social Money (waives in support)
11:31:17 AM	Jon Labriola, Christian Family Coalition Florida (waives in support)
11:31:33 AM	Sen. Polsky
11:35:42 AM	Sen. Pizzo
11:37:16 AM	Sen. Smith
11:40:07 AM	Sen. Rouson
11:40:12 AM	Sen. Yarborough
11:43:12 AM	Sen. Rouson
11:44:06 AM	Sen. Hooper (Chair)
11:44:19 AM	H 1133
11:44:26 AM	Sen. Simon
11:45:06 AM	Sen. Hooper
11:45:11 AM	Tripp Hunter, Farm Bureau (waives in support)
11:45:36 AM	Jim Spratt, Florida Forestry Association (waives in support)
11:46:28 AM	S 1060
11:46:32 AM	Sen. Brodeur
11:47:35 AM	Sen. Hooper
11:47:44 AM	Sen. Pizzo
11:47:53 AM	Sen. Sharief
11:48:10 AM	Sen. Brodeur
11:48:55 AM	Sen. Sharief
11:49:10 AM	Sen. Brodeur
11:49:41 AM	Sen. Hooper
11:49:45 AM	Sen. Pizzo
11:49:57 AM	Sen. Brodeur
11:50:01 AM	Sen. Pizzo
11:50:12 AM	Sen. Brodeur
11:50:24 AM	Sen. Hooper
11:50:28 AM	Sen. Harrell
11:51:28 AM	Sen. Hooper
11:51:32 AM	Sen. Brodeur
11:51:38 AM	Sen. Hooper
11:52:21 AM	S 318
11:52:34 AM	Sen. Truenow
11:53:07 AM	Sen. Hooper
11:53:10 AM	Sen. Berman
11:53:16 AM	Sen. Truenow
11:53:39 AM	Sen. Hooper
11:54:01 AM	Tripp Hunter, Farm Bureau (waives in support)

11:55:08 AM Jim Spratt, Florida Nursey, Growers and Landscape Association (waives in support)
11:55:17 AM Alex Haley, Florida Department of Agriculture and Consumer Services (waives in support)
11:55:25 AM Chad Kunde, Florida Chamber of Commerce
11:55:37 AM S 818
11:55:47 AM Sen. McClain
11:55:48 AM Sen. Hooper
11:56:43 AM Am. 742582
11:56:57 AM Sen. McClain
11:58:22 AM Sen. Berman
11:58:27 AM Sen. Hooper
11:58:29 AM Charles Dudley, Florida Internet and Television (waives in support)
11:59:17 AM Floyd Self, Charter Communications (waives in support)
11:59:24 AM Matthew Singer, Florida League of Cities (waives in support)
11:59:28 AM Peter Abello, Florida Association of Counties (waives in support)
11:59:32 AM Sen. Pizzo
11:59:40 AM Sen. Hooper
11:59:44 AM Sen. McClain
11:59:47 AM Sen. Hooper
11:59:49 AM S 818 (cont.)
12:00:04 PM Sen. Berman
12:00:06 PM Sen. McClain
12:00:29 PM Sen. Berman
12:00:57 PM Sen. McClain
12:01:25 PM Sen. Berman
12:01:30 PM Sen. McClain
12:02:17 PM Sen. Hooper
12:02:21 PM Cameron Fink, Associated Industries of Florida (waives in support)
12:02:26 PM Malik Moore, Cox Communication (waives in support)
12:02:36 PM Sen. McClain
12:03:30 PM Sen. Hooper
12:03:53 PM S 1348
12:04:02 PM Sen. Trumbull
12:05:03 PM Sen. Hooper
12:05:04 PM Am. 512774
12:05:33 PM Sen. Trumbull
12:05:37 PM Sen. Hooper
12:05:41 PM Tim Qualls, Florida Tax Collectors Association (waives in support)
12:06:29 PM Sen. Sharief
12:06:32 PM Sen. Trumbull
12:06:38 PM Sen. Hooper
12:07:26 PM S 1664
12:08:36 PM Sen. Trumbull
12:08:54 PM Sen. Hooper
12:08:57 PM Sen. Sharief
12:09:01 PM Sen. Trumbull
12:09:49 PM Sen. Sharief
12:09:53 PM Sen. Trumbull
12:10:07 PM Sen. Polsky
12:10:46 PM Sen. Trumbull
12:10:52 PM Sen. Polsky
12:10:58 PM Sen. Trumbull
12:11:33 PM Sen. Polsky
12:12:38 PM Sen. Trumbull
12:12:45 PM Sen. Smith
12:14:09 PM Sen. Trumbull
12:15:07 PM Sen. Smith
12:16:04 PM Sen. Trumbull
12:16:08 PM Sen. Hooper
12:16:11 PM Daniel Martinez, Americans for Prosperity (waives in support)
12:16:39 PM Jeff Scala, Florida Association of Counties
12:18:25 PM Sen. Pizzo
12:18:29 PM J. Scala

12:19:00 PM	Sen. Pizzo
12:19:36 PM	J. Scala
12:19:53 PM	Sen. Sharief
12:20:31 PM	J. Scala
12:21:15 PM	Sen. Sharief
12:23:07 PM	Davin Suggs, Florida Association of Counties
12:23:19 PM	Sen. Sharief
12:26:17 PM	Sen. Smith
12:29:39 PM	Sen. Hooper
12:29:43 PM	Sen. Trumbull
12:31:21 PM	Sen. Hooper
12:32:08 PM	S 7032
12:32:17 PM	Sen. Trumbull
12:33:48 PM	Sen. Hooper
12:34:02 PM	Margaret S. Hooper, Florida Developmental Disabilities Council (waives in support)
12:34:14 PM	Tyler Sununu, Florida Association of Rehabilitation Facilities (waives in support)
12:34:22 PM	Violet Gonzales, Sunrise Community (waives in support)
12:34:37 PM	Sen. Sharief
12:35:16 PM	Sen. Pizzo
12:35:58 PM	Sen. Harrell
12:36:44 PM	Sen. Hooper
12:37:55 PM	Sen. Trumbull
12:38:00 PM	Sen. Hooper
12:39:06 PM	S 12
12:39:21 PM	Sen. Martin
12:39:52 PM	Sen. Hooper
12:39:57 PM	Sen. Martin
12:40:42 PM	Sen. Hooper
12:40:47 PM	Sen. Sharief
12:41:06 PM	Sen. Smith
12:41:12 PM	Sen. Pizzo
12:41:28 PM	Sen. Martin
12:41:40 PM	Sen. Hooper
12:41:43 PM	Sen. Burgess
12:42:03 PM	Sen. Hooper