

Tab 2 SB 280 by DiCeglie; Vacation Rentals						
440448	D	S	WD	RI, Gruters	Delete everything after	12/12 11:46 AM
711870	A	S	WD	RI, Gruters	Delete L.552 - 604:	12/12 11:47 AM
222178	A	S	WD	RI, Gruters	Delete L.789 - 815.	12/12 11:47 AM

Tab 3 SB 478 by Rodriguez; (Similar to CS/H 00551) Designation of Eligible Telecommunications Carriers						
583412	A	S	RS	RI, Rodriguez	btw L.39 - 40:	12/13 10:57 AM
453534	SA	S	RCS	RI, Rodriguez	Delete L.37 - 39:	12/13 10:57 AM

Tab 4 SB 382 by Hooper; (Similar to H 00497) Continuing Education Requirements						
827888	A	S	RCS	RI, Hooper	Delete L.62:	12/13 10:46 AM
842854	A	S	RCS	RI, Hooper	btw L.66 - 67:	12/13 10:46 AM

Tab 5 SB 492 by Hooper; (Identical to H 00411) Sunshine State One-Call of Florida, Inc., Board of Directors						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Gruters, Chair
Senator Hooper, Vice Chair

MEETING DATE: Wednesday, December 13, 2023

TIME: 8:30—10:30 a.m.

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

MEMBERS: Senator Gruters, Chair; Senator Hooper, Vice Chair; Senators Bradley, Brodeur, Hutson, Jones, and Osgood

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
-----	------------------------------------	-----------------	------------------

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Florida Gaming Control Commission

1	Repp, Tina ()	01/01/2026	Recommend Confirm Yeas 4 Nays 0
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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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2	SB 280 DiCeglie	Vacation Rentals; Requiring advertising platforms to collect and remit specified taxes for certain vacation rental transactions; defining the term "advertising platform"; adding licensing to the regulated activities of public lodging establishments and public food service establishments which are preempted to the state; requiring advertising platforms to require that persons placing advertisements or listings for vacation rentals include certain information in the advertisements or listings and attest to certain information; authorizing the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances, etc. RI 12/13/2023 Favorable FP	Favorable Yeas 4 Nays 0
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3	SB 478 Rodriguez (Identical H 551)	Designation of Eligible Telecommunications Carriers; Revising the definition of the term "eligible telecommunications carrier"; authorizing the Public Service Commission to designate certain entities as eligible telecommunications carriers for a specified purpose, etc. RI 12/13/2023 Fav/CS GO RC	Fav/CS Yeas 4 Nays 0
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COMMITTEE MEETING EXPANDED AGENDA

Regulated Industries

Wednesday, December 13, 2023, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 382 Hooper (Similar H 497)	Continuing Education Requirements; Requiring, rather than authorizing, a board, or the Department of Business and Professional Regulation when there is no board, to allow by rule that distance learning may be used to satisfy continuing education requirements; revising the requirements that such continuing education must satisfy; requiring the board, or the department when there is no board, to exempt certain individuals from completing their continuing education requirements, etc. RI 12/13/2023 Fav/CS GO RC	Fav/CS Yeas 4 Nays 0
5	SB 492 Hooper (Identical H 411)	Sunshine State One-Call of Florida, Inc., Board of Directors; Requiring a certain number of licensed underground utility and excavation contractors to be voting members of the Sunshine State One-Call of Florida, Inc., board of directors; requiring the National Utility Contractors Association of Florida to provide recommendations for such members, etc. RI 12/13/2023 Temporarily Postponed GO RC	Temporarily Postponed
Other Related Meeting Documents			

930

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Tina Repp

is duly appointed a member of the
Florida Gaming Control Commission

for a term beginning on the Twenty-Eighth day of April, A.D.,
2023, until the First day of January, A.D., 2026 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of June, A.D., 2023.



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2023 MAY -4 PM 12:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

April 28, 2023

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 16.71, Florida Statutes:

Ms. Tina Repp

as a member of the Florida Gaming Control Commission, filling a vacant seat previously occupied by Michael Yaworsky, subject to confirmation by the Senate. This appointment is effective April 28, 2023, for a term ending January 1, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/gc

RECEIVED

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

2023 MAY 24 AM 8:39

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Hillsborough

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Gaming Control Commissioner
(Name of Office)

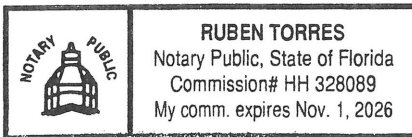
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 20th day of May, 2023.



[Signature]
Signature of Officer Administering Oath or of Notary Public

Ruben Torres
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ or Produced Identification ☒

Type of Identification Produced FL DL

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

Street or Post Office Box

Tina Bepp
Print Name

City, State, Zip Code

[Signature]
Signature

127415

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

5/23/2023

Date Completed

1. Name: Ms. Bepp Tina
 Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: _____
 Street Office # City

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: _____
 Street City County

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☐ Residence ☒ Fax # _____
 (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Date of Birth: _____ Place of Birth: Parma, Ohio

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain

2023 MAY 24 AM 8:39
 DIVISION OF ELECTIONS
 TALLAHASSEE, FL

RECEIVED

9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 2007

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of Registration: _____

B. Current Party Affiliation: Republican

12. Education

A. High School: Parma Senior High School, Parma, OH Year Graduated: 1988
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
<u>Baldwin-Wallace University, Berea, OH</u>	<u>1988-1992</u>	<u>B. A.</u>
<u>Cleveland State University College of Law, Cleveland, OH</u>	<u>1992-1996</u>	<u>J. D.</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ☒ If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes ☐ No ☒ If "Yes" give details:

Date	Place	Nature	Disposition
------	-------	--------	-------------

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
<u>Clarant 28464 Marlboro Ave, Easton, MD</u>	<u>(Work from Home)</u>	<u>Investigator</u>	<u>7/2022-5/2023</u>
	<u>Medicare Fraud Waste & Abuse</u>		
<u>Federal Bureau of Investigation</u>		<u>Special Agent</u>	<u>5/1999-5/31/2022</u>
<u>83N Park Place Blvd., Clearwater, FL</u>			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ☒
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment
----------	------------------	----------------------

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Prior to my investigative work at Clarant, I was with the FBI. I retired from the FBI, Tampa, after 23 years of investigating Medicare Fraud, Complex Financial Crimes, Government Program Fraud, Elder Fraud and Transnational Organized Crime.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ☒ No ☐ If "Yes", list:

I have received advanced training in Anti-money Laundering, international financial transactions and fraud.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☒ No ☐ If "Yes", list:

2022 - Tampa Region Financial Crimes and Inspectors General Council Award for a Complex Financial investigation - United States Attorney's Office, Outstanding Law Enforcement Officer 2017, 2016, 2012

D. Identify all association memberships and association offices held by you that relate to this appointment:

None

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes ☐ No ☒ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☐ No ☒ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
--------------	---------------------------------	----------------	---------------------

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended

Meetings Missed

Reason for Absence

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

Date

Nature of Violation

Disposition

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☐ No ☒ If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☐ No ☒ If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate
Title & Number

Original
Issue Date

Issuing Authority

Disciplinary Action/Date

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business

Your Relationship to Business

Business' Relationship to Agency

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
-------------------------	--	---	---

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ☒

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
-----------------------	------------------------------

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
-------------	------------------------	-----------------	-------------------------------

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
-------------	------------------------	----------------------------------	------------------------------

Alpha Phi Alumnae	2196 Pinnacle Cir South	None	2014 - present
	Palm Harbor, FL 34684		

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ☒ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ☒ No ☐

CERTIFICATION

RECEIVED

STATE OF FLORIDA

COUNTY OF Hillsborough

2023 MAY 24 AM 8:39

DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

Tina Repp,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Tina Repp
Signature of Applicant-Affiant

Sworn to and subscribed before me this 20th day of May, 2023.

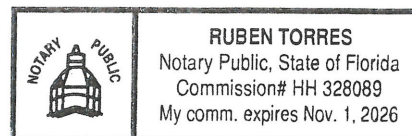
Ruben Torres
Signature of Notary Public-State of Florida

Ruben Torres
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Nov. 1, 2026

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL DL



(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

☒ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) 119.071(4)(d)2.a

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

Senate Confirmation Questionnaire

Please mail to: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

The information from this page has been requested and will be used exclusively for Minority Statistics.

Please type or use blue ink.

1. Board of Interest: Florida Gaming Control Commission
2. Current Employer and Occupation: Retired
3. Are you applying for reappointment: Yes ☐ No ☒
4. *Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

5. *Sex: Male ☐ Female ☒
6. *Race: White ☒ African-American ☐
Hispanic-American ☐ Asian/Pacific Islander ☐
Native-American/Alaskan Native ☐
7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor. NO
8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor. yes

Tina Repp
Applicant's Name, including name commonly used
(Please print)

* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Tina Repp

Florida Gaming Control Commission

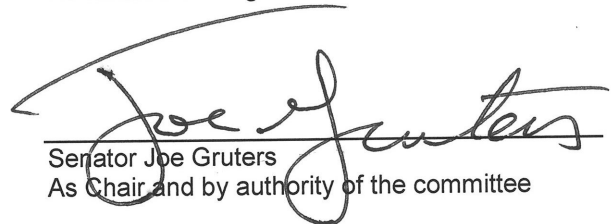
NOTICE OF HEARING

TO: Ms. Tina Repp

YOU ARE HEREBY NOTIFIED that the Committee on Regulated Industries of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, December 13, 2023, in the James E. "Jim" King, Jr Committee Room, 401 Senate Building, commencing at 8:30 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 4th day of December, 2023

Committee on Regulated Industries



Senator Joe Gruters
As Chair and by authority of the committee

cc: Members, Committee on Regulated Industries
Office of the Sergeant at Arms

930

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Tina Repp

is duly appointed a member of the
Florida Gaming Control Commission

for a term beginning on the Twenty-Eighth day of April, A.D.,
2023, until the First day of January, A.D., 2026 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of June, A.D., 2023.



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2023 MAY -4 PM 12:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

April 28, 2023

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 16.71, Florida Statutes:

Ms. Tina Repp

as a member of the Florida Gaming Control Commission, filling a vacant seat previously occupied by Michael Yaworsky, subject to confirmation by the Senate. This appointment is effective April 28, 2023, for a term ending January 1, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/gc

RECEIVED

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

2023 MAY 24 AM 8:39

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Hillsborough

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Gaming Control Commissioner
(Name of Office)

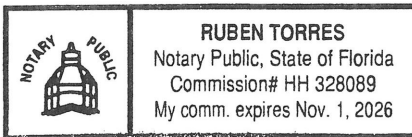
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 20th day of May, 2023.



[Signature]
Signature of Officer Administering Oath or of Notary Public

Ruben Torres
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ or Produced Identification ☒

Type of Identification Produced FL DL

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

Street or Post Office Box

Tina Bepp
Print Name

City, State, Zip Code

[Signature]
Signature

127415

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

5/23/2023

Date Completed

1. Name: Ms. Bepp Tina
 Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: _____
 Street Office # City

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: _____
 Street City County

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☐ Residence ☒ Fax # _____
 (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Date of Birth: _____ Place of Birth: Parma, Ohio

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain

2023 MAY 24 AM 8:39
 DIVISION OF ELECTIONS
 TALLAHASSEE, FL

RECEIVED

9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 2007

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of Registration: _____

B. Current Party Affiliation: Republican

12. Education

A. High School: Parma Senior High School, Parma, OH Year Graduated: 1988
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
Baldwin Wallace University, Berea, OH	1988-1992	B. A.
Cleveland State University College of Law, Cleveland, OH	1992-1996	J. D.

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ☒ If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes ☐ No ☒ If "Yes" give details:

Date	Place	Nature	Disposition
------	-------	--------	-------------

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
<u>Clarant 28464 Marlboro Ave, Easton, MD</u> (work from home)	<u>Investigator</u>	<u>Medicare Fraud Waste & Abuse</u>	<u>7/2022 - 5/2023</u>
<u>Federal Bureau of Investigation</u> <u>83N Park Place Blvd., Clearwater, FL</u>	<u>Special Agent</u>		<u>5/1999 - 5/31/2022</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ☒
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment
----------	------------------	----------------------

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Prior to my investigative work at Clarant, I was with the FBI. I retired from the FBI, Tampa, after 23 years of investigating Medicare Fraud, Complex Financial Crimes, Government Program Fraud, Elder Fraud and Transnational Organized Crime.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ☒ No ☐ If "Yes", list:

I have received advanced training in Anti-money Laundering, international financial transactions and fraud.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☒ No ☐ If "Yes", list:

2022 - Tampa Region Financial Crimes and Inspectors General Council Award for a Complex Financial investigation - United States Attorney's Office, Outstanding Law Enforcement Officer 2017, 2016, 2012

D. Identify all association memberships and association offices held by you that relate to this appointment:

None

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes ☐ No ☒ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☐ No ☒ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
--------------	---------------------------------	----------------	---------------------

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended

Meetings Missed

Reason for Absence

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

Date

Nature of Violation

Disposition

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☐ No ☒ If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☐ No ☒ If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate
Title & Number

Original
Issue Date

Issuing Authority

Disciplinary Action/Date

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business

Your Relationship to Business

Business' Relationship to Agency

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
-------------------------	--	---	---

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ☒

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
-----------------------	------------------------------

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
-------------	------------------------	-----------------	-------------------------------

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
-------------	------------------------	----------------------------------	------------------------------

Alpha Phi Alumnae	2196 Pinnacle Cir South	None	2014 - present
	Palm Harbor, FL 34684		

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ☒ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ☒ No ☐

CERTIFICATION

RECEIVED

STATE OF FLORIDA

COUNTY OF Hillsborough

2023 MAY 24 AM 8:39

DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

Tina Repp,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Tina Repp
Signature of Applicant-Affiant

Sworn to and subscribed before me this 20th day of May, 2023.

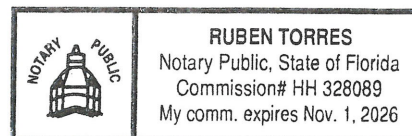
Ruben Torres
Signature of Notary Public-State of Florida

Ruben Torres
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Nov. 1, 2026

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL DL



(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

☒ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) 119.071(4)(d)2.a

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

Senate Confirmation Questionnaire

Please mail to: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

The information from this page has been requested and will be used exclusively for Minority Statistics.

Please type or use blue ink.

1. Board of Interest: Florida Gaming Control Commission
2. Current Employer and Occupation: Retired
3. Are you applying for reappointment: Yes ☐ No ☒
4. *Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

5. *Sex: Male ☐ Female ☒
6. *Race: White ☒ African-American ☐
Hispanic-American ☐ Asian/Pacific Islander ☐
Native-American/Alaskan Native ☐
7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor. NO
8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor. yes

Tina Repp
Applicant's Name, including name commonly used
(Please print)

* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Tina Repp

Florida Gaming Control Commission

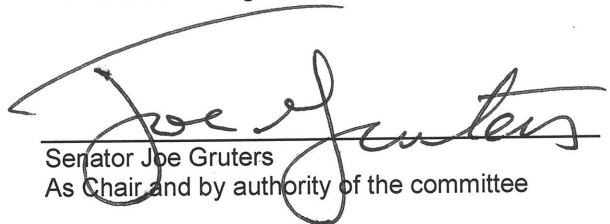
NOTICE OF HEARING

TO: Ms. Tina Repp

YOU ARE HEREBY NOTIFIED that the Committee on Regulated Industries of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, December 13, 2023, in the James E. "Jim" King, Jr Committee Room, 401 Senate Building, commencing at 8:30 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 4th day of December, 2023

Committee on Regulated Industries



Senator Joe Gruters
As Chair and by authority of the committee

cc: Members, Committee on Regulated Industries
Office of the Sergeant at Arms

12/13/23

Meeting Date

Regulated Industries

Committee

The Florida Senate

APPEARANCE RECORD

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

Senate Confirmation Hearing

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Tina Repp**

Phone **850-964-1685**

Address **4070 Esplanade Way Ste 250**

Email **tina.repp@flgaming.gov**

Street

Tallahassee

City

Florida

State

32399

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons 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

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Tina Repp

ANSWER: cl do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Senate Regulated Industries

DATE: 12/13/23

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 Regulated Industries

BILL: SB 280

INTRODUCER: Senator DiCeglie

SUBJECT: Vacation Rentals

DATE: December 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Favorable
2.			FP	

I. Summary:

SB 280 revises the regulation of vacation rentals. A vacation rental is a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests. Vacation rentals are licensed by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR). Current law does not allow local laws, ordinances, or regulations that prohibit vacation rentals or to regulate the duration or frequency of the rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

The bill permits “grandfathered” local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. Additionally, a local government that had such a “grandfathered” regulation in effect on June 1, 2011, is authorized by the bill to adopt a new, less restrictive ordinance. The bill does not affect vacation rental ordinances in jurisdictions located in an area of critical state concern. The bill provides that a local law, ordinance, or regulation may restrict the maximum occupancy for rented residential properties if the restriction applies uniformly without regard to whether the residential property is used as a vacation rental.

The bill also preempts the regulation of advertising platforms to the state. An advertising platform is a person, which may be an individual or a corporation, who electronically advertises a vacation rental to rent for transient occupancy, maintains a marketplace, and a reservation or payment system.

Under the bill, a local government may require vacation rentals to be registered. The registration fee may not exceed \$150 per vacation rental unit. The bill allows local governments to charge a reasonable fee to inspect a vacation rental after registration to verify compliance with the Florida Building Code and the Florida Fire Prevention Code.

The bill establishes limits for a local government registration program, including requiring a vacation rental owner to provide proof of state licensure, submit identifying information, obtain any required tax registrations, pay all recorded municipal or county code liens, designate a responsible person who must be available 24 hours a day, seven days a week, to respond to complaints and emergencies, and to state the maximum occupancy for the vacation rental based on the number of sleeping accommodations for persons staying overnight in the vacation rental.

The bill permits a local government to:

- Impose a fine on a vacation rental operator of up to \$300 for violations of the local registration requirements, and to file and foreclose on a lien based on the fine if the property is not subject to homestead protections against foreclosure.
- Suspend a registration for violations of an ordinance that does not apply solely to vacation rentals and the violations occur on and are related to the vacation rental property, including suspensions of up to:
 - 30 days based on five or more violations on five separate days during a 60-day period;
 - 60 days based on one or more violations on five separate days during a 30-day period; or
 - 90 days based on one or more violations after two prior suspensions.

The bill also authorizes a local government to revoke or refuse to renew a registration if:

- A vacation rental registration has been suspended three times;
- There is an unsatisfied recorded municipal or county lien, provided the vacation rental owner is given at least 60 days before termination of the registration to satisfy the lien; and
- The vacation rental premises and owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

The bill authorizes the division to revoke, refuse to issue or renew, or suspend a vacation rental license for a period of not more than 30 days if:

- Operation of the vacation rental violates a condominium, cooperative, or homeowners' association lease or property restriction as determined by a final order or judgment;
- The local registration is suspended or revoked; or
- The premises or its owner is the subject of an order or judgment directing the termination of the premises' use as a vacation rental.

Effective January 1, 2025, the bill authorizes the division to issue temporary licenses to permit the operation of a vacation rental while the license application is pending. It also requires the division to assign a unique identifier for each individual vacation rental dwelling or unit.

The bill requires the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to include the property's vacation rental license number with the associated unique identifier issued by the division and, if applicable, the local registration number on the vacation rental's advertisement, and attest that, to the best of their knowledge, those numbers are current, valid, and accurate. The vacation rental property owner or operator must display the local registration and licensure information inside the vacation rental property.

The bill requires an advertising platform to display the vacation rental license number with the associated unique identifier and, if applicable, the local registration number of each property that

advertises on its platform. Effective July 1, 2026, an advertising platform must verify the validity of the vacation rental's license number before it publishes the advertisement and must perform ongoing checks every calendar quarter thereafter. The advertising platform must remove from public view any advertisement or listing that fails to display a valid vacation rental license number.

To facilitate the required verification of vacation rental licensure and registration, the division must create and maintain a vacation rental license information system. Additionally, the division's vacation rental information system must permit:

- Local governments to notify the division of a termination, failure to renew, or period of suspension of a local registration;
- Local governments to verify the license and local registration status of a vacation rental; and
- The registered user to subscribe to receive notification of changes to the license or registration of a vacation rental.

The bill requires advertising platforms to collect and remit any taxes imposed under chs. 125, 205, and 212, F.S., that result from payment for the rental of a vacation rental property on its platform. The bill allows platforms to exclude service fees from the taxable amount if the platforms do not own, operate, or manage the vacation rental. It allows the division to take enforcement action for noncompliance.

The bill provides that this act will not supersede any current or former governing document for a condominium, cooperative, or homeowners' association.

The Revenue Estimating Conference has not determined the fiscal impact of this bill.

Except as otherwise expressly provided in the bill, the bill takes effect July 1, 2024.

II. Present Situation:

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term "public lodging establishments" includes transient and non-transient public lodging establishments.¹ The principal differences between transient and non-transient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

A "transient public lodging establishment" is defined in s. 509.013(4)(a)1., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar*

¹ Section 509.013(4)(a), F.S.

month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. (emphasis added)

A “non-transient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests for periods of at least 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month. (emphasis added)

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

- Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;
- Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
- Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
- Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or one calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than one calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;
- Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008 - 381.00895, F.S.;
- Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
- Any nonprofit organization that operates a facility providing housing only to patients, patients’ families, and patients’ caregivers and not to the general public;
- Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department’s behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
- Any rooming house, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, non-transient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.²

A “vacation rental” is defined in s. 509.242(1)(c), F.S., as:

...any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.³ The division may issue a vacation rental license for “a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quad plex, or other dwelling unit that has four or less units collectively.”⁴ The division does not license or regulate the rental of individual rooms within a dwelling unit based on the rooming house and boardinghouse exclusion from the definition of public lodging establishment in s. 509.013(4)(b)9., F.S.⁵

The 63,690 public lodging establishment licenses issued by the division are distributed as follows:⁶

- Hotels – 2,382 licenses;
- Motels – 2,353 licenses;
- Non-transient apartments – 18,480 licenses;
- Transient apartments – 936 licenses;
- Bed and Breakfast Inns – 268 licenses;
- Vacation rental condominiums – 13,434 licenses;
- Vacation rental dwellings – 31, 703 licenses; and
- Vacation rental timeshare projects – 48 licenses.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection

² Section 509.242(1), F.S.

³ Fla. Admin. Code R. 61C-1.002(4)(a)1.

⁴ The division further classifies a vacation rental license as a single, group, or collective license. *See* Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.

⁵ *See* s. 509.242(1)(c), F.S., defining the term “vacation rental.”

⁶ Department of Business and Professional Regulation, Division of Hotels and Restaurants Annual Report for FY 2022-2023 at page 8, available at http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2022_23.pdf (last visited Dec. 4, 2023). The total number of vacation rental licenses for each classification includes single licenses and group and collective licenses that cover multiple condominium units, dwellings, and timeshare projects under a single license.

upon a request to the division.⁷ The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2022-2023, the division received 356 consumer complaints regarding vacation rentals. In response to the complaints, the division's inspection confirmed a violation for 45 of the complaints.⁸

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.⁹ The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,¹⁰ which relates to a public lodging establishment.¹¹ The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.¹²

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.¹³

Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.¹⁴

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this

⁷ Section 509.032(2)(a), F.S.

⁸ *Supra* at note 6 on page 21.

⁹ See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at: <https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited Dec. 4, 2023).

¹⁰ Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

¹¹ Section 509.032(2)(d), F.S.

¹² See Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.

¹³ See ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at: http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Dec. 4, 2023).

¹⁴ Section 509.032(7)(a), F.S.

prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.¹⁵

Legislative History

In 2011, the Legislature preempted certain vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.¹⁶

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.¹⁷

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.¹⁸ Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use, or occupancy.”¹⁹

Attorney General Opinions

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.²⁰ According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, established in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

¹⁵ See s. 380.031(18), F.S., which provides that the state land planning agency is the Department of Economic Opportunity. See also s. 380.05, F.S., relating to the designation of areas of critical state concern. Chapter 2023-173, Laws of Fla., changed the name of the Department of Economic Opportunity to the Department of Commerce and the name change will be reflected in the 2024 Florida Statutes.

¹⁶ Chapter 2011-119, Laws of Fla.

¹⁷ *Id.*

¹⁸ Chapter 2014-71, Laws of Fla. (codified in s. 509.032(7)(b), F.S.).

¹⁹ *Id.*

²⁰ Florida Attorney General, *Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding Vacation Rental Operation-Local Ordinances*, Oct. 22, 2013, available at <https://www.myfloridalegal.com/ag-opinions/vacation-rental-operations-local-ordinances> (last visited Dec. 4, 2023).

The Attorney General also issued an opinion on November 13, 2014, to the City of Wilton Manors, concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals that fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.²¹

In addition, the Attorney General issued an advisory opinion on October 4, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed zoning ordinance.²² The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.²³

The Attorney General also opined that amending an ordinance that was enacted prior to June 1, 2011 will not invalidate the grandfather protection for the parts of the ordinance that are reenacted.²⁴ However, the new provisions would be preempted by state law if an ordinance was revised in a manner that would regulate the duration or frequency of rental of vacation rentals, even when the new regulation would be considered “less restrictive” than the prior local law.

Public Lodging Non-Discrimination Law

Section 509.092, F.S., prohibits an operator of a public lodging establishment from denying service or offering lesser quality accommodations to a person based upon his or her race, creed, color, sex, pregnancy, physical disability, or national origin. An aggrieved person may file a complaint pursuant to s. 760.11, F.S., of the Florida Civil Rights Act. Such complaints are mediated, investigated, and determined by the Florida Commission on Human Relations.²⁵

III. Effect of Proposed Changes:

Preemptions

The bill amends s. 509.032(7), F.S., to preempt the regulation of advertising platforms to the state. The bill also amends s. 509.032(7), F.S., to preempt the licensing of vacation rentals to the state.

The bill does not affect the “grandfather” provision in s. 509.032(7)(b), F.S., which does not allow local laws, ordinances, or regulations prohibiting vacation rentals or regulating the

²¹ Op. Att’y Gen. Fla. 2014-09, *Vacation Rentals - Municipalities - Land Use* (November 12, 2014), available at <https://www.myfloridalegal.com/ag-opinions/vacation-rentals-municipalities-land-use> (last visited Dec. 4, 2023).

²² Op. Att’y Gen. Fla. 2016-12, *Municipalities - Vacation Rentals – Preemption – Zoning* (Oct. 4, 2016), available at <https://www.myfloridalegal.com/ag-opinions/municipalities-vacation-rentals-preemption-zoning> (last visited Dec. 4, 2023).

²³ *Id.*

²⁴ Op. Att’y Gen. Fla. 2019-07, *Vacation rentals, municipalities, grandfather provisions* (August 16, 2019) available at <https://www.myfloridalegal.com/ag-opinions/vacation-rentals-municipalities-grandfather-provision> (last visited Dec. 4, 2023).

²⁵ See Florida Commission on Human Relations, *Public Accommodations*, available at <https://fchr.myflorida.com/public-accommodations> (last visited Dec. 4, 2023).

duration or frequency of rental of vacation rentals. Under the bill, a “grandfathered” local law, ordinance, or regulation adopted on or before June 1, 2011, may be amended to be less restrictive or to comply with local registration requirements. Additionally, the bill permits a local government that had a “grandfathered” regulation in effect on June 1, 2011, to pass a new, less restrictive ordinance that would be “grandfathered” as well.

The bill also exempts local laws, ordinances, and regulations that are “grandfathered” under s. 509.032(7)(b), F.S., from the local registration requirements in s. 509.032(8), F.S.

Definition of “Advertising Platform”

The bill creates s. 509.013(17), F.S., to define the term “advertising platform.” Under the bill, an advertising platform is a person²⁶ who:

- Provides an online application, software, website, or system through which a vacation rental located in this state is advertised or held out to the public as available to rent for transient occupancy;
- Provides or maintains a marketplace for the renting by transient occupancy of a vacation rental; and
- Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the person collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction.

Tax Collection and Reporting Requirements

The bill also amends s. 212.03(3), F.S., to require advertising platforms to collect and report taxes imposed under ch. 212, F.S. The bill:

- Provides that the taxes an advertising platform must collect and remit are based on the total rental amount charged by the owner or operator for use of the vacation rental.
- Excludes service fees from the calculation of taxes remitted by an advertising platform to the Department of Revenue (DOR), unless the advertising platform owns, is related to, operates, or manages the vacation rental.
- Requires the DOR and local government jurisdictions to allow advertising platforms to register, collect, and remit such taxes.

The bill authorizes the DOR to adopt emergency rules, which are effective for six months and may be renewed until permanent rules are adopted. This emergency rulemaking authority expires on January 1, 2026.

²⁶ Section 1.01(3), F.S., defines the term “person” to include “individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.”

The bill creates s. 509.243(4), F.S., to require advertising platforms to collect and remit taxes due under ss. 125.0104,²⁷ 125.0108,²⁸ 205.044,²⁹ 212.03,³⁰ 212.0305,³¹ and 212.055, F.S.,³² resulting from the reservation of a vacation rental property and payment therefor through an advertising platform.

Local Registration of Vacation Rentals

The bill creates s. 509.032(8), F.S., to permit local governments to require vacation rentals to register under a local registration program.

The bill provides that a local government is not prohibited from adopting a law, ordinance, or regulation if it is uniformly applied without regard to whether the residential property is used as a vacation rental.

Application Process

The bill provides that a local registration fee may not exceed \$150 per unit for processing a registration application. Under the bill, local governments may charge an annual renewal fee of no more than \$50.

The bill allows local governments to charge a reasonable fee to inspect a vacation rental after registration to verify compliance with the Florida Building Code and the Florida Fire Prevention Code.

The bill establishes limits for a local government registration program. A local registration program may only require an owner or operator of a vacation rental to:

- Submit identifying information;
- Provide proof of a vacation rental license with the unique identifier issued by the division;
- Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipal government;
- Update required information on a continuing basis to be current;
- Designate and maintain a responsible person who is capable of responding to complaints and emergencies by telephone at a provided telephone number 24 hour a day, 7 days a week, and receiving legal notices of complaints on behalf of the vacation rental operator;
- State the maximum occupancy for the vacation rental based on the number of sleeping accommodations for persons staying overnight in the vacation rental; and
- Pay in full all recorded municipal or county code liens.

²⁷ Section 125.0104, F.S., relates to the local option tourist development tax.

²⁸ Section 125.0108, F.S., relates to the tourist impact tax in areas within a county designated as an area of critical state concern.

²⁹ Section 205.044, F.S., relates to the merchant business tax measured by gross receipts.

³⁰ Section 212.03, F.S., relates to the transient rentals tax.

³¹ Section 212.0305, F.S., relates to convention development taxes.

³² Section 212.055, F.S., relates to discretionary sales taxes.

Additionally, the bill requires local governments to review a registration application for completeness and accept the registration or issue a written notice specifying deficient areas within 15 days of receipt of an application. The vacation rental owner or operator may agree to an extension of this time period. Such notice may be provided by mail or electronically.

If a local government denies an application, the written notice of denial may be sent by United States mail or electronically. The notice must state with particularity the factual reasons for the denial and the applicable portions of an ordinance, rule, statute, or other legal authority for the denial. A local government cannot deny a registration application if the applicant cures the identified deficiency.

Upon the acceptance of a registration application, the local government must assign a unique registration number to the vacation rental or other indicia of registration and provide such registration number or other indicia of registration to the owner or operator of the vacation rental in writing or electronically.

If a local government fails to accept or deny the registrations within the provided timeframes, the application is deemed accepted.

Within five days of receipt of the vacation rental registration number, the vacation rental operator must provide the vacation rental registration to the division.

Enforcement and Remedies

Fines Imposed by Local Governments

Under the bill, a local government may fine a vacation rental operator up to \$300 for failing to continue to meet the registration requirement or operating a vacation rental without registering with the local government.³³ The fine must be recorded in the public records. The bill permits the local governments to file a lien on the real property on which the violation occurred. The local governments may foreclose on a lien based on the fine to recover a money judgment in the amount of the lien if the lien remain unpaid for three or more months after it is filed and the property is not subject to homestead protection against foreclosure.³⁴

³³ Section 162.09(2), F.S., permits code enforcement boards or special magistrates to impose fines not to exceed \$250 per day for a first violation and not to exceed \$500 per day for a repeat violation. However, if the code enforcement board or special magistrate finds there is irreparable or irreversible harm caused by the code violation, the fine may not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation.

Moreover, a county or a municipality with a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines not exceed to \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

³⁴ Section 162.09(3), F.S., provides a comparable authority to local governments to file liens and foreclose on liens based on unpaid fines.

Registration Suspensions by Local Governments

The bill authorizes a local government to suspend a registration for material violations of an ordinance that does not apply solely to vacation rentals, and the violations occur on and are related to the vacation rental property. The local law, ordinance, or regulation may not solely apply to vacation rentals, and the violation must be directly related to the owner's vacation rental premises. The finding of a material violation must be made by the code enforcement board or a special magistrate.

Upon a finding of a material violation, the code enforcement board or special magistrate may recommend to the local government that the operation of the vacation rental be suspended up to:

- 30 days based on one or more violations on five separate days during a 60-day period;
- 60 days based on one or more violations on five separate days during a 30-day period; and
- 90 days based on one or more violations after two prior suspensions.

The bill requires local governments to give notice of a suspension to the operator of a vacation rental within five days after the suspension. The notice must include the start date of the suspension, which must be at least 21 days after the notice is sent to the operator and the division.

Beginning January 1, 2026, a local government must use the vacation rental information system described in s. 509.244, F.S., which is created by the bill, to provide the notice of suspension of a vacation rental registration to the division.

Registration Revocations by Local Governments

Under the bill, a local government may revoke or refuse to renew a vacation rental registration if:

- The owner's registration has been suspended three times;
- There is an unsatisfied recorded municipal lien or county lien on the real property of the vacation rental, provided local governments give a vacation rental owner at least 60 days to satisfy a recorded municipal or county code lien before terminating a local registration because of the unsatisfied lien; or
- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

The bill uses interchangeably the terms "revocation" and "termination."

The bill also requires local governments to give notice of a termination or nonrenewal to the operator of a vacation rental within five days after the termination or nonrenewal. The notice must include the start date of the termination or nonrenewal, which must be at least 21 days after the notice is sent to the operator and the division. Beginning January 1, 2026, a local government must use the vacation rental information system described in s. 509.244, F.S., which is created by the bill, to provide the notice of termination or nonrenewal of a vacation rental registration to the division.

Appeals

Under the bill, a vacation rental owner may appeal a denial, suspension, termination, or nonrenewal of a vacation rental registration to the circuit court. The appeal must be filed within 30 days after the issuance of the denial, suspension, or termination. The bill provides that the court may assess and award reasonable attorney fees and costs and damages to a vacation rental owner.³⁵

Regulation of Vacation Rentals by the Division

Licensing

Effective January 1, 2025, the bill amends ss. 509.241(2) and (3), F.S., relating to the license application process for vacation rentals, to:

- Authorize the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) upon receiving an application for a vacation rental license to grant a temporary license to permit the operation of the vacation rental while the license application is pending and to post the information required under s. 509.243(1)(c), F.S.
 - The temporary license automatically expires upon final agency action regarding the license application.
- Require any license issued by the division to be displayed conspicuously to the public inside the licensed establishment, instead of “in the office or lobby.”
- Require the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to display the vacation rental local registration number, if applicable.
- Require the licensee or licensed agent managing a vacation rental to submit to the division, through the division’s online system, any applicable local vacation rental registration number within 5 days after registration.
- Require the division to include a unique identifier on each vacation rental license it issues which identifies each individual vacation rental dwelling or unit.

Suspensions and Revocations of Vacation Rental Licensees

The bill amends s. 509.261, F.S., to authorize the division to revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a vacation rental license when:

- The operation of the subject premises violates the terms of an applicable lease or property restriction, including any property restriction adopted pursuant to chs. 718, 719, or 720, F.S., as determined by a final order of a court or an arbitrator’s written decision;³⁶
- The registration of the vacation rental is suspended or revoked by a local government as provided in s. 509.032(8); or
- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises’ use as a vacation rental.

³⁵ Section 162.11, F.S., provides for the appeal of a final administrative order of a local government enforcement board to the circuit court. This provision does not provide for the awarding of attorney fees and costs to the prevailing party.

³⁶ Chapters 718, 719, or 720, F.S., relate to the regulation and governance of condominium, cooperative, and homeowners’ associations, respectively.

When revoking, suspending, or refusing to renew a vacation rental license, the division must specify the license number with the associated unique identifier of the vacation rental dwelling or unit that has been suspended, revoked or not renewed. The division must also input such status into the vacation rental information system described in s. 509.244, F.S.

The bill requires that any suspension of a vacation rental license based on the suspension of a local registration must run concurrently with the local registration suspension.

Requirements for Advertising Platforms

Effective January 1, 2025, the bill creates s. 509.243, F.S., to provide requirements for an advertising platform, including tax collection and remittance requirements. Under the bill, an advertising platform must:

- Require that a person who places an advertisement for the rental of a vacation rental to:
 - Include the vacation rental license number with the associated unique identifier and, if applicable, the local registration number; and
 - Attest to the best of the person's knowledge that the license number and the local registration number, if applicable, for the vacation rental property are current and valid and that all related information is accurately stated in the advertisement.
- Display the vacation rental license number with the associated unique identifier and, if applicable, the local registration number.
- Adopt an anti-discrimination plan and inform its users of the public lodging discrimination prohibition found in s. 509.092, F.S.

Effective January 1, 2026, the advertising platforms shall:

- Use the vacation rental information system described in s. 509.244, F.S., to verify the vacation rental license number with the associated unique identifier and, if applicable, the local registration number.
- Remove from public view an advertisement or listing from its online application, software, website, or system within 15 business days after notification that a vacation rental license or, if applicable, a local registration:
 - Has been suspended, revoked, or not renewed; or
 - Fails to display a valid license number with the associated unique identifier and, if applicable, the local registration number.

The bill requires advertising platforms to collect and remit taxes due under ss. 125.0104,³⁷ 125.0108,³⁸ 205.044,³⁹ 212.03,⁴⁰ 212.0305,⁴¹ and 212.055, F.S.,⁴² resulting from the reservation of a vacation rental property and payment therefor through an advertising platform.

³⁷ Section 125.0104, F.S., relates to the local option tourist development tax.

³⁸ Section 125.0108, F.S., relates to the tourist impact tax in areas within a county designated as an area of critical state concern.

³⁹ Section 205.044, F.S., relates to the merchant business tax measured by gross receipts.

⁴⁰ Section 212.03, F.S., relates to the transient rentals tax.

⁴¹ Section 212.0305, F.S., relates to convention development taxes.

⁴² Section 212.055, F.S., relates to discretionary sales taxes.

The bill also:

- Provides processes for the division to issue a cease and desist order to any person who violates ch. 509, F.S.
- Authorizes the division to seek an injunction or a writ of mandamus to enforce a cease and desist order.
- Provides that, if the division is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, F.S., it is entitled to collect its attorney fees and costs, together with any cost of collection.
- Authorizes the division to fine an advertising platform an amount not to exceed \$1,000 per offense for a violation of the provisions in the bill or rules of the division.
- Provides that the advertising platform requirements in the bill do not create a private right of action against advertising platforms.

Vacation Rental Information System

The bill creates s. 509.244, F.S., to require the division to create and maintain, by July 1, 2025, a vacation rental information system readily accessible through an application program interface to permit:

- Licensees and advertising platforms to promptly comply with ch. 509, F.S., relating in pertinent part to public lodging establishments;
- Vacation rental advertisers to verify the vacation rental license number with the associated unique identifier, the applicable local registration number, and the license or registration status of the vacation rental;
- Local governments to notify the division of a termination, failure to renew, or period of suspension of a local registration;
- Local governments to verify the license and local registration status of a vacation rental; and
- The registered user to subscribe to receive notification of changes to the license or registration of a vacation rental.

Community Associations

The bill provides that the application of vacation rental provisions created by the bill do not supersede any current or future declaration or declaration of condominium adopted pursuant to ch. 718, F.S., cooperative documents adopted pursuant to ch. 719, F.S., or declaration of covenants or declaration for a homeowners' association adopted pursuant to ch. 720, F.S.

Effective Date

Except as otherwise expressly provided in the bill, the bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, Section 19 of the Florida Constitution requires a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”

Article VII, Section 19 of the Florida Constitution also requires that a tax or fee raised by the Legislature must be approved by two-thirds of the membership of each house of the Legislature.

The bill does not impose or authorize a state tax or fee. The bill provides that a local government may not require a registration fee of more than \$200. Under the bill, a local government is not required to charge a registration fee.

E. Other Constitutional Issues:

None.

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

The Revenue Estimating Conference has not determined the fiscal impact of this bill.

B. Private Sector Impact:

Indeterminate. Vacation rental owners may incur local registration costs of up to \$150 and registration renewal fees of up to \$50 if the local government in which the vacation rental is located adopts an ordinance, law, or regulation consistent with the provisions of this bill.

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: 159.27, 212.03, 212.08, 316.1955, 404.056, 477.0135, 509.013, 509.032, 509.221, 509.241, 509.261, 553.5041, 559.955, 561.20, 705.17, 705.185, 717.1355, and 877.24.

This bill creates the following sections of the Florida Statutes: 509.243 and 509.244.

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

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
12/12/2023	.	
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The Committee on Regulated Industries (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective January 1, 2025, subsection (2) of
section 212.03, Florida Statutes, is amended to read:

212.03 Transient rentals tax; rate, procedure, enforcement,
exemptions.—

(2) (a) The tax provided for herein shall be in addition to
the total amount of the rental, shall be charged by the lessor



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or person receiving the rent in and by the ~~said~~ rental arrangement to the lessee or person paying the rental, and shall be due and payable at the time of the receipt of such rental payment by the lessor or person, as defined in this chapter, who receives the ~~said~~ rental or payment. The owner, lessor, or person receiving the rent shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage or operate hotels, apartment houses, roominghouses, tourist and trailer camps, and the rental of condominium units, and to all persons who collect or receive such rents on behalf of such owner or lessor taxable under this chapter.

(b) If a guest uses a payment system on or through an advertising platform, as defined in s. 509.013, to pay for the rental of a vacation rental located in this state, the advertising platform must collect and remit taxes as provided in this paragraph.

1. An advertising platform, as defined in s. 509.013, which owns, operates, or manages a vacation rental or which is related within the meaning of s. 267(b), s. 707(b), or s. 1504 of the Internal Revenue Code of 1986, as amended, to a person who owns, operates, or manages the vacation rental shall collect and remit all taxes due under this section and ss. 125.0104, 125.0108,



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212.0305, and 212.055 which are related to the rental.

2. An advertising platform to which subparagraph 1. does not apply shall collect and remit all taxes due from the owner, operator, or manager under this section and ss. 125.0104, 125.0108, 212.0305, and 212.055 which are related to the rental. Of the total amount paid by the lessee or rentee, the amount retained by the advertising platform for reservation or payment service is not taxable under this section or ss. 125.0104, 125.0108, 212.0305, and 212.055.

In order to facilitate the remittance of such taxes, the counties that have elected to self-administer the taxes imposed under chapter 125 must allow advertising platforms to register, collect, and remit such taxes.

Section 2. Section 509.013, Florida Statutes, is reordered and amended to read:

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

(1) "Advertising platform" means a person as defined in s. 1.01(3) who:

(a) Provides an online application, software, a website, or a system through which a vacation rental located in this state is advertised or held out to the public as available to rent for transient occupancy;

(b) Provides or maintains a marketplace for the renting of a vacation rental for transient occupancy; and

(c) Provides a reservation or payment system that facilitates a transaction for the renting of a vacation rental for transient occupancy and for which the person collects or receives, directly or indirectly, a fee in connection with the



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reservation or payment service provided for the rental transaction.

(3)~~(1)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(8)~~(2)~~ "Operator" means the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

(4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger, boarder, or occupant of a public lodging establishment or public food service establishment.

(10) (a)~~(4) (a)~~ "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

2. "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days



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or 1 calendar month.

License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(b) The following are excluded from the definitions in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072.

3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.

4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-



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381.00895.

6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

(9) (a) ~~(5) (a)~~ "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared before ~~prior to~~ being delivered to another location for consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.



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(b) The following are excluded from the definition in paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university:

a. For the use of students and faculty; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:

a. For the use of members and associates; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, or athletic contests.

Upon request by the division, a church or a religious, nonprofit fraternal, or nonprofit civic organization claiming an exclusion under this subparagraph must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

3. Any eating place maintained and operated by an individual or entity at a food contest, cook-off, or a temporary event lasting from 1 to 3 days which is hosted by a church or a religious, nonprofit fraternal, or nonprofit civic organization.

Upon request by the division, the event host must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

4. Any eating place located on an airplane, train, bus, or watercraft that ~~which~~ is a common carrier.

5. Any eating place maintained by a facility certified or



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licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place that is regulated under s. 381.0072.

6. Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12.

7. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.

8. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

9. Any vending machine that dispenses any food or beverages other than potentially hazardous foods, as defined by division rule.

10. Any vending machine that dispenses potentially hazardous food and which is located in a facility regulated under s. 381.0072.

11. Any research and development test kitchen limited to the use of employees and which is not open to the general public.

(2)~~(6)~~ "Director" means the Director of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(11)~~(7)~~ "Single complex of buildings" means all buildings or structures that are owned, managed, controlled, or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or



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highway.

~~(12)(8)~~ "Temporary food service event" means any event of 30 days or less in duration where food is prepared, served, or sold to the general public.

~~(13)(9)~~ "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

~~(14)(10)~~ "Third-party provider" means, for purposes of s. 509.049, any provider of an approved food safety training program that provides training or such a training program to a public food service establishment that is not under common ownership or control with the provider.

~~(16)(11)~~ "Transient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.

~~(17)(12)~~ "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

~~(15)(13)~~ "Transient" means a guest in transient occupancy.

~~(6)(14)~~ "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole residence of the guest.

~~(7)(15)~~ "Nontransient occupancy" means occupancy when it is



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the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

~~(5)(16)~~ "Nontransient" means a guest in nontransient occupancy.

Section 3. Paragraph (c) of subsection (3) and paragraphs (a) and (b) of subsection (7) of section 509.032, Florida Statutes, are amended, and paragraph (d) is added to subsection (7) of that section, to read:

509.032 Duties.—

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days before the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendors participating in the event, the number of individual food service facilities each vendor will operate at the event, and the identification number of each food service vendor's current license as a public food service establishment or temporary food service event licensee. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications



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received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors and notify the event sponsors of the availability of the food-recovery brochure developed under s. 595.420.

3.a. Unless excluded under s. 509.013(9)(b) ~~s. 509.013(5)(b)~~, a public food service establishment or other food service vendor must obtain one of the following classes of license from the division: an individual license, for a fee of no more than \$105, for each temporary food service event in which it participates; or an annual license, for a fee of no more than \$1,000, that entitles the licensee to participate in an unlimited number of food service events during the license period. The division shall establish license fees, by rule, and may limit the number of food service facilities a licensee may operate at a particular temporary food service event under a single license.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events.

(7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, licensing, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and



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the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b)1. A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011, including when such law, ordinance, or regulation is amended to be less restrictive or to comply with the local registration requirements provided in this paragraph, or when a law, ordinance, or regulation adopted after June 1, 2011, regulates vacation rentals, if such law, ordinance, or regulation is less restrictive than a law, ordinance, or regulation that was in effect on June 1, 2011. Notwithstanding paragraph (a), a local law, ordinance, or regulation may require the registration of vacation rentals with a local vacation rental registration program. Local governments may adopt a vacation rental registration program pursuant to subparagraph 3. and impose a fine for failure to register under the vacation rental registration program. This paragraph does not prohibit a local law, ordinance, or regulation from restricting the maximum occupancy for residential properties that are rented if uniformly applied without regard to whether the residential property is used as a vacation rental.

2. Local governments may charge a fee of no more than \$150 for processing an individual registration application or \$200 for processing a collective registration application for up to a total of 25 individual vacation rentals. A local law, ordinance, or regulation may not require renewal of a registration more than once per year. However, if there is a change of ownership,



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the new owner may be required to submit a new application for registration. Subsequent to the registration of a vacation rental, local governments may charge a reasonable fee to inspect a vacation rental after registration to verify compliance with the Florida Building Code and the Florida Fire Prevention Code.

3. As a condition of registration, the local law, ordinance, or regulation may only require the owner or operator of a vacation rental to:

a. Submit identifying information about the owner or the owner's agents and the subject vacation rental property.

b. Obtain a license issued by the division to operate as a vacation rental.

c. Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipal government.

d. Update required information on a continuing basis to ensure it is current.

e. Comply with parking standards and solid waste handling and containment requirements, so long as such standards and requirements are not imposed solely on vacation rentals.

f. Designate and maintain at all times a responsible party who is capable of responding to complaints and other immediate problems related to the vacation rental, including being available by telephone at a provided contact telephone number 24 hours a day, 7 days a week, and receiving legal notice of violations on behalf of the owner.

g. State the maximum occupancy of the vacation rental based on the number of sleeping accommodations for persons staying overnight in the vacation rental.



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h. Pay in full all recorded municipal or county code liens against the subject property.

i. Provide to guests information related to health and safety concerns and applicable laws, ordinances, or regulations by posting the information on the property or by delivering it to guests.

4.a. Within 15 business days after receiving an application for registration of a vacation rental, the local government must review the application for completeness and accept the registration of the vacation rental or issue a written notice specifying with particularity any areas that are deficient. Such notice may be provided by United States mail or electronically.

b. The vacation rental owner or operator and the local government may agree to a reasonable request to extend the timeframes provided in this subparagraph, particularly in the event of a force majeure or other extraordinary circumstance.

c. When a local government denies an application for registration of a vacation rental, the local government must give written notice to the applicant. Such notice may be provided by United States mail or electronically. The notice must specify with particularity the factual reasons for the denial and include a citation to the applicable portions of an ordinance, a rule, a statute, or other legal authority for the denial of the registration. A local government may not deny an applicant the opportunity to reapply if the applicant cures the identified deficiencies.

d. If the local government fails to accept or deny the registration within the timeframes provided in this subparagraph, the application is deemed accepted.



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e. Upon an accepted registration of a vacation rental, a local government shall assign a unique registration number to the vacation rental or other indicia of registration and provide the registration number or other indicia of registration to the owner or operator of the vacation rental in writing or electronically.

5. The local government may terminate, or refuse to issue or renew, a vacation rental registration if:

a. There is an unsatisfied recorded municipal lien or county lien on the real property of the vacation rental. However, the local government must allow the vacation rental owner at least 60 days before the termination of a registration to satisfy the recorded municipal lien or county code lien; or

b. The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

6. When the subject premises or the owner or operator has been found by the code enforcement board or special magistrate, pursuant to s. 162.06, to have violated a registration requirement authorized pursuant to this paragraph or to have violated a local law, ordinance, or regulation that does not apply solely to vacation rentals, and if the local government has issued a written warning or notice after each violation, it may:

a. Suspend the registration for a period of up to 30 days for three or more violations during a 90-day period; and

b. Suspend the registration for a period of up to 6 months for a subsequent violation within 6 months after the prior suspension period.



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(d) The regulation of advertising platforms is preempted to the state, as provided in this chapter.

Section 4. Effective January 1, 2025, subsections (2) and (3) of section 509.241, Florida Statutes, are amended to read:
509.241 Licenses required; exceptions; division online accounts and transactions.—

(2) APPLICATION FOR LICENSE.—Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the division before ~~prior to~~ the commencement of operation. A condominium association, as defined in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or (g) is not required to apply for or receive a public lodging establishment license. Upon receiving an application for a vacation rental license, the division may grant a temporary license that authorizes the vacation rental to begin operation while the application is pending and to post the information required under s. 509.243(1)(c). The temporary license automatically expires upon final agency action regarding the license application.

(3) DISPLAY OF LICENSE.—Any license issued by the division must ~~shall~~ be conspicuously displayed to the public inside ~~in the office or lobby of the~~ licensed establishment. Public food service establishments that ~~which~~ offer catering services must ~~shall~~ display their license number on all advertising for catering services. The owner or operator of a vacation rental offered for transient occupancy through an advertising platform must also display the vacation rental license number and, if applicable, the local registration number.



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Section 5. Effective January 1, 2025, section 509.243, Florida Statutes, is created to read:

509.243 Advertising platforms.—

(1)(a) An advertising platform must require that a person who places an advertisement for the rental of a vacation rental:

1. Include in the advertisement the vacation rental license number and, if applicable, the local registration number; and

2. Attest to the best of the person's knowledge that the license number for the vacation rental property is current, valid, and accurately stated in the advertisement, and that the local registration number for the vacation rental property is current, valid, and accurately stated in the advertisement or that a local registration is not required.

(b) An advertising platform must display the vacation rental license number and, if applicable, the local registration number based upon the attestation in subparagraph (a)2.

Effective July 1, 2025, the advertising platform must check that the vacation rental license number provided by the owner or operator appears as current in the information posted by the division pursuant to paragraph (c) and applies to the subject vacation rental before publishing the advertisement on its platform and again at the end of each calendar quarter that the advertisement remains on its platform.

(c) By July 1, 2025, the division shall maintain vacation rental license information in a readily accessible electronic format that is sufficient to facilitate prompt compliance with the requirements of this subsection by an advertising platform or a person placing an advertisement on an advertising platform for transient rental of a vacation rental.



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(2) An advertising platform must remove from public view an advertisement or a listing from its online application, software, website, or system within 15 business days after being notified by the division in writing that the subject advertisement or listing for the rental of a vacation rental located in this state fails to display a valid license number issued by the division.

(3) If a guest uses a payment system on or through an advertising platform to pay for the rental of a vacation rental located in this state, the advertising platform must collect and remit all taxes due under ss. 125.0104, 125.0108, 205.044, 212.03, 212.0305, and 212.055 related to the rental as provided in s. 212.03(2)(b).

(4) If the division has probable cause to believe that a person not licensed by the division has violated this chapter or any rule adopted pursuant thereto, the division may issue and deliver to such person a notice to cease and desist from the violation. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a notice to cease and desist, the division may file a proceeding in the name of the state seeking the issuance of an injunction or a writ of mandamus against any person who violates any provision of the notice. If the division is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, it is entitled to collect attorney fees and costs, together with any cost of collection.

(5) The division may fine an advertising platform an amount not to exceed \$1,000 per offense for violations of this section



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or of the rules of the division. For the purposes of this subsection, the division may regard as a separate offense each day or portion of a day in which an advertising platform is operated in violation of this section or rules of the division. The division shall issue a written warning or notice and provide the advertising platform 15 days to cure a violation before commencing any legal proceeding under subsection (4).

(6) Advertising platforms shall adopt an antidiscrimination policy to help prevent discrimination among their users and shall inform all users of their services that it is illegal to refuse accommodation to an individual based on race, creed, color, sex, pregnancy, physical disability, or national origin pursuant to s. 509.092.

(7) Advertising platforms that comply with the requirements of this section are deemed to be in compliance with the requirements of this chapter. This section does not create and is not intended to create a private cause of action against advertising platforms. An advertising platform may not be held liable for any action it takes voluntarily in good faith in relation to its users to comply with this chapter or the advertising platform's terms of service.

Section 6. Subsection (10) is added to section 509.261, Florida Statutes, to read:

509.261 Revocation or suspension of licenses; fines; procedure.—

(10) The division may revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a vacation rental license when:

(a) The operation of the subject premises violates the



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terms of an applicable lease or property restriction, including
any property restriction adopted pursuant to chapter 718,
chapter 719, or chapter 720, as determined by a final order of a
court of competent jurisdiction or a written decision by an
arbitrator authorized to arbitrate a dispute relating to the
subject property and a lease or property restriction;

(b) The registration of the vacation rental is terminated
by a local government as provided in s. 509.032(7)(b)5.; or

(c) The premises and its owner are the subject of a final
order or judgment lawfully directing the termination of the
premises' use as a vacation rental.

Section 7. Subsection (12) of section 159.27, Florida
Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless
the context clearly indicates a different meaning, shall have
the following meanings:

(12) "Public lodging or restaurant facility" means property
used for any public lodging establishment as defined in s.
509.242 or public food service establishment as defined in s.
509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
necessary to, another facility qualifying under this part.

Section 8. Paragraph (jj) of subsection (7) of section
212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and
storage tax; specified exemptions.—The sale at retail, the
rental, the use, the consumption, the distribution, and the
storage to be used or consumed in this state of the following
are hereby specifically exempt from the tax imposed by this
chapter.



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(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(jj) *Complimentary meals*.—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013(10)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in



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furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

Section 9. Paragraph (b) of subsection (4) of section 316.1955, Florida Statutes, is amended to read:

316.1955 Enforcement of parking requirements for persons who have disabilities.—

(4)

(b) Notwithstanding paragraph (a), a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ which provides parking in designated areas for persons who have disabilities may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme park is open to the public for that day.

Section 10. Subsection (5) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification shall be provided on at least one document, form, or application executed at the time of, or before ~~prior to~~, contract for sale and purchase of any building or execution of a rental agreement for any building. Such notification must ~~shall~~ contain the following language:

"RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient



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quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department."

The requirements of this subsection do not apply to any residential transient occupancy, as described in s. 509.013 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less in duration.

Section 11. Subsection (6) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(6) A license is not required of any individual providing makeup or special effects services in a theme park or entertainment complex to an actor, stunt person, musician, extra, or other talent, or providing makeup or special effects services to the general public. The term "theme park or entertainment complex" has the same meaning as in s. 509.013 ~~s. 509.013(9)~~.

Section 12. Paragraph (b) of subsection (2) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(2)

(b) Within a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to be in the same building as the public food service establishment, so long as they are reasonably accessible.

Section 13. Paragraph (b) of subsection (5) of section



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553.5041, Florida Statutes, is amended to read:

553.5041 Parking spaces for persons who have disabilities.—

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located to conform to ss. 502 and 503 of the standards.

(b) If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

Section 14. Paragraph (b) of subsection (5) of section 559.955, Florida Statutes, is amended to read:

559.955 Home-based businesses; local government restrictions.—

(5) The application of this section does not supersede:

(b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(10)(a)1. ~~s. 509.013(4)(a)1.~~, that are not otherwise preempted under chapter 509.

Section 15. Paragraph (d) of subsection (7) of section 561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(7)



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(d) Any corporation, partnership, or individual operating a club which owns or leases and which maintains any bona fide beach or cabana club consisting of beach facilities, swimming pool, locker rooms or bathroom facilities for at least 100 persons, and a public food service establishment as defined in s. 509.013 ~~s. 509.013(5)(a)~~, comprising in all an area of at least 5,000 square feet located on a contiguous tract of land of in excess of 1 acre may be issued a license under s. 565.02(4). The failure of such club to maintain the facilities shall be a ground for revocation of the license.

Section 16. Subsection (2) of section 705.17, Florida Statutes, is amended to read:

705.17 Exceptions.—

(2) Sections 705.1015-705.106 do not apply to any personal property lost or abandoned on premises located within a theme park or entertainment complex, as defined in s. 509.013 ~~s. 509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with s. 705.185.

Section 17. Section 705.185, Florida Statutes, is amended to read:

705.185 Disposal of personal property lost or abandoned on the premises of certain facilities.—When any lost or abandoned personal property is found on premises located within a theme park or entertainment complex, as defined in s. 509.013 ~~s. 509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a



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public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with this section, any lost or abandoned property must be delivered to such owner or operator, who must take charge of the property and make a record of the date such property was found. If the property is not claimed by its owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the owner or operator of the premises, the owner or operator of the premises may not sell and must dispose of the property or donate it to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code for sale or other disposal as the charitable institution deems appropriate. The rightful owner of the property may reclaim the property from the owner or operator of the premises at any time before the disposal or donation of the property in accordance with this section and the established policies and procedures of the owner or operator of the premises. A charitable institution that accepts an electronic device, as defined in s. 815.03(9), access to which is not secured by a password or other personal identification technology, shall make a reasonable effort to delete all personal data from the electronic device before its sale or disposal.

Section 18. Section 717.1355, Florida Statutes, is amended to read:

717.1355 Theme park and entertainment complex tickets.—This chapter does not apply to any tickets for admission to a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, or to any tickets to a permanent exhibition or



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recreational activity within such theme park or entertainment complex.

Section 19. Subsection (8) of section 877.24, Florida Statutes, is amended to read:

877.24 Nonapplication of s. 877.22.—Section 877.22 does not apply to a minor who is:

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~.

Section 20. The application of this act does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes, cooperative document adopted pursuant to chapter 719, Florida Statutes, or declaration or declaration of covenant adopted pursuant to chapter 720, Florida Statutes.

Section 21. (1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendment made by this act to s. 212.03, Florida Statutes, including establishing procedures to facilitate the remittance of taxes.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires January 1, 2027.

Section 22. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.



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===== 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 vacation rentals; amending s.
212.03, F.S.; requiring advertising platforms to
collect and remit specified taxes for certain vacation
rental transactions; reordering and amending s.
509.013, F.S.; defining the term "advertising
platform"; amending s. 509.032, F.S.; conforming a
cross-reference; revising the regulated activities of
public lodging establishments and public food service
establishments preempted to the state to include
licensing; revising an exemption to the prohibition
against certain local regulation of vacation rentals;
expanding the authority of local laws, ordinances, or
regulations to include requiring vacation rentals to
register with local vacation rental registration
programs; authorizing local governments to adopt
vacation rental registration programs and impose fines
for failure to register; providing construction;
authorizing local governments to charge fees up to
specified amounts for processing registration
applications and to charge reasonable inspection fees;
specifying requirements, procedures, and limitations
for local vacation rental registration programs;
authorizing local governments to suspend, terminate,



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or refuse to issue or renew vacation rental registrations under certain circumstances; preempting the regulation of advertising platforms to the state; amending s. 509.241, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to issue temporary licenses upon receipt of vacation rental license applications; providing for expiration of temporary vacation rental licenses; requiring that any license issued by the division be displayed conspicuously to the public inside the licensed establishment; requiring the owner or operator of certain vacation rentals to also display its vacation rental license number and applicable local registration number; creating s. 509.243, F.S.; requiring advertising platforms to require that persons placing advertisements for vacation rentals include certain information in the advertisements and attest to certain information; requiring advertising platforms to display and check such information; requiring the division to maintain certain information in a readily accessible electronic format by a certain date; requiring advertising platforms to remove an advertisement or a listing under certain conditions and within a specified timeframe; requiring advertising platforms to collect and remit specified taxes for certain transactions; authorizing the division to issue and deliver a notice to cease and desist for certain violations; providing that such



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notice does not constitute agency action for which certain hearings may be sought; authorizing the division to file certain proceedings for specified purposes; authorizing the division to seek certain remedies for the purpose of enforcing a notice to cease and desist; authorizing the division to collect attorney fees and costs under certain circumstances; authorizing the division to impose a fine on advertising platforms for certain violations; requiring the division to issue written warnings or notices before commencing certain legal proceedings; requiring advertising platforms to adopt an antidiscrimination policy and to inform their users of the policy's provisions; providing construction; amending s. 509.261, F.S.; authorizing the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances; amending ss. 159.27, 212.08, 316.1955, 404.056, 477.0135, 509.221, 553.5041, 559.955, 561.20, 705.17, 705.185, 717.1355, and 877.24, F.S.; conforming cross-references; providing applicability; authorizing the Department of Revenue to adopt emergency rules; providing requirements and an expiration for the emergency rules; providing for the expiration of such rulemaking authority; providing effective dates.



711870

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
12/12/2023	.	
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	.	
	.	

The Committee on Regulated Industries (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 552 - 604

and insert:

may execute a satisfaction or release of lien. However, the local government shall allow the vacation rental owner at least 60 days before the termination of a registration to satisfy the recorded municipal lien or county code lien. The money judgment provisions of this section do not apply to real property or personal property that is covered under s. 4(a), Art. X of the



711870

State Constitution.

(h)1. When the subject premises, the owner, or the operator has been found by the code enforcement board or special magistrate pursuant to s. 162.06 to be in violation of a registration requirement authorized pursuant to this subsection or to be in violation of a local law, ordinance, or regulation that does not apply solely to vacation rentals, if the local government has issued a written warning or notice after each violation, it may:

a. Suspend a registration for a period of up to 30 days for three or more violations during a 90-day period; and

b. Suspend a registration for a period of up to 6 months for a subsequent violation within 6 months of the prior suspension period.

2. A local government may not suspend an owner's vacation rental registration for violations of a local law, ordinance, or regulation which are not directly related to the vacation rental premises.

3. A local government shall provide notice of the suspension of a vacation rental registration to the owner and operator and the division within 5 days after the suspension. The notice must include the start date of the suspension, which must be at least 21 days after the suspension notice is sent to the owner, the operator, and the division. Effective January 1, 2026, a local government shall use the vacation rental information system described in s. 509.244 to provide notice of the suspension of a vacation rental registration to the division.



711870

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

41 And the title is amended as follows:

42 Delete lines 34 - 38

43 and insert:

44 judgment provisions; authorizing local



222178

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
12/12/2023	.	
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The Committee on Regulated Industries (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 789 - 815.

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

And the title is amended as follows:

Delete lines 120 - 129.

By Senator DiCeglie

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1 A bill to be entitled
 2 An act relating to vacation rentals; amending s.
 3 212.03, F.S.; requiring advertising platforms to
 4 collect and remit specified taxes for certain vacation
 5 rental transactions; reordering and amending s.
 6 509.013, F.S.; defining the term "advertising
 7 platform"; making technical changes; amending s.
 8 509.032, F.S.; adding licensing to the regulated
 9 activities of public lodging establishments and public
 10 food service establishments which are preempted to the
 11 state; providing applicability; revising an exception
 12 to the prohibition against certain local regulation of
 13 vacation rentals; providing applicability; preempting
 14 the regulation of advertising platforms to the state;
 15 authorizing the adoption of local laws, ordinances, or
 16 regulations that require the registration of vacation
 17 rentals; authorizing local governments to adopt
 18 vacation rental registration programs and impose fines
 19 for failure to register; authorizing local governments
 20 to charge a specified fee for processing registration
 21 applications; authorizing local laws, ordinances, or
 22 regulations to require annual renewal of a
 23 registration and to charge a fee for such renewal;
 24 providing that a change in ownership may require a new
 25 application for registration; authorizing local
 26 governments to charge a reasonable fee to inspect a
 27 vacation rental for a specified purpose; specifying
 28 requirements and procedures for, and limitations on,
 29 local vacation rental registration programs;

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30 authorizing local governments to fine vacation rental
 31 operators under certain circumstances; specifying
 32 procedures related to the imposition of fines;
 33 providing applicability relating to certain money
 34 judgment provisions; requiring local governments to
 35 issue a written notice of violation under certain
 36 circumstances; requiring the code enforcement board or
 37 special magistrate to make certain recommendations
 38 under specified circumstances; authorizing local
 39 governments to suspend an owner's vacation rental
 40 registration for specified periods of time;
 41 prohibiting local governments from suspending an
 42 owner's vacation rental registration for violations
 43 that are not directly related to the vacation rental
 44 premises; requiring local governments to provide
 45 notice of registration suspension, within a specified
 46 timeframe, to vacation rental operators and the
 47 Division of Hotels and Restaurants of the Department
 48 of Business and Professional Regulation; providing
 49 requirements for such notice; requiring, by a certain
 50 date, that local governments use the vacation rental
 51 information system to provide such notice to the
 52 division; providing that local governments may revoke
 53 or refuse to renew a vacation rental registration
 54 under certain circumstances; requiring local
 55 governments to provide notice of termination of or
 56 refusal to renew a vacation rental registration to
 57 vacation rental operators and the division within a
 58 specified timeframe; requiring, by a certain date,

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59 that local governments use the vacation rental
60 information system to provide such notice to the
61 division; providing that vacation rental owners may
62 appeal a denial, suspension, or termination of, or a
63 refusal to renew, the registration of a vacation
64 rental; providing procedures for such appeal;
65 providing construction; amending s. 509.241, F.S.;
66 authorizing the division to issue temporary licenses
67 upon receipt of vacation rental license applications
68 while such applications are pending; providing for
69 expiration of such licenses; requiring that any
70 license issued by the division be conspicuously
71 displayed to the public inside the licensed
72 establishment; requiring that operators of vacation
73 rentals which offer a vacation rental for transient
74 occupancy through an advertising platform also display
75 to the public inside the vacation rental its local
76 registration number, if applicable; requiring
77 licensees or licensed agents managing a license
78 classified as a vacation rental to submit local
79 vacation rental registration numbers, if applicable,
80 within a specified timeframe to the division through
81 the division's online system; requiring the division
82 to include a unique identifier on each vacation rental
83 license issued which identifies each individual
84 vacation rental dwelling or unit; creating s. 509.243,
85 F.S.; requiring advertising platforms to require that
86 persons placing advertisements or listings for
87 vacation rentals include certain information in the

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88 advertisements or listings and attest to certain
89 information; requiring advertising platforms to
90 display certain information; requiring, as of a
91 specified date, advertising platforms to verify
92 certain information before publishing an advertisement
93 or listing on their platforms and to remove from
94 public view an advertisement or a listing under
95 certain circumstances; requiring advertising platforms
96 to collect and remit specified taxes for certain
97 transactions; authorizing the division to issue and
98 deliver a notice to cease and desist for certain
99 violations; providing that such notice does not
100 constitute agency action for which certain hearings
101 may be sought; authorizing the division to issue cease
102 and desist notices in certain circumstances; providing
103 that issuance of such notice does not constitute an
104 agency action; authorizing the division to file
105 certain proceedings for the purpose of enforcing a
106 cease and desist notice; authorizing the division to
107 collect attorney fees and costs under certain
108 circumstances; authorizing the division to impose a
109 fine on advertising platforms for certain violations;
110 requiring the division to issue written notice of
111 violations to advertising platforms before commencing
112 certain legal proceedings; requiring advertising
113 platforms to adopt an antidiscrimination policy and to
114 inform their users of the policy's provisions;
115 providing construction; creating s. 509.244, F.S.;
116 defining the term "application program interface";

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117 requiring the division, by a specified date, to create
 118 and maintain a certain vacation rental information
 119 system; specifying requirements for the system;
 120 amending s. 509.261, F.S.; authorizing the division to
 121 revoke, refuse to issue or renew, or suspend vacation
 122 rental licenses under certain circumstances; requiring
 123 the division to specify the license number of the
 124 vacation rental dwelling or unit which has been
 125 revoked, not renewed, or suspended; requiring the
 126 department to input such status in the vacation rental
 127 information system; requiring the division's vacation
 128 rental license suspension to run concurrently with a
 129 local vacation rental registration suspension;
 130 amending ss. 159.27, 212.08, 316.1955, 404.056,
 131 477.0135, 509.221, 553.5041, 559.955, 561.20, 705.17,
 132 705.185, 717.1355, and 877.24, F.S.; conforming cross-
 133 references; providing construction; authorizing the
 134 Department of Revenue to adopt emergency rules;
 135 providing requirements and an expiration date for the
 136 emergency rules; providing for the expiration of such
 137 rulemaking authority; providing effective dates.

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

141 Section 1. Effective January 1, 2025, subsection (2) of
 142 section 212.03, Florida Statutes, is amended to read:

143 212.03 Transient rentals tax; rate, procedure, enforcement,
 144 exemptions.—

145 (2)(a) The tax provided for in this section is herein shall

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146 ~~be~~ in addition to the total amount of the rental, must ~~shall~~ be
 147 charged by the lessor or person receiving the rent in and by
 148 said rental arrangement to the lessee or person paying the
 149 rental, and ~~is shall be~~ due and payable at the time of the
 150 receipt of such rental payment by the lessor or person, as
 151 defined in this chapter, who receives such said rental or
 152 payment. The owner, lessor, or person receiving the rent shall
 153 remit the tax to the department at the times and in the manner
 154 hereinafter provided for dealers to remit taxes under this
 155 chapter. The same duties imposed by this chapter upon dealers in
 156 tangible personal property respecting the collection and
 157 remission of the tax; the making of returns; the keeping of
 158 books, records, and accounts; and the compliance with the rules
 159 and regulations of the department in the administration of this
 160 chapter ~~shall~~ apply to and are ~~be~~ binding upon all persons who
 161 manage or operate hotels, apartment houses, roominghouses,
 162 tourist and trailer camps, and the rental of condominium units,
 163 and to all persons who collect or receive such rents on behalf
 164 of such owner or lessor taxable under this chapter.

165 (b) If a guest uses a payment system on or through an
 166 advertising platform as defined in s. 509.013 to pay for the
 167 rental of a vacation rental located in this state, the
 168 advertising platform must collect and remit taxes as provided in
 169 this paragraph.

170 1. An advertising platform that owns, operates, or manages
 171 a vacation rental or that is related within the meaning of s.
 172 267(b), s. 707(b), or s. 1504 of the Internal Revenue Code of
 173 1986, as amended, to a person who owns, operates, or manages the
 174 vacation rental shall collect and remit all taxes due under this

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section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental.

2. An advertising platform to which subparagraph 1. does not apply shall collect and remit all taxes due from the owner, operator, or manager under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental. Of the total amount paid by the lessee or rentee, the amount retained by the advertising platform for reservation or payment services is not taxable under this section or ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055.

In order to facilitate the remittance of such taxes, the department and counties that have elected to self-administer the taxes imposed under chapter 125 shall allow advertising platforms to register, collect, and remit such taxes.

Section 2. Section 509.013, Florida Statutes, is reordered and amended to read:

509.013 Definitions.—As used in this chapter, except as provided in subsection (14), the term:

(1) "Advertising platform" means a person as defined in s. 1.01(3) which:

(a) Provides an online application, software, a website, or a system through which a vacation rental located in this state is advertised or held out to the public as available to rent for transient occupancy;

(b) Provides or maintains a marketplace for the renting of a vacation rental for transient occupancy; and

(c) Provides a reservation or payment system that facilitates a transaction for the renting of a vacation rental

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for transient occupancy and for which the person collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for the rental transaction.

(3)(1) "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(8)(2) "Operator" means the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

(4)(3) "Guest" means any patron, customer, tenant, lodger, boarder, or occupant of a public lodging establishment or public food service establishment.

(10)(a)(4)(a) "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 2 1. and a nontransient public lodging establishment as defined in subparagraph 1 2.

2.1- "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

1.2- "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever

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is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

License classifications of public lodging establishments, and the definitions therefor, are as provided ~~set out~~ in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(b) The following are not considered public lodging establishments ~~excluded from the definitions in paragraph (a):~~

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072.

3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.

4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

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5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895.

6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. A facility operated by a nonprofit which provides ~~Any nonprofit organization that operates a facility providing~~ housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf which ~~that~~ is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

(9) (a) (5) (a) "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared before ~~prior to~~ being delivered to another location for consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or

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sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.

(b) The following are not considered public food service establishments ~~excluded from the definition in paragraph (a):~~

1. Any place maintained and operated by a public or private school, college, or university:

a. For the use of students and faculty; or

b. Temporarily, to serve such events as fairs, carnivals, food contests, cook-offs, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:

a. For the use of members and associates; or

b. Temporarily, to serve such events as fairs, carnivals, food contests, cook-offs, or athletic contests.

Upon request by the division, a church or a religious, nonprofit fraternal, or nonprofit civic organization claiming an exclusion under this subparagraph must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

3. Any eating place maintained and operated by an individual or entity at a food contest, cook-off, or a temporary event lasting from 1 to 3 days which is hosted by a church or a religious, nonprofit fraternal, or nonprofit civic organization. Upon request by the division, the event host must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

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4. Any eating place located on an airplane, train, bus, or watercraft ~~that which~~ is a common carrier.

5. Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place that is regulated under s. 381.0072.

6. Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12.

7. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.

8. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

9. Any vending machine that dispenses any food or beverages other than potentially hazardous foods, as defined by division rule.

10. Any vending machine that dispenses potentially hazardous foods ~~food~~ and ~~which~~ is located in a facility regulated under s. 381.0072.

11. Any research and development test kitchen limited to the use of employees and which is not open to the general public.

(2) ~~(6)~~ "Director" means the Director of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(11) ~~(7)~~ "Single complex of buildings" means all buildings

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or structures that are owned, managed, controlled, or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(12)~~(10)~~ "Temporary food service event" means any event of 30 days or less in duration where food is prepared, served, or sold to the general public.

(13)~~(11)~~ "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(14)~~(12)~~ "Third-party provider" means, for purposes of s. 509.049, any provider of an approved food safety training program that provides training or such a training program to a public food service establishment that is not under common ownership or control with the provider.

(16)~~(14)~~ "Transient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.

(17)~~(15)~~ "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

(15)~~(13)~~ "Transient" means a guest in transient occupancy.

(6)~~(14)~~ "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an

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operator whose intention is that the dwelling unit occupied will be the sole residence of the guest.

(7)~~(15)~~ "Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

(5)~~(16)~~ "Nontransient" means a guest in nontransient occupancy.

Section 3. Paragraph (c) of subsection (3) and subsection (7) of section 509.032, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

509.032 Duties.—

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days before the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendors participating in the event, the number of individual food service facilities each vendor will operate at the event, and the identification number of each food service vendor's current license as a public food service establishment or temporary food service event licensee. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to

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circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors and notify the event sponsors of the availability of the food-recovery brochure developed under s. 595.420.

3.a. ~~Unless excluded under s. 509.013(5)(b),~~ A public food service establishment or other food service vendor must obtain one of the following classes of license from the division: an individual license, for a fee of no more than \$105, for each temporary food service event in which it participates; or an annual license, for a fee of no more than \$1,000, which that entitles the licensee to participate in an unlimited number of food service events during the license period. The division shall establish license fees, by rule, and may limit the number of food service facilities a licensee may operate at a particular temporary food service event under a single license.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events.

(7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, licensing, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service

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establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph and subsection (8) do ~~does~~ not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011, including such a law, ordinance, or regulation that is amended to be less restrictive or to comply with the local registration requirements provided in subsection (8), or when a law, ordinance, or regulation adopted after June 1, 2011, regulates vacation rentals, if such law, ordinance, or regulation is less restrictive than a law, ordinance, or regulation that was in effect on June 1, 2011.

(c) Paragraph (b) and subsection (8) do ~~does~~ not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

(d) The regulation of advertising platforms is preempted to the state.

(8) LOCAL REGISTRATION OF VACATION RENTALS; SUSPENSION; REVOCATIONS; FINES.—Notwithstanding paragraph (7)(a), a local law, ordinance, or regulation may require the registration of vacation rentals with a local vacation rental registration program. Local governments may implement a vacation rental registration program pursuant to this subsection and may impose a fine for failure to register under the local program.

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(a) A local government may charge a fee of no more than \$150 per unit for processing a registration application. A local law, ordinance, or regulation may require annual renewal of a registration and may charge a renewal fee of no more than \$50 per unit for processing of a registration renewal. However, if there is a change of ownership, the new owner may be required to submit a new application for registration. Subsequent to the registration of a vacation rental, a local government may charge a reasonable fee to inspect a vacation rental after registration for compliance with the Florida Building Code and the Florida Fire Prevention Code, described in ss. 553.80 and 633.206, respectively.

(b) As a condition of registration or renewal of a vacation rental, a local law, ordinance, or regulation establishing a local vacation rental registration program may require the operator of a vacation rental to do only the following:

1. Submit identifying information about the owner and the owner's operator, if applicable, and the subject vacation rental premises.

2. Provide proof of a license with the unique identifier issued by the division to operate as a vacation rental.

3. Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipality.

4. Update required information on a continuing basis to ensure it is current.

5. Designate and maintain at all times a responsible party who is capable of responding to complaints or emergencies related to the vacation rental, including being available by

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telephone at a provided contact telephone number 24 hours a day, 7 days a week, and receiving legal notice of violations on behalf of the operator.

6. State the maximum occupancy of the vacation rental based on the number of sleeping accommodations for persons staying overnight in the vacation rental.

7. Pay in full all recorded municipal or county code liens against the subject vacation rental premises.

(c) Within 15 business days after receiving an application for registration of a vacation rental, a local government must review the application for completeness and accept the registration of the vacation rental or issue a written notice of denial.

1. The vacation rental operator and the local government may agree to a reasonable request to extend the timeframes provided in this paragraph, particularly in the event of a force majeure or other extraordinary circumstance.

2. If a local government fails to accept or deny the registration within the timeframes provided in this paragraph, the application is deemed accepted.

(d) If a local government denies a registration of a vacation rental, the local government must give written notice to the applicant. Such notice may be provided by United States mail or electronically. The notice must specify with particularity the factual reasons for the denial and include a citation to the applicable portions of the ordinance, rule, statute, or other legal authority for the denial of the registration. A local government may not prohibit an applicant from reapplying if the applicant cures the identified

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 deficiencies.
 (e)1. Upon an accepted vacation rental registration, a local government shall assign a unique registration number to the vacation rental unit and provide the registration number or other indicia of registration to the vacation rental operator in writing or electronically.
 2. The vacation rental operator must provide the vacation rental registration number to the division within 5 days after receipt of the registration number.
 (f) A local government may fine a vacation rental operator up to \$300 if he or she:
 1. Fails to continue to meet the registration requirements in paragraph (b); or
 2. Is operating a vacation rental without registering with the local government as a vacation rental.
 (g) A certified copy of an order imposing a fine may be recorded in the public records and thereafter constitutes a lien against the real property on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order is enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order may not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this subsection shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this subsection runs in favor of the local government, and the local government

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 may execute a satisfaction or release of lien. Three months or more after the filing of any such lien that remains unpaid, the local government may foreclose on the lien against the real property on which the violation exists or sue to recover a money judgment for the amount of the lien, plus accrued interest. A lien created pursuant to this part may not be foreclosed on real property that is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section do not apply to real property or personal property that is covered under s. 4(a), Art. X of the State Constitution.
 (h)1. If a vacation rental owner is found by the code enforcement board or special magistrate to have materially violated a local law, ordinance, or regulation that does not solely apply to vacation rentals and the violation is directly related to the owner's vacation rental premises, the local government must issue a written notice of such violation.
 2. If the owner is found to have materially violated a local law, ordinance, or regulation as described in subparagraph 1., the code enforcement board or special magistrate must make a recommendation to the local government as to whether an owner's vacation rental registration should be suspended.
 3. The code enforcement board or special magistrate must recommend the suspension of the owner's vacation rental registration if the owner is found to have:
 a. One or more violations on 5 separate days during a 60-day period;
 b. One or more violations on 5 separate days during a 30-day period; or
 c. One or more violations after two prior suspensions of an

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owner's vacation rental registration.

4. If the code enforcement board or special magistrate recommends suspension of an owner's vacation rental registration, a local government may suspend such registration for a period of:

a. Up to 30 days for one or more violations on 5 separate days during a 60-day period;

b. Up to 60 days for one or more violations on 5 separate days during a 30-day period; or

c. Up to 90 days for one or more violations after two prior suspensions of an owner's vacation rental registration.

5. A local government may not suspend an owner's vacation rental registration for violations of a local law, ordinance, or regulation which are not directly related to the vacation rental premises.

6. A local government must provide notice of the suspension of a vacation rental registration to the operator and the division within 5 days after the suspension. The notice must include the start date of the suspension, which must be at least 21 days after the suspension notice is sent to the operator and the division. Effective January 1, 2026, a local government must use the vacation rental information system described in s. 509.244 to provide notice of the suspension of a vacation rental registration to the division.

(i) 1. A local government may revoke or refuse to renew a vacation rental registration if:

a. An owner's vacation rental registration has been suspended three times pursuant to paragraph (h);

b. There is an unsatisfied recorded municipal lien or

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county lien on the real property of the vacation rental.

However, the local government must allow the vacation rental owner at least 60 days before the termination of a registration to satisfy the recorded municipal lien or county lien; or

c. The vacation rental premises and its owner are the subject of a final order or judgment by a court of competent jurisdiction lawfully directing the termination of the premises' use as a vacation rental.

2. A local government must provide notice of the termination of or refusal to renew a vacation rental registration to the operator and the division within 5 days after the termination or refusal to renew. The notice must include the date of termination or nonrenewal, which must be at least 21 days after the notice is sent to the operator and the division. Effective January 1, 2026, a local government must use the vacation rental information system described in s. 509.244 to provide notice of the termination of or refusal to renew a vacation rental registration to the division.

(j) A vacation rental owner may appeal a denial, suspension, or termination of a vacation rental registration, or a refusal to renew such registration, to the circuit court. An appeal must be filed within 30 days after the issuance of the denial, suspension, or termination of, or refusal to renew, the vacation rental registration. The court may assess and award reasonable attorney fees and costs and damages to a vacation rental owner.

This subsection does not prohibit a local government from establishing a local law, ordinance, or regulation if it is

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uniformly applied without regard to whether the residential property is used as a vacation rental.

Section 4. Effective January 1, 2025, present paragraph (c) of subsection (4) of section 509.241, Florida Statutes, is redesignated as paragraph (d), a new paragraph (c) is added to that subsection, subsection (5) is added to that section, and subsections (2) and (3) of that section are amended, to read:

509.241 Licenses required; exceptions; division online accounts and transactions.—

(2) APPLICATION FOR LICENSE.—Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the division before ~~prior to~~ the commencement of operation. A condominium association, as defined in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or (g) is not required to apply for or receive a public lodging establishment license. Upon receiving an application for a vacation rental license, the division may grant a temporary license that authorizes the vacation rental to begin operation while the application is pending. The temporary license automatically expires upon final agency action regarding the license application.

(3) DISPLAY OF LICENSE.—~~A~~ ~~Any~~ license issued by the division ~~must~~ ~~shall~~ be conspicuously displayed to the public inside in the office or lobby of the licensed establishment. Public food service establishments that ~~which~~ offer catering services ~~must~~ ~~shall~~ display their license number on all advertising for catering services. The operator of a vacation rental offered for transient occupancy through an advertising

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platform must also conspicuously display the vacation rental's local registration number, if applicable.

(4) ONLINE ACCOUNT AND TRANSACTIONS.—Each person who plans to open a public lodging establishment or a public food service establishment and each licensee or licensed agent must create and maintain a division online account and provide an e-mail address to the division to function as the primary contact for all communication from the division.

(c) Each licensee or licensed agent managing a license classified as a vacation rental as defined in s. 509.242(1)(c) must submit to the division, through the division's online system, any applicable local vacation rental registration number within 5 days after registration.

(5) UNIQUE IDENTIFIER.—The division shall include a unique identifier on each vacation rental license it issues which identifies each individual vacation rental dwelling or unit.

Section 5. Effective January 1, 2025, section 509.243, Florida Statutes, is created to read:

509.243 Advertising platforms.—

(1) An advertising platform shall require that a person who places an advertisement or listing of a vacation rental which offers it for rent do all of the following:

(a) Include in the advertisement or listing the vacation rental license number with the associated unique identifier and, if applicable, the local registration number.

(b) Attest to the best of the person's knowledge that the vacation rental's license and, if applicable, its local registration are current and valid and that all related information is accurately stated in the advertisement.

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(2) An advertising platform shall display the vacation rental license number with the associated unique identifier, and, if applicable, the local registration number.

(3) Effective January 1, 2026, an advertising platform shall:

(a) Use the vacation rental information system described in s. 509.244 to verify that the vacation rental license number with the associated unique identifier, and, if applicable, the local registration number, are current, valid, and apply to the subject vacation rental before publishing an advertisement or listing on its platform.

(b) Remove from public view an advertisement or a listing from its online application, software, website, or system within 15 business days after notification that a vacation rental license, or if applicable, a local registration:

1. Has been suspended, revoked, or not renewed; or

2. Fails to display a valid vacation rental license number with the associated unique identifier or, if applicable, a local registration number.

(4) If a guest uses a payment system on or through an advertising platform to pay for the rental of a vacation rental located in this state, the advertising platform must collect and remit all taxes due under ss. 125.0104, 125.0108, 205.044, 212.03, 212.0305, and 212.055 related to the rental as provided in s. 212.03(2)(b).

(5) If the division has probable cause to believe that a person not licensed by the division has violated this chapter or any rule adopted pursuant thereto, the division may issue and deliver to such person a notice to cease and desist from the

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violation. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a cease and desist notice, the division may file a proceeding in the name of the state seeking the issuance of an injunction or a writ of mandamus against any person who violates any provision of the notice. If the division is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, it is entitled to collect attorney fees and costs, together with any cost of collection.

(6) The division may fine an advertising platform an amount not to exceed \$1,000 per offense for each violation of this section or of division rule. For the purposes of this subsection, the division may regard as a separate offense each day or portion of a day in which an advertising platform is operated in violation of this section or rules of the division. The division shall issue to the advertising platform a written notice of any violation and provide it 15 days to cure the violation before commencing any legal proceeding under subsection (5).

(7) An advertising platform shall adopt an antidiscrimination policy to help prevent discrimination by its users and shall inform all users that it is illegal to refuse accommodation to an individual based on race, creed, color, sex, pregnancy, physical disability, or national origin, as provided in s. 509.092.

(8) This section does not create a private cause of action against advertising platforms. An advertising platform may not be held liable for any action that it takes voluntarily and in

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good faith in relation to its users in compliance with this chapter or the advertising platform's terms of service.

Section 6. Section 509.244, Florida Statutes, is created to read:

509.244 Vacation rental information system.-

(1) As used in this section, the term "application program interface" means a predefined protocol for reading or writing data across a network using a file system or a database.

(2) By July 1, 2025, the division shall create and maintain a vacation rental information system readily accessible through an application program interface. At a minimum, the system must do all of the following:

(a) Facilitate prompt compliance with this chapter by a licensee or an advertising platform.

(b) Allow advertising platforms to search by vacation rental license number with the associated unique identifier, applicable local registration number, and a listing status field that indicates whether the premises is compliant with applicable license and registration requirements to allow the operator to determine whether the platform may advertise the vacation rental.

(c) Allow local government users to notify the division of a termination or failure to renew, or the period of suspension of, a local registration, if applicable.

(d) Provide a system interface to allow local governments and advertising platforms to verify the status of a vacation rental license and a local registration of a vacation rental, if applicable.

(e) Allow a registered user to subscribe to receive

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automated notifications of changes to the license and registration status of a vacation rental, including any license revocation, local registration termination, period of suspension imposed by the division or local government, or failure to renew a license or local registration.

Section 7. Subsection (11) is added to section 509.261, Florida Statutes, to read:

509.261 Revocation or suspension of licenses; fines; procedure.-

(11)(a) The division may revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a license of a vacation rental for any of the following reasons:

1. Operation of the subject premises violates the terms of an applicable lease or property restriction, including any property restriction adopted pursuant to chapter 718, chapter 719, or chapter 720, as determined by a final order of a court of competent jurisdiction or a written decision by an arbitrator authorized to arbitrate a dispute relating to the subject premises and a lease or property restriction.

2. Local registration of the vacation rental is suspended or revoked by a local government as provided in s. 509.032(8).

3. The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

(b) The division must specify the license number with the associated unique identifier of the vacation rental dwelling or unit which has been revoked, not renewed, or suspended and input such status in the vacation rental information system described in s. 509.244.

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813 (c) If the division suspends a license for the reason
 814 specified in subparagraph (a)2., the suspension must run
 815 concurrently with the local registration suspension.

816 Section 8. Subsection (12) of section 159.27, Florida
 817 Statutes, is amended to read:

818 159.27 Definitions.—The following words and terms, unless
 819 the context clearly indicates a different meaning, shall have
 820 the following meanings:

821 (12) "Public lodging or restaurant facility" means property
 822 used for any public lodging establishment as defined in s.
 823 509.242 or public food service establishment as defined in s.
 824 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
 825 necessary to, another facility qualifying under this part.

826 Section 9. Paragraph (jj) of subsection (7) of section
 827 212.08, Florida Statutes, is amended to read:

828 212.08 Sales, rental, use, consumption, distribution, and
 829 storage tax; specified exemptions.—The sale at retail, the
 830 rental, the use, the consumption, the distribution, and the
 831 storage to be used or consumed in this state of the following
 832 are hereby specifically exempt from the tax imposed by this
 833 chapter.

834 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 835 entity by this chapter do not inure to any transaction that is
 836 otherwise taxable under this chapter when payment is made by a
 837 representative or employee of the entity by any means,
 838 including, but not limited to, cash, check, or credit card, even
 839 when that representative or employee is subsequently reimbursed
 840 by the entity. In addition, exemptions provided to any entity by
 841 this subsection do not inure to any transaction that is

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842 otherwise taxable under this chapter unless the entity has
 843 obtained a sales tax exemption certificate from the department
 844 or the entity obtains or provides other documentation as
 845 required by the department. Eligible purchases or leases made
 846 with such a certificate must be in strict compliance with this
 847 subsection and departmental rules, and any person who makes an
 848 exempt purchase with a certificate that is not in strict
 849 compliance with this subsection and the rules is liable for and
 850 shall pay the tax. The department may adopt rules to administer
 851 this subsection.

852 (jj) *Complimentary meals*.—Also exempt from the tax imposed
 853 by this chapter are food or drinks that are furnished as part of
 854 a packaged room rate by any person offering for rent or lease
 855 any transient public lodging establishments ~~living~~
 856 ~~accommodations~~ as described in s. 509.013(10) (a) ~~or~~
 857 ~~509.013(4) (a)~~ which are licensed under part I of chapter 509 and
 858 which are subject to the tax under s. 212.03, if a separate
 859 charge or specific amount for the food or drinks is not shown.
 860 Such food or drinks are considered to be sold at retail as part
 861 of the total charge for the transient living accommodations.
 862 Moreover, the person offering the accommodations is not
 863 considered to be the consumer of items purchased in furnishing
 864 such food or drinks and may purchase those items under
 865 conditions of a sale for resale.

866 Section 10. Paragraph (b) of subsection (4) of section
 867 316.1955, Florida Statutes, is amended to read:

868 316.1955 Enforcement of parking requirements for persons
 869 who have disabilities.—

870 (4)

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871 (b) Notwithstanding paragraph (a), a theme park or an
 872 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
 873 which provides parking in designated areas for persons who have
 874 disabilities may allow any vehicle that is transporting a person
 875 who has a disability to remain parked in a space reserved for
 876 persons who have disabilities throughout the period the theme
 877 park is open to the public for that day.

878 Section 11. Subsection (5) of section 404.056, Florida
 879 Statutes, is amended to read:

880 404.056 Environmental radiation standards and projects;
 881 certification of persons performing measurement or mitigation
 882 services; mandatory testing; notification on real estate
 883 documents; rules.—

884 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
 885 shall be provided on at least one document, form, or application
 886 executed at the time of, or before ~~prior to~~, contract for sale
 887 and purchase of any building or execution of a rental agreement
 888 for any building. Such notification must ~~shall~~ contain the
 889 following language:

891 "RADON GAS: Radon is a naturally occurring radioactive gas
 892 that, when it has accumulated in a building in sufficient
 893 quantities, may present health risks to persons who are exposed
 894 to it over time. Levels of radon that exceed federal and state
 895 guidelines have been found in buildings in Florida. Additional
 896 information regarding radon and radon testing may be obtained
 897 from your county health department."

898
 899 The requirements of this subsection do not apply to any

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

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900 residential transient occupancy, as described in s. 509.013 ~~s.~~
 901 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
 902 duration.

903 Section 12. Subsection (6) of section 477.0135, Florida
 904 Statutes, is amended to read:

905 477.0135 Exemptions.—

906 (6) A license is not required of any individual providing
 907 makeup or special effects services in a theme park or
 908 entertainment complex to an actor, stunt person, musician,
 909 extra, or other talent, or providing makeup or special effects
 910 services to the general public. The term "theme park or
 911 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
 912 ~~509.013(9)~~.

913 Section 13. Paragraph (b) of subsection (2) of section
 914 509.221, Florida Statutes, is amended to read:

915 509.221 Sanitary regulations.—

916 (2)

917 (b) Within a theme park or entertainment complex as defined
 918 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to
 919 be in the same building as the public food service
 920 establishment, so long as they are reasonably accessible.

921 Section 14. Paragraph (b) of subsection (5) of section
 922 553.5041, Florida Statutes, is amended to read:

923 553.5041 Parking spaces for persons who have disabilities.—

924 (5) Accessible perpendicular and diagonal accessible
 925 parking spaces and loading zones must be designed and located to
 926 conform to ss. 502 and 503 of the standards.

927 (b) If there are multiple entrances or multiple retail
 928 stores, the parking spaces must be dispersed to provide parking

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at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

Section 15. Paragraph (b) of subsection (5) of section 559.955, Florida Statutes, is amended to read:

559.955 Home-based businesses; local government restrictions.—

(5) The application of this section does not supersede:

(b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(10)(a)2. which ~~s. 509.013(4)(a)1., that~~ are not otherwise preempted under chapter 509.

Section 16. Paragraph (d) of subsection (7) of section 561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(7)

(d) Any corporation, partnership, or individual operating a club which owns or leases and which maintains any bona fide beach or cabana club consisting of beach facilities, swimming pool, locker rooms or bathroom facilities for at least 100 persons, and a public food service establishment as defined in s. 509.013 ~~s. 509.013(5)(a)~~, comprising in all an area of at least 5,000 square feet located on a contiguous tract of land of

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in excess of 1 acre may be issued a license under s. 565.02(4). The failure of such club to maintain the facilities shall be a ground for revocation of the license.

Section 17. Subsection (2) of section 705.17, Florida Statutes, is amended to read:

705.17 Exceptions.—

(2) Sections 705.1015-705.106 do not apply to any personal property lost or abandoned on premises located within a theme park or entertainment complex, as defined in s. 509.013 ~~s. 509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with s. 705.185.

Section 18. Section 705.185, Florida Statutes, is amended to read:

705.185 Disposal of personal property lost or abandoned on the premises of certain facilities.—When any lost or abandoned personal property is found on premises located within a theme park or entertainment complex, as defined in s. 509.013 ~~s. 509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with this section, any lost or abandoned property must be delivered to such owner or operator, who must take charge of the property and make a record of the date such property was found. If the property is not claimed by its owner within 30 days after it is found, or a longer period of time as may be deemed

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 appropriate by the owner or operator of the premises, the owner or operator of the premises may not sell and must dispose of the property or donate it to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code for sale or other disposal as the charitable institution deems appropriate. The rightful owner of the property may reclaim the property from the owner or operator of the premises at any time before the disposal or donation of the property in accordance with this section and the established policies and procedures of the owner or operator of the premises. A charitable institution that accepts an electronic device, as defined in s. 815.03(9), access to which is not secured by a password or other personal identification technology, shall make a reasonable effort to delete all personal data from the electronic device before its sale or disposal.

Section 19. Section 717.1355, Florida Statutes, is amended to read:

717.1355 Theme park and entertainment complex tickets.—This chapter does not apply to any tickets for admission to a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, or to any tickets to a permanent exhibition or recreational activity within such theme park or entertainment complex.

Section 20. Subsection (8) of section 877.24, Florida Statutes, is amended to read:

877.24 Nonapplication of s. 877.22.—Section 877.22 does not apply to a minor who is:

(8) Attending an organized event held at and sponsored by a

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 theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~.

Section 21. The application of this act does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes; any cooperative document adopted pursuant to chapter 719, Florida Statutes; or any declaration or declaration of covenant adopted pursuant to chapter 720, Florida Statutes.

Section 22. (1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendments made by this act to s. 212.03, Florida Statutes, including establishing procedures to facilitate the remittance of taxes.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires January 1, 2026.

Section 23. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2024.



THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore

December 1, 2023

Dear Chair Gruters,

I respectfully request that **SB 280 – Vacation Rentals** be placed on the agenda of the Regulated Industries Committee at your earliest convenience.

If my office can be of any assistance to the committee please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

CC: Staff Director: Booter Imhof
Administrative Assistant: Susan Datres

Proudly Serving Pinellas County

Transportation Committee, Chair ~ Banking and Insurance Committee, Vice Chair ~
Fiscal Policy Committee ~ Judiciary Committee ~
Rules Committee ~ Joint Legislative Auditing Committee

12/13/23

Meeting Date

APPEARANCE

APPEARANCE RECORD

0280

Bill Number or Topic

Regulated Industries

Committee

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

Amendment Barcode (if applicable)

Name Samantha Padgett

Phone (850) 528-5006

Address 230 S. Adams Street

Street

Email Spadgett@FLA.org

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐ For☐ Against☒ Information

OR

Waive Speaking:

☐ In Support☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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S-001 (08/10/2021)

APPEARANCE RECORD

SB 280

Bill Number or Topic

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Amendment Barcode (if applicable)

Meeting Date

Committee

Regulated Industry

Name

Mayor David Will

Phone

327-244-9455

Address

16049 Redington Dr

Email

Mayor@TownofRedingtonBeach
.com

Street

Redington Beach FL 33708

City

State

Zip

Speaking:

☐ For☒ Against☐ Information**OR**

Waive Speaking:

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

Mayor of Redington Beach

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons 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 \(flsenate.gov\)](#)

12/13/2023

Meeting Date

Reg Inty

Committee

The Florida Senate

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SB 286

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JACK CORY

Phone

850-893-0995

Address

730 East Perd Ave

Email

JACKCORY@PACONSULTANTS.COM

Street

Jackson

State

FL

Zip

32341

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Jacksonville Beach



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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons 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

12/13/23

Meeting Date

Reg. Industries

Committee

280

Bill Number or Topic

Amendment Barcode (if applicable)

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

Name CASEY COOK Phone 850 701 3609

Address 301 S. Bronough St Email ccook@flcities.com
Street

TLH FL 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida League of Cities

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

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

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S-001 (08/10/2021)

The Florida Senate

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12/13/23

Meeting Date

Regulated Industries

Committee

SB280

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Hawks

Phone 859-339-3233

Address 500 Belcher Rd S Apt 212

Email chawks@largo.com

Street

Largo

City

FL

State

33771

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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12-13-23

Meeting Date

The Florida Senate
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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

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

Address 111 N.W. 1st Street Suite 2800 Email jmm2@miamidade.gov

Street

Miami

City

FL

State

33128

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Miami-Dade County

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/13/23

Meeting Date

Regulated Inv.

Committee

SB 280

Bill Number or Topic

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Amendment Barcode (if applicable)

Name

MARK RYAN

Phone

321 298-4334

Address

4116 Alpine Way

Email

mkr24@icloud.com

Street

Tallahassee

City

State

FL

Zip

32303

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons 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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280

Bill Number or Topic

12/12/23

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Committee

Amendment Barcode (if applicable)

Name

Mayor Nancy Sikes-Kline

Phone

(904) 806-6203

Address

15 Mirinda Av

Email

Street

St. Augustine FL 32080

City

State

Zip

Speaking:

☐ For

Against

☐ Information**OR**

Waive Speaking:

☐ In Support

Against

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

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

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S-001 (08/10/2021)

APPEARANCE RECORD

12/12/23

Meeting Date

to 280

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

DAVID BIRCHIM

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75 KING ST.

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Street

ST. AUGUSTINE, FL

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
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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 Regulated Industries

BILL: CS/SB 478

INTRODUCER: Senator Rodriguez

SUBJECT: Designation of Eligible Telecommunications Carriers

DATE: December 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 478 amends s. 364.10, F.S., to restore to the Florida Public Service Commission (PSC) the authority to designate mobile phone service providers as eligible telecommunications carriers under the federal Lifeline program. The Lifeline program provides telecommunications cost assistance to qualifying low-income consumers throughout the United States.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida Public Service Commission

The PSC is an arm of the legislative branch of government.¹ The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.² In order to do so, the PSC exercises authority over public utilities in one or more of the following areas: rate base or economic

¹ Section 350.001, F.S.

² See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Dec. 7, 2023).

regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.³

Telecommunications Carriers

Under ch. 364, F.S., telecommunications carriers in Florida are also subject to only limited PSC regulation. Telecommunications companies, under s. 364.02(13), F.S., include every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within the state by the use of a telecommunications facility. The term does not include:

- Entities that provide a telecommunications facility exclusively to a certificated telecommunications company;
- Entities that provide a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;
- Commercial mobile radio service providers (mobile phone service provided for profit and to the public);⁴
- Facsimile transmission services;
- Private computer data network companies not offering service to the public for hire;
- Cable television company providing cable service as defined in 47 U.S.C. s. 522;
- Intrastate interexchange telecommunications companies;
- Operator services providers; and
- Airports that provide communications services within the confines of their airport layout plan.

In addition, s. 364.011, F.S., exempts the following services from PSC jurisdiction (except as otherwise specifically provided in ch. 364, F.S.):

- Intrastate interexchange telecommunications services;
- Broadband services, regardless of the provider, platform, or protocol.
- Voice over Internet Protocol (VoIP);
- Wireless telecommunications, including commercial mobile radio service providers;
- Basic service; and
- Nonbasic services or comparable services offered by any telecommunications company.

During the 2011 legislative session, the Regulatory Reform Act was passed and signed into law by the Governor, effective July 1, 2011.⁵ Under the Regulatory Reform Act, the Legislature eliminated most of the PSC's jurisdiction over telecommunications. However, the PSC still:

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Dec. 7, 2023).

⁴ See 47 U.S.C. ss. 153(27) and 332(d) (2009). The definition of "commercial mobile radio service provider" in s. 364.02(3), F.S., was created in 2009 and references the definition of "mobile service" at 47 U.S.C. ss. 153(27) as it existed in the U.S. Code at that time (*see* ch. 2009-226, Laws of Fla.). 47 U.S.C. s. 153 has been subsequently amended twice, and, although the definition of "mobile service" has not changed, the new, current location for this definition is 47 U.S.C. ss. 153(33). 47 U.S.C. s. 332 has also been amended since ch. 2009-226, Laws of Fla., however the only changes to the relevant portion of that section (47 U.S.C. s. 332(d)) were technical (eliminating the unnecessary phrase "of this section" from 47 U.S.C. s. 332(d)(2)).

⁵ Ch. 2011-36, Laws of Fla.

- Maintains the authority to ensure that incumbent local exchange carriers meet their obligation to provide unbundled access, interconnection, and resale to competitive local exchange companies in a nondiscriminatory manner;
- Administers the system to provide Telecommunications Relay Services; and
- Oversees the Federal Lifeline Assistance program for Florida.⁶

Federal Universal Service Program

Universal Service is the name of a fund (Universal Service Fund or USF) and a category of Federal Communications Commission (FCC) programs designed to implement the principle that “all Americans should have access to communications service.”⁷ The FCC has established four programs within the USF:

- Connect America Fund (formally known as High-Cost Support) for rural areas;
- Lifeline (for low-income consumers), including initiatives to expand phone service for residents of Tribal lands;
- Schools and Libraries (E-rate);
- Rural Health Care.⁸

The USF is paid for by contributions from providers of telecommunications and is assessed based upon such providers’ interstate and inter-nation end-user revenues. Entities that contribute to the fund include:

- Telecommunications carriers, including wireline and wireless companies; and
- Interconnected VoIP providers, including cable companies that provide voice service.⁹

The Universal Service Administrative Company administers the four USF programs and collects assessments telecommunications providers under the direction of the FCC.¹⁰

Connect America Fund

The Connect America Fund is designed to “ensure that consumers in rural, insular, and high-cost areas have access to modern communications networks capable of providing voice and broadband service, both fixed and mobile, at rates that are reasonably comparable to those in urban areas.” This is accomplished by allowing eligible telecommunications carriers (ETCs) serving eligible areas to recover some of the expense of high-cost service from the USF instead of from ratepayers.¹¹

⁶ Florida Public Service Commission, *About the PSC*, supra note 3.

⁷ Federal Communications Commission, *Universal Service*, <https://www.fcc.gov/general/universal-service> (last visited Dec. 6, 2023).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Federal Communications Commission, *Universal Service for High Cost Areas - Connect America Fund*, <https://www.fcc.gov/general/universal-service-high-cost-areas-connect-america-fund> (last visited Dec. 6, 2023).

Lifeline Program for Low-Income Consumers

Established in 1985, the Lifeline program was originally established to provide discounts on phone service for qualifying low-income consumers. The program is available to eligible low income consumers in every state, territory, commonwealth, and on tribal lands.¹²

In 2016, the FCC adopted, by order, a comprehensive reform and modernization of the Lifeline program.¹³ The order, in part, revised the Lifeline program to:

- Allow Lifeline subscribers to apply the \$9.25 monthly Lifeline discount to broadband and broadband-voice bundled service;
- Set minimum service standards for Lifeline-supported service; and
- Establish the National Verifier as a neutral third party to make program eligibility decisions.¹⁴

As currently administered, the Lifeline program is intended to enable low-income households to obtain and maintain basic telephone and broadband services through the offering of monthly bill discounts to qualifying households. Alternatively, qualifying low-income consumers can choose to receive monthly wireless minutes or measured data service from wireless ETCs.¹⁵

Eligible Telecommunications Carriers

To participate in the Lifeline program, telecommunications providers must first be designated as an ETC by either their state regulatory commission or, if the telecommunications company is not regulated by a state regulatory commission, the FCC.¹⁶

Chapter 364, F.S., grants the PSC authority over telecommunications carriers; and, thus, the PSC has the authority to designate such carriers as ETCs pursuant to 47 U.S.C. 214(e). Though s. 364.011, F.S., exempts wireless telecommunications from PSC jurisdiction, the PSC was able to designate wireless telecommunications providers as ETCs due to a provision previously in that section that allowed for PSC jurisdiction where “specifically authorized by federal law.”¹⁷ The 2011 Regulatory Reform Act, however, removed this provision;¹⁸ and, thus, the PSC no longer has jurisdiction to grant ETC status to wireless carriers and the authority to grant such status reverted back to the FCC.¹⁹

¹² Federal Communications Commission, *Lifeline Program for Low-Income Consumers*, <https://www.fcc.gov/general/lifeline-program-low-income-consumers> (last visited Dec. 7, 2023).

¹³ *Id.* and *In the Matter of Lifeline & Link Up Reform & Modernization*, 31 F.C.C. Rcd. 3962 (2016) (available at: <https://docs.fcc.gov/public/attachments/FCC-16-38A1.pdf>) (last visited Dec. 6, 2023).

¹⁴ Universal Service Administrative Co., *Orders*, <https://www.usac.org/lifeline/rules-and-requirements/orders/#:~:text=In%20April%202016%2C%20the%20FCC,third%20party%20to%20make%20program> (last visited: Dec. 6, 2023).

¹⁵ Florida Public Service Commission, *Bill Analysis for SB 478*, Dec. 6, 2023 (on file with the Senate Regulated Industries Committee).

¹⁶ *Id.*, Universal Service Administrative Co., *Join Lifeline as an ETC*, [https://www.usac.org/lifeline/get-started/join-lifeline-as-an-etc/#:~:text=Eligible%20telecommunications%20carriers%20\(ETCs%2C%20or,the%20federal%20universal%20service%20fund](https://www.usac.org/lifeline/get-started/join-lifeline-as-an-etc/#:~:text=Eligible%20telecommunications%20carriers%20(ETCs%2C%20or,the%20federal%20universal%20service%20fund) (last visited Dec. 6, 2023), and 47 U.S.C. 214(e).

¹⁷ Florida Public Service Commission, *Bill Analysis for SB 478*, *supra* note 15.

¹⁸ Ch. 2011-36, s. 3, Laws of Fla.

¹⁹ Florida Public Service Commission, *Bill Analysis for SB 478*, *supra* note 15.

Since 2011, according to the PSC, “there have been 37 wireless ETC applications for which the FCC has taken no action,” and “it is unlikely that the FCC will take any action on most of these petitions given the length of time that has transpired since they were originally filed.” As of 2020, according to the PSC, four companies with authorization to do business in the state of Florida have filed or amended existing petitions with the FCC for ETC designation:

- Dish Wireless;
- Easy Wireless;
- Global Connections; and
- Sage Telecom.²⁰

The FCC currently has two types of ETC designations. One is for its Connect America Fund. In order to participate in the Connect America Fund, the carrier must also participate in the Lifeline program.²¹ The other type of ETC designation is for the Lifeline program only.²²

III. Effect of Proposed Changes:

CS/SB 478 amends s. 364.10, F.S., to authorize the PSC to specifically designate two types of entities as ETCs for the limited purpose of providing Lifeline service:

- Telecommunications companies; and
- Commercial mobile radio service providers (i.e. mobile phone service providers).²³

The effect of this change would be to:

- Maintain the PSC’s current ability to grant Lifeline program ETC status to telecommunications companies currently under its jurisdiction, pursuant to 47 U.S.C. 214(e); and
- Provide the PSC with the state authority to grant ETC status, for the sole purpose of providing Lifeline service, to commercial mobile radio service providers, pursuant to 47 U.S.C. 214(e). These providers are currently exempted from PSC jurisdiction.

The bill would allow the PSC to expedite the ETC designation process for mobile phone service providers in Florida over the existing FCC process. According to the PSC, this will likely lead to more companies in Florida that can offer the Lifeline discount and more households receiving the Lifeline benefit.²⁴

Mobile phone service providers wishing to participate in the Connect America (i.e. High-Cost Support) program will still need to petition the FCC for ETC designation for that program. Additionally, providers using other technologies exempt from PSC jurisdiction, such as satellite

²⁰ *Id.*

²¹ *Id.* However, in *In the Matter of Lifeline & Link Up Reform & Modernization*, 31 F.C.C., Rcd. 3962, paras. 335-60 (2016), the FCC provided conditional forbearance from Lifeline voice service requirements where (a) 51 percent of Lifeline subscribers in a county are obtaining Lifeline broadband Internet access service; (b) there are at least three other providers of Lifeline BIAS that each serve at least five percent of the Lifeline broadband subscribers in that county; and (c) the ETC does not actually receive federal high-cost universal service support.

²² Florida Public Service Commission, *Bill Analysis for SB 478*, supra note 15.

²³ Provided that such service is offered for profit and to the public.

²⁴ Florida Public Service Commission, *Bill Analysis for SB 478*, supra note 15.

or Voice over Internet Protocol, would continue to need to seek ETC designation at the FCC to participate in the Lifeline or Connect America programs.²⁵

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:

The bill would reduce the amount of time it would take for mobile phone service providers to obtain ETC status for the Lifeline program. This may lead to an expansion of such companies' consumer base through the addition of Lifeline service customers.

C. Government Sector Impact:

The PSC estimates that implementing the bill would have no fiscal impact in regards to its own revenues or expenditures.²⁶

VI. Technical Deficiencies:

None.

²⁵ *Id.*

²⁶ Florida Public Service Commission, *Bill Analysis for SB 478*, supra note 15.

VII. Related Issues:

The term “commercial mobile radio service provider” is used in the bill and is defined in s. 364.02(3), F.S., as “a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(27) and 332(d).” While s. 364.02, F.S., is not included within the bill, the U.S. Code reference included in the definition of “commercial mobile radio service provider” is outdated and no longer accurate. The Legislature may wish to consider updating this reference within this, or another bill impacting this subject matter.

VIII. Statutes Affected:

This bill substantially amends section 364.10 of the Florida Statutes.

IX. Additional Information:

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

CS by Regulated Industries on December 13, 2023

The committee substitute deletes intent language in the bill that reiterated existing Florida Public Service Commission authority to enforce the provisions of Chapter 364, F.S.

- B. **Amendments:**

None.



583412

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
12/13/2023	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Between lines 39 and 40
insert:

(c) This subsection does not confer to the commission any regulatory jurisdiction over a commercial mobile radio service provider that was designated, before the effective date of this act, as an eligible telecommunications carrier.

Section 2. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it



583412

11 occurs in this act with the date this act becomes a law.
12
13 ===== T I T L E A M E N D M E N T =====
14 And the title is amended as follows:
15 Delete line 8
16 and insert:
17 purpose; providing legislative intent; providing
18 construction; providing a directive to the Division of
19 Law Revision; providing an



453534

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/13/2023	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Rodriguez) recommended the following:

Senate Substitute for Amendment (583412)

Delete lines 37 - 39
and insert:
telecommunications carrier.

By Senator Rodriguez

40-00090A-24

2024478__

1 A bill to be entitled
 2 An act relating to designation of eligible
 3 telecommunications carriers; amending s. 364.10, F.S.;
 4 revising the definition of the term "eligible
 5 telecommunications carrier"; authorizing the Public
 6 Service Commission to designate certain entities as
 7 eligible telecommunications carriers for a specified
 8 purpose; providing legislative intent; providing an
 9 effective date.
 10
 11 Be It Enacted by the Legislature of the State of Florida:
 12
 13 Section 1. Present paragraph (i) of subsection (2) of
 14 section 364.10, Florida Statutes, is redesignated as subsection
 15 (4) of that section, subsection (3) is added to that section,
 16 and paragraph (a) of subsection (1) of that section is amended,
 17 to read:
 18 364.10 Lifeline service.—
 19 (1)(a) An eligible telecommunications carrier shall provide
 20 a Lifeline Assistance Plan to qualified residential subscribers,
 21 as defined in the eligible telecommunications carrier's
 22 published schedules. For the purposes of this section, the term
 23 "eligible telecommunications carrier" means an entity a
 24 ~~telecommunications company, as defined by s. 364.02, which is~~
 25 designated as an eligible telecommunications carrier by the
 26 commission pursuant to 47 C.F.R. s. 54.201 and this section.
 27 (3)(a) The commission has the power and authority to
 28 designate an entity, upon petition and in accordance with 47
 29 C.F.R. s. 54.201, as an eligible telecommunications carrier,

Page 1 of 2

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

40-00090A-24

2024478__

30 provided that such entity is:
 31 1. A telecommunications company; or
 32 2. A commercial mobile radio service provider.
 33 (b) This legislative authority is intended to be sufficient
 34 to enable the commission, for the limited purpose of providing
 35 Lifeline service under this section, to approve any of the types
 36 of entities specified in paragraph (a) as an eligible
 37 telecommunications carrier. The commission may exercise such
 38 authority in addition to the commission jurisdiction otherwise
 39 specified in this chapter.
 40 Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Joe Gruters, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: November 28, 2023

I respectfully request that **Senate Bill #478**, relating to Designation of Eligible Telecommunications Carriers be placed on the:

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

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

Date: November 28, 2023

Agency Affected:	Public Service Commission	
Program Manager:	Lance Watson	Telephone: 413.6125
Agency Contact:	Katherine Pennington	Telephone: 413.6596
Respondent:	Katherine Pennington	Telephone: 413.6596

RE: SB 478

I. SUMMARY:

Senate Bill 478 would amend Section 364.10, Florida Statutes (F.S.), to revise the definition of the term “eligible telecommunications carrier” (ETC) to include commercial mobile radio service (CMRS) providers. CMRS is a regulatory classification for mobile phone service (i.e., wireless). The bill would authorize the Public Service Commission (PSC) to designate a CMRS provider as an ETC for the purpose of providing Lifeline service.

II. PRESENT SITUATION:

The federal universal service program is intended to ensure all citizens have access to basic telecommunications service by offsetting costs through the universal service fund (USF). This includes programs that address situations where the cost to provide service is too high, as well as situations where low income may prevent someone from having access to telecommunications service. The Lifeline program is designed to enable low-income households to obtain and maintain basic telephone and broadband services by offering qualifying households a discount on their monthly bills. Alternatively, consumers can choose to receive monthly wireless minutes and/or measured data service from wireless ETCs. Telecommunications providers must obtain ETC designation in order to participate in the Lifeline program.

Pursuant to 47 U.S.C. 214(e), state commissions are granted authority to designate a company as an ETC. However, if a company is not subject to the jurisdiction of the state commission, the company must petition the Federal Communications Commission (FCC) for ETC designation. In the past the PSC designated wireless carriers as ETCs, despite a lack of jurisdiction over wireless service, due to language in Section 364.011, F.S., that provided authority where “specifically authorized by federal law.” That language was removed from the statute in 2011, and as a result the PSC’s authority to designate wireless providers as ETCs was eliminated. Since that time, wireless providers in Florida must apply for ETC designation with the FCC.

Since 2011, there have been 37 wireless ETC applications for which the FCC has taken no action. It is unlikely that the FCC will take any action on most of these petitions given the length of time that has transpired since they were originally filed. As of 2020, four companies authorized to conduct business in Florida have filed or amended existing petitions with the FCC seeking ETC designation in Florida: Dish Wireless, Easy Wireless, Global Connections, and Sage Telecom.

There are currently two types of ETC designation. The first authorizes carriers to receive high-cost program support from the USF. To receive high-cost program support an ETC is required to also participate in the low-income Lifeline program. The second type of ETC designation is for the Lifeline program only.

III. EFFECT OF PROPOSED CHANGES:

This bill would authorize the PSC to designate wireless providers as ETCs for the limited purpose of providing Lifeline service. Allowing wireless providers to petition the PSC for ETC designation will result in a more expedited application process, which will likely lead to more companies offering the Lifeline discount, resulting in more eligible households receiving this benefit.

IV. ESTIMATED FISCAL IMPACTS ON STATE AGENCIES:

(in this section please provide information concerning FTEs. How many positions, if any will be necessary to enact this bill. Also, what specific positions will be needed.)

	(FY 24-25) <u>Amount / FTE</u>	(FY 25-26) <u>Amount / FTE</u>	(FY 26-27) <u>Amount / FTE</u>
A. Revenues			
1. Recurring	\$0/0 FTE	\$0/0 FTE	\$0/0 FTE
2. Non-Recurring	\$0/0 FTE	\$0/0 FTE	\$0/0 FTE
B. Expenditures			
1. Recurring	\$0/0 FTE	\$0/0 FTE	\$0/0 FTE
2. Non-Recurring	\$0/0 FTE	\$0/0 FTE	\$0/0 FTE

V. ESTIMATED FISCAL IMPACTS ON LOCAL GOVERNMENTS:

None.

VI. ESTIMATED IMPACTS ON PRIVATE SECTOR:

This bill's proposed change shortens the amount of time wireless providers would wait for ETC designations. It would assist companies seeking to expand their consumer base through provision of Lifeline service.

VII. LEGAL ISSUES:

A. Does the proposed legislation conflict with existing federal law or regulations? If so, what laws and/or regulations?

No. As highlighted by Section 214(e) of Title 47, U.S.C., federal law contemplates state decision-making and action regarding the designation of ETCs.

B. Does the proposed legislation raise significant constitutional concerns under the U.S. or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, impairment of contracts)?

No.

C. Is the proposed legislation likely to generate litigation and, if so, from what interest groups or parties?

No.

D. Other:

N/A.

VIII. COMMENTS:

Since the proposed legislation would only authorize the PSC to designate wireless providers as ETCs for “the limited purpose of providing Lifeline service,” wireless providers seeking to participate in the high-cost program would continue to be referred to the FCC for ETC designation. Carriers using other exempt technologies, such as satellite or Voice over Internet Protocol, would continue to seek ETC designation at the FCC.

Prepared by: Greg Fogleman, Carlos Marquez
Date: November 28, 2023

APPEARANCE RECORD

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

12.13.23

Meeting Date

Reg. Industry

Committee

478

Bill Number or Topic

453534 SA

Amendment Barcode (if applicable)

Name Samantha Greer

Phone 321.544.1577

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Email samantha@corcoran
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Tallahassee FL

City

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

12/3-23

Meeting Date

Regulated Indust

Committee

SB 478

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chante Jones

Phone

850-272-0551

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32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

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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 Regulated Industries

BILL: CS/SB 382

INTRODUCER: Regulated Industries Committee and Senator Hooper

SUBJECT: Continuing Education Requirements

DATE: December 13, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 382 revises continuing education requirements for all persons licensed by the Florida Department of Business and Professional Regulation (DBPR) or its regulatory boards, to require that distance learning¹ courses be allowed as an alternate method of satisfying continuing education requirements. The bill maintains the requirement in current law that a board or the DBPR when there is no board, may not require centralized examinations for continuing education for persons licensed to engage in community association management services, home inspection services, mold-related services, real estate services (i.e., brokers, sales associates, and schools), and real estate appraisal services. The bill does not apply to certified public accountants, real estate appraisers, architects and interior designers, contractors, or to any medical board or department regulated by the Department of Health.

Under current law, whether distance learning courses must be approved to satisfy continuing education requirements depends upon the type of profession. Such approval is mandated for persons licensed to engage in community association management services, home inspection services, mold-related services, real estate services (i.e., brokers, sales associates, and schools), and real estate appraisal services. For all other licensees regulated by professional boards or the DBPR under ch. 455, F.S., distance learning courses may be, but are not required to be, approved as an alternate method of satisfying continuing education requirements.

¹ The terms “distance learning” and “distance-learning” appear infrequently in the Florida Statutes and administrative rules and are not defined in the Florida Statutes as of the date of this analysis.

Under the bill, licensees renewing an active license that has been held continuously for at least 10 years are exempted from the obligation to complete any continuing education, provided no disciplinary action is imposed on the license.

The bill authorizes rulemaking by the DBPR, including emergency rulemaking pending the adoption of permanent rules to implement the exemption from continuing education requirements granted to eligible licensees.

The bill has no fiscal impact on state government. See Section V.

The bill takes effect July 1, 2024.

II. Present Situation:

Chapter 455, F.S., provides for the regulation of professions by the Department of Business and Professional Regulation (DBPR).

Department of Business and Professional Regulation

Organization of the DBPR

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has the following 11 divisions:

- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and
- Technology.

The Florida Athletic Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.² The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.³

Powers and Duties of the DBPR

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the [DBPR] in the Divisions of Certified Public Accounting,

² Section 548.003(1), F.S.

³ See Parts I and III of ch. 450, F.S.

Professions, Real Estate, and Regulation.”⁴ The chapter also provides the procedural and administrative framework for those divisions and the professional boards within the DBPR.⁵

The term “profession” means any activity, occupation, profession, or vocation regulated by the DBPR in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.⁶

The DBPR’s regulation of professions is to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”⁷ Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.⁸

However, the DBPR and its boards may not create a regulation that has an unreasonable effect on job creation or job retention or a regulation that unreasonably restricts the ability of those desiring to engage in a profession or occupation from finding employment.⁹

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.¹⁰

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “permit, registration, certificate, or license” to the licensee.¹¹ Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.¹²

However, the general licensing provisions for professions were revised for Fiscal Years 2023-2024 and 2024-2025,¹³ to direct the DBPR to waive a portion of certain license fees for the professions regulated under ch. 455, F.S., as follows:

⁴ Section 455.01(6), F.S.

⁵ See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by staff counsel of the DBPR. See s. 455.221(1), F.S.

⁶ Section 455.01(6), F.S.

⁷ Section 455.201(2), F.S.

⁸ *Id.*

⁹ Section 455.201(4)(b), F.S.

¹⁰ See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

¹¹ Section 455.01(4) and (5), F.S.

¹² Section 455.219(1), F.S.

¹³ See s. 455.213(15), F.S. For Fiscal Year 2023-2024, the sum of \$50 million in nonrecurring funds was appropriated from the General Revenue Fund to the DBPR to implement the fee waiver, with any unexpended funds to be used during Fiscal Year 2024-2025 for the same purpose. See ch. 2063-68, Laws of Fla.

- 50 percent of the *initial licensing fee* for those applying for an initial license, up to \$200 per year per license; and
- 50 percent of the *license renewal fee* for those renewing licenses, up to \$200 per year per license.

The fee waivers may not include any applicable unlicensed activity or background check fees.

Division of Certified Public Accounting

In Fiscal Year 2021-2022, there were 38,541 active licensees in the DBPR's Division of Certified Public Accounting.¹⁴

Division of Professions

In Fiscal Year 2021-2022, the DBPR's Division of Professions, had 937,960 active licensees (of which 38,541 were licensed accountants; 66,936 were licensed engineers, and 345,026 were real estate-related licensees), including:¹⁵

- Accountants (CPAs);
- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Engineers;
- Geologists;
- Home inspectors;
- Pilot commissioners;
- Landscape architects;
- Mold-related services;
- Real estate appraisers;
- Real estate (brokers/associates);
- Talent agencies; and
- Veterinarians.

As noted by the DBPR, most professions regulated by the Division of Professions include a governing professional board responsible for ultimate licensing and disciplinary decisions, but

¹⁴ See Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2021-2022*, at page 18, at <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2021-22.pdf> (last visited Dec. 7, 2023), which is the latest such Annual Report issued by the DBPR.

¹⁵ *Id.*

the DBPR is responsible for licensing and regulating asbestos consultants and contractors, athlete agents, community association managers, home inspectors, mold-related professionals, and talent agencies.¹⁶

Unlike most DBPR professions, the administrative, investigative, and prosecutorial services for the Florida Board of Professional Engineering (FBPE) are not provided by the DBPR. The DBPR has contracted with the Florida Engineers Management Corporation (FEMC) to provide such administrative, investigative, and prosecutorial services for the FBPE.¹⁷

Division of Real Estate

In Fiscal Year 2021-2022, there were 345,026 active real estate licensees and 6,988 active real estate appraisal licensees in the DBPR's Division of Real Estate.¹⁸

Prelicensure/Postlicensure Education Requirements

Section 455.2122, F.S., provides that a board, or the DBPR where there is no board:

- Must approve distance learning¹⁹ courses as an alternative to classroom courses to satisfy prelicensure or postlicensure education requirements, for community association management licenses or licensing of real estate brokers, sales associates, or schools;²⁰ and
- May not require centralized examinations for completion of continuing education requirements for persons licensed as community association managers, or as real estate brokers, sales associates, or schools.

The terms “distance learning” and “distance-learning” are not defined in ch. 455, F.S., or elsewhere in the Florida Statutes as of the date of this analysis. However, a rule adopted by the Florida Real Estate Appraisal Board provides the term “distance education” means “education that takes place when the learner is separated from the source of instruction by time and/or distance.”²¹

¹⁶ See the DBPR Annual Report at page 26, *supra* at n. 14, noting that the Regulatory Council of Community Association Managers is responsible for adopting rules relating to the licensure examination, continuing education requirements, continuing education providers, fees, and professional practice standards to assist the DBPR in carrying out its duties.

¹⁷ See s. 471.038, F.S., the Florida Engineers Management Corporation Act, for the duties and authority of the FEMC. See the Annual Report of the FEMC for FY 2022-2023, available at [FEMC-Annual-Report-2022-2023.pdf \(fbpe.org\)](https://fbpe.org/wp-content/uploads/2021/10/2021-25-DBPR-FEMC-Contract.pdf) (last visited Dec. 7, 2023), and the contract between the DBPR and the FEMC for the period between July 1, 2021 and June 30, 2025 at <https://fbpe.org/wp-content/uploads/2021/10/2021-25-DBPR-FEMC-Contract.pdf> (last visited Dec. 7, 2023).

¹⁸ See the DBPR Annual Report at page 18, *supra* at n. 14.

¹⁹ See Fla. Admin. Code R. 61J1-4.003(4)(a).

²⁰ See part VIII of ch. 468, F.S., relating to Community Association Management and part I of ch. 475, F.S., relating to Real Estate Brokers, Sales associates, and Schools.

²¹ In addition, the Florida Real Estate Commission (FREC) has issued its Distance Education Checklist at http://www.myfloridalicense.com/dbpr/re/documents/frec_distance_ed_chk_list.pdf (last visited Dec. 7, 2023), which lists the information required to be submitted by education providers seeking to offer FREC educational courses via distance education. The Checklist provides “[d]istance learning necessitates a high level of self-direction and should, therefore, require students to read, conduct research, complete timed exams and similar assignments, designed to measure the student’s competency relative to the required subject matter objectives.” See also other rules referencing similar but undefined terms, such as Fla. Admin. Code R. 64B15-13.001 (a Board of Osteopathic Medicine rule that provides “CME courses may be obtained in any format, including in a distance learning format, provided that the format includes an ability to interact with the presenter of the course;” and Fla. Admin. Code R. 61G4-18.001 (a Construction Industry Licensing Board rule that

Continuing Education Course Requirements

Under s. 455.2123, F.S., a board, or the DBPR when there is no board, may provide by rule that distance learning may be used to satisfy continuing education requirements. However, a board or the DBPR must approve distance learning courses as an alternative to classroom courses to satisfy continuing education requirements for persons licensed to engage in community association management services,²² home inspection services,²³ mold-related services,²⁴ real estate services (i.e., brokers, sales associates, and schools),²⁵ and real estate appraisal services.²⁶ In addition, for these specified professions, a board or the DBPR may not require centralized examinations for completion of continuing education requirements.

The DBPR notes that there are no continuing education requirements for the Board of Geologists regulated under ch. 492, F.S., or for the following professions regulated as provided under ch. 468, F.S.:

- Auctioneers (part VI);
- Talent Agencies (part VII);
- Athlete Agents (part IX); and
- Employee Leasing Companies (part XI).²⁷

Continuing Education (Proration/Renewal)

Under s. 455.2124, F.S., a board, or the DBPR when there is no board, may:

- Prorate continuing education for new licensees by requiring:
 - Half of the required continuing education for an applicant who becomes licensed with more than half the renewal period remaining; and
 - No continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or
- Require no continuing education until the first full renewal cycle of the licensee.

These options also apply when continuing education is first required or the number of hours required is increased by law, the applicable board, or the DBPR when there is no board.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 455.2123, F.S., relating to continuing education requirements for all persons licensed under ch. 455, F.S., by professional regulatory boards or the Florida

requires “at least 14 classroom or interactive distance learning hours of continuing education in one or more courses from a continuing education provider approved by the Board.”).

²² See part VIII of ch. 468, F.S.

²³ See part XV of ch. 468, F.S.

²⁴ See part XVI of ch. 468, F.S.

²⁵ See part I of ch. 475, F.S.

²⁶ See part II of ch. 475, F.S.

²⁷ See Department of Business and Professional Regulation, *2024 Agency Legislative Bill Analysis for SB 382* at page 2 (Nov. 21, 2024) (on file with the Senate Committee on Regulated Industries).

Department of Business and Professional Regulation (DBPR), to require that distance learning²⁸ courses be allowed as an alternate method of satisfying continuing education requirements.

Under current law, whether distance learning courses must be approved to satisfy continuing education requirements depend upon the type of profession. Such approval is mandated for persons licensed to engage in community association management services,²⁹ home inspection services,³⁰ mold-related services,³¹ real estate services (i.e., brokers, sales associates, and schools),³² and real estate appraisal services.³³ For all other licensees regulated by professional boards or the DBPR under ch. 455, F.S., distance learning courses may be, but are not required to be, approved as an alternate method of satisfying continuing education requirements.

The bill maintains the requirement in current law that a board or the DBPR when there is no board, may not require centralized examinations for continuing education for persons licensed to engage in community association management services, home inspection services, mold-related services, real estate services (i.e., brokers, sales associates, and schools), and real estate appraisal services.

The distance learning requirement in the bill does not apply to any medical board or department regulated by the Florida Department of Health.³⁴

Section 2 of the bill amends s. 455.2124, F.S., to create an exemption from continuing education requirements. The bill requires professional boards, or the DBPR if there is no board, to exempt an individual from completing the continuing education required for renewal of a license for a renewal period if:

- The individual holds an active license issued by the board or the DBPR to practice the profession;
- The individual has continuously held the license for at least 10 years; and
- No disciplinary action is imposed on the individual's license.

The exemption from continuing education requirements in the bill does not apply to certified public accountants regulated under ch. 473, F.S., real estate appraisers regulated under part II of ch. 475, F.S., architects and interior designers regulated under ch. 481, F.S., contractors regulated under ch. 481, F.S., or to any medical board or department regulated by the Florida Department of Health.

The bill requires the DBPR and each affected board to adopt rules³⁵ to implement the requirements of this section.

²⁸ The terms “distance learning” and “distance-learning” appear infrequently in the Florida Statutes and administrative rules and are not defined in the Florida Statutes as of the date of this analysis.

²⁹ See part VIII of ch. 468, F.S.

³⁰ See part XV of ch. 468, F.S.

³¹ See part XVI of ch. 468, F.S.

³² See part I of ch. 475, F.S.

³³ See part II of ch. 475, F.S.

³⁴ Health professions and occupations are regulated under ch. 456, F.S., while ch. 455, F.S., relates to Business and Professional Regulation.

³⁵ Section 120.536(1), F.S., provides that “a grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret

Section 3 authorizes the DBPR to adopt emergency rules to implement the exemption from completing continuing education in the bill for eligible licensees, provides the emergency rules will be effective until permanent rules are adopted to implement the exemption, and provides the emergency rule authorization expires January 1, 2026.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Continuing education providers may experience a decrease in revenue associated with the exemption from required continuing education created in the bill. According to the Department of Business and Professional Regulation (DBPR), the fiscal impact is indeterminate.³⁶

the specific powers and duties granted by the enabling statute.” Section 120.54, F.S., sets forth the rulemaking provisions that are applicable to all rules other than emergency rules.

³⁶ See Department of Business and Professional Regulation, *2024 Agency Legislative Bill Analysis for SB 382* at page 8 (Nov. 21, 2024) (on file with the Senate Committee on Regulated Industries).

C. Government Sector Impact:

According to the DBPR, the bill will not have a fiscal impact to state government, as any impact is indeterminate and will be able to be accomplished with existing resources.³⁷

However, the DBPR's Divisions of Real Estate and Professions note the following concerns regarding compliance with federal laws and rules relating to licensure of real estate appraisers, including imposition of fines against the state by the federal government:³⁸

Appraisers are licensed and their continuing education requirements, are set by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council which was created by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.³⁹ Section 2 of the bill would put the State of Florida's appraisal program out of compliance with federal standards. If Florida's appraisal program is out of compliance with federal standards, the appraisers licensed in Florida may not be able to perform work outside of Florida, and the federal government could potentially impose fines against the State of Florida.

The Division of Professions notes:⁴⁰

Appraisers are regulated by the federal government and their continuing education requirements are set by the federal government. These requirements include the amount of continuing education hours appraisers are required to complete and the types of courses they are required to complete. If the [DBPR's] ability to enforce these federal requirements is affected, it would impact Florida's ability to comply with federal requirements for appraisers which could prevent Florida licensees from performing work outside of the state and could potentially lead to fines being imposed by the federal government.

VI. Technical Deficiencies:

None.

³⁷ *Id.* at page 7.

³⁸ *Id.* at page 8.

³⁹ The federal data indicates there are 10 licensed appraisers, 3,854 certified residential appraisers, 2,237 certified general appraisers, and 77 appraisal management companies active in Florida. *See* the website of the Federal Financial Institutions Examination Council at <https://www.ffiec.gov/> and its Appraisal Subcommittee website to review Florida's Appraiser and Appraisal Management Company Program and Registry Information at https://www.asc.gov/?state=fl&state_id=27 (both last visited Dec. 7, 2023).

⁴⁰ *See* DBPR analysis, *supra* at n. 36 at page 10.

VII. Related Issues:

The Department of Business and Professional Regulation (DBPR) recommends that the following professions be excluded from the provisions of the bill, so that the affected licensees will be kept informed of laws, rules, and industry advancements to protect the health, safety, and welfare of the public, and the portability of such licensing for use in other jurisdictions will be maintained.⁴¹

- Certified Public Accountants;⁴²
- Veterinary Medicine;
- Landscape Architecture;
- Cosmetology and Barbers;
- Building Code Administrators and Inspectors;
- Community Association Managers; and
- Construction Contractors.

The DBPR notes the following with respect to expenditures related to its operations:⁴³

Prior to renewal cycles for each profession, the [DBPR] will need to determine whether license holders had disciplinary action imposed on their license to know which license holders will be required to submit continuing education [CE] hours for renewal. This would impact CE renewal notices; the Versa Regulation (VR) system; the Versa Online (VO) system; and renewal processing if a disciplinary case goes to the board during the renewal period because that would then change the need for CE, etc.

Additionally, the impact on the service operations division is indeterminate. The Continuing Education exemption for qualified licenses should reduce call volume to the Customer Contact Center during peak renewal times. [The DBPR staff is] unable to determine how many of the potentially exempted licensees have historically contacted the Customer Contact Center concerning reporting their continuing education to the [DBPR].

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 455.2123 and 455.2124.

⁴¹ *Id.* at page 9.

⁴² The DBPR's General Counsel's Office indicates that 30 to 40 percent of prosecutions of certified public accountants (CPAs) involve the failure to meet continuing education requirements, so the elimination of the continuing education requirement for CPAs who have held active licenses continuously for at least 10 years with no disciplinary action imposed on the license could result in fewer violations and prosecutions. *Id.* at page 10.

⁴³ *Id.* at page 7.

IX. Additional Information:

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

CS by Regulated Industries on December 12, 2023:

The committee substitute:

- Excludes individuals in the following professions from eligibility to be exempted from completing continuing education:
 - Certified public accountants regulated pursuant to ch. 473, F.S.;
 - Real estate appraisers regulated pursuant to part II of ch. 475, F.S.;
 - Architects and interior designers regulated pursuant to ch. 481, F.S.; and Contractors regulated pursuant to ch. 489, F.S.
- Authorizes the Department of Business and Professional Regulation to adopt emergency rules to implement the exemption from completing continuing education in the bill for eligible licensees and provides:
 - The emergency rules will be effective until permanent rules are adopted to implement the exemption; and
 - The emergency rule authorization expires January 1, 2026.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/13/2023	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Hooper) recommended the following:

Senate Amendment

Delete line 62
and insert:

(b) This subsection does not apply to certified public accountants regulated pursuant to chapter 473, to appraisers regulated pursuant to part II of chapter 475, to architects or interior designers regulated pursuant to chapter 481, to contractors regulated pursuant to chapter 489, or to any medical board or



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/13/2023	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Hooper) recommended the following:

Senate Amendment (with title amendment)

Between lines 66 and 67
insert:

Section 1. (1) The department is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendments made by this act to s. 455.2124, Florida Statutes, including establishing procedures to facilitate the exemption for eligible individuals from



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completing continuing education.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires January 1, 2026.

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

And the title is amended as follows:

Between lines 14 and 15

insert:

authorizing the department to adopt emergency rules;
providing requirements and an expiration date for the
emergency rules; providing for the expiration of such
rulemaking authority;

By Senator Hooper

21-00477A-24

2024382__

A bill to be entitled

An act relating to continuing education requirements; amending s. 455.2123, F.S.; requiring, rather than authorizing, a board, or the Department of Business and Professional Regulation when there is no board, to allow by rule that distance learning may be used to satisfy continuing education requirements; revising the requirements that such continuing education must satisfy; providing applicability; amending s. 455.2124, F.S.; requiring the board, or the department when there is no board, to exempt certain individuals from completing their continuing education requirements; providing applicability; requiring the department and each affected board to adopt rules; providing an effective date.

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

Section 1. Section 455.2123, Florida Statutes, is amended to read:

455.2123 Continuing education.—A board, or the department when there is no board, shall allow ~~may provide~~ by rule that distance learning may be used to satisfy continuing education requirements. A board, or the department when there is no board, shall approve distance learning courses as an alternative to classroom courses to satisfy continuing education requirements. A board, or the department when there is no board, provided for ~~in part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475 and~~ may not require centralized

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

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examinations for completion of continuing education requirements for the professions licensed under part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475. This section does not apply to any medical board or department regulated by the Department of Health.

Section 2. Section 455.2124, Florida Statutes, is amended to read:

455.2124 Proration of or not requiring continuing education.—

(1) A board, or the department when there is no board, may:

(a) (1) Prorate continuing education for new licensees by requiring half of the required continuing education for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

(b) (2) Require no continuing education until the first full renewal cycle of the licensee.

These options shall also apply when continuing education is first required or the number of hours required is increased by law or the board, or the department when there is no board.

(2) (a) A board, or the department when there is no board, shall exempt an individual from completing the continuing education required for renewal of a license for a renewal period if:

1. The individual holds an active license issued by the board or department to practice the profession;

2. The individual has continuously held the license for at

Page 2 of 3

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

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59 least 10 years; and

60 3. No disciplinary action is imposed on the individual's
61 license.

62 (b) This subsection does not apply to any medical board or
63 department regulated by the Department of Health.

64 (3) The department and each affected board shall adopt
65 rules pursuant to ss. 120.536(1) and 120.54 to implement this
66 section.

67 Section 3. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Joe Gruters, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: November 15, 2023

I respectfully request that **Senate Bill #382**, relating to Continuing Education Requirements, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", is written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 21



2024 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Business & Professional Regulation

BILL INFORMATION

BILL NUMBER:	SB 382
BILL TITLE:	Continuing Education Requirements
BILL SPONSOR:	Sen. Hooper
EFFECTIVE DATE:	07/01/2024

COMMITTEES OF REFERENCE

1) Regulated Industries
2) Governmental Oversight & Accountability
3) Rules
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Regulated Industries

SIMILAR BILLS

BILL NUMBER:	HB 497
SPONSOR:	Rep. Melo

PREVIOUS LEGISLATION

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	November 21 st , 2023
LEAD AGENCY ANALYST:	Jeff Kelly, Director, Division of Professions
ADDITIONAL ANALYST(S):	Krista Woodard, Executive Director Rick Morrison, Executive Director Ruthanne Christie, Executive Director Stacey Buccieri, Executive Director Amanda Ackermann, Executive Director Thomas Campbell, Deputy Director

	Tracy Dixon, Service Operations Robin Jordan, Division of Technology Roger Scarborough, Director, CPA Division
LEGAL ANALYST:	Brande Miller, Deputy General Counsel - Professions
FISCAL ANALYST:	Garrett Blanton, Office of Planning and Budget

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill requires, rather than authorizes, a board or the department when there is no board, to, by rule, allow distance learning to satisfy continuing education requirements. The bill also requires a board, or the department when there is no board, to exempt certain individuals from completing their continuing education requirements.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

Chapter 455, F.S. applies to the regulation of professions by the Department of Business and Professional Regulation. Subsection 455.01, F.S., defines “profession” as any activity, occupation, profession, or vocation regulated by the department in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulations.

Section 455.2123, F.S., provides that a board, or the department when there is no board, may provide by rule that distance learning may be used to satisfy continuing education requirements. For continuing education requirements provided for in Chapter 468 Parts VIII (Community Association Management), XV (Home Inspectors), XVI (Mold Related Services), and Chapter 475, Parts I and II (Real Estate), the board, or the department when there is no board, shall approve distance learning courses as an alternative classroom course to satisfy continuing education requirements.

Professions:

For the eighteen professions within the Division of Professions, the following professions do not have continuing education requirements:

- Board of Auctioneers - Chapter 468, Part VI, F.S.
- Talent Agencies – Chapter 468, Part VII, F.S.
- Athlete Agents – Chapter 468, Part IX, F.S.
- Board of Employee Leasing Companies – Chapter 468, Part XI, F.S.
- Board of Professional Geologists – Chapter 492, F.S.

For most professions, continuing education providers apply for approval and each of their courses. The fees that continuing education providers charge to licensees can vary, but any charges are paid directly to the continuing education providers, not the department or board.

Renewal of Licensure and Completion of Continuing Education: For most professions, verification of continuing education is reported directly to the department by continuing education providers in accordance with s. 455.2178, F.S. A licensee will not be able to renew their license unless all of their required continuing education for that renewal cycle has been reported as complete by continuing education providers. However, for the Board of Architecture and Interiors Design, Board of Veterinary Medicine, Board of Accountancy, and the Florida Board of Professional Engineers, licensees are allowed to renew by attesting that they completed the required continuing education hours but may be selected randomly for an audit afterward to confirm that continuing education was completed as reported.

The following professions have continuing education requirements that have to be completed biennially and allow continuing education to be completed via distance learning. Unless otherwise stated, such requirements can be completed via distance learning. However, the amount of continuing education hours varies by profession as follows:

Harbor Pilots – Chapter 310, F.S. Rule 61G14-12.0015, F.A.C. – Submit a certificate of successful completion of a board-approved course in professional skills, including certification in the proper and efficient use of radar.

Regulatory Council of Community Association Managers – Section 468.4337, F.S.

Community Association Managers – 15 hours biennially, which consists of three hours in each of the following areas: legal updates; insurance/financial management topics; operations of community association physical property; human resources topics (disaster preparedness, employee relations, communication skills for dealing with residents and vendors); and any additional topics related to community association management.

Building Code Administrators and Inspectors Board – Section 468.627(5), F.S.

Standard Inspectors, Plans Examiners, Building Code Administrators – 14 hours biennially in the following areas: energy conservation (2 hours); accessibility (1 hour); Florida laws and rules (2 hours); and ethics (1 hour).

- Exemption – 61G19-9.001(7)(8), F.A.C. – applicants who receive their license with less than half of a biennium remaining do not have to complete any continuing education for that cycle. Applicants with more than half of a biennium remaining when they receive their license complete only seven continuing education hours.

Home Inspectors – Section 468.8315 (1) F. S.

It requires all licensees to complete 14 hours of continuing education biennially. Of the 14 hours, at least 2 must be in hurricane mitigation training, including hurricane mitigation techniques and completion of the Uniform Mitigation Verification Inspection Form. Currently, there are no exemptions, there is 100% monitoring of this requirement.

Mold Related Services Program – Section 468.8415 (1) F.S.

It requires all licensees to complete 14 hours of continuing education biennially. Currently, there are no exemptions, there is 100% monitoring of this requirement.

Asbestos Licensing – Section 469.004(4), F.S.

Asbestos Contractors – 32 hours of continuing education biennially (16 hours per year)

Asbestos Consultants – 16 hours of continuing education biennially (8 hours per year)

Certified Public Accountants- Sections 473.312(1)(a) and (3), F.S.

During the 2 years prior to renewal, CPAs must complete 80 hours of continuing professional education programs in public accounting subjects approved by the Board.

The Board currently requires that the 80 hours include 8 hours in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services, and a 4-hour Florida Board-approved ethics course. The Board will accept a maximum of 20 hours in behavioral subjects.

Subsection (3) provides that the board shall adopt rules establishing the continuing education requirements for CPAs who are engaged in the audit of a government entity. The Board requires 24 hours of governmental continuing professional education (CPE), which may be used to satisfy the 80-hour requirement.

CPAs with an inactive status license are not required to complete CPE.

Veterinary Medicine – Section 474.211(3), F.S.

Veterinarians - 30 hours of continuing education biennially, including a minimum of one hour on dispensing legend drugs and two hours on laws and rules pertaining to the practice of veterinary medicine.

Barbers – Section 476.154(3)(b), F.S.

Barbers and Restricted Barbers – Minimum of 2 hours of instruction of approved HIV/AIDS education biennially

Cosmetology – Sections 477.019(7)(a) and 477.0201(4), F.S.

Cosmetologists and Specialty Registration - 10 hours biennially, as follows: HIV/AIDs (1 hour); OSHA (.5 hours); Worker's Compensation (.5 hours); State and Federal laws pertaining to cosmetology and specialties (2 hours); Chemical makeup pertaining to hair, skin, and nails (1 hour); Environmental issues (1 hour); and additional topics pertaining to the professions (1 hour).

Board of Architecture and Interior Design – Section 481.215 (3), F.S.

Architects – 24 hours biennially as follows: Florida Building Code advanced course (2 hours);

Interior Designers – 20 hours biennially as follows: Health, safety, and welfare (14 hours); and Florida Building Code advanced course (2 hours).

Exemptions – 61G1-21.001, F.A.C. (I.D.) and 61G1-24.001, F.A.C. (Architects)

Landscape Architecture – Section 481.313, F.S.

Landscape Architects – 16 hours of continuing education biennially

Construction Industry Licensing Board – Section 489.115(4)(b)1, F.S.

Section 489.115(4)(b)1, F.S., at least 14 hours of continuing education during each biennium, to include workers' compensation, business practices, workplace safety, and, for applicable licensure categories, wind mitigation methodologies, and 1 hour of laws and rules.

Section 489.115(4)(b)2, F.S., provides that the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one- and two-family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. Division I certificate holders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one- and two-family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

Section 489.115(4)(b)3, F.S., provides that the board shall require, by rule, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the contractor's respective discipline.

Electrical Contractor's Licensing Board – Section 489.517(3)(4), F.S.

Certified and Registered Electrical Contractors – 11 hours of continuing education biennially, one hour of which includes a specialized or advanced module course, approved by the Florida Building Commission, on any portion of the Florida Building Code, relating to the contractor's respective disciplinary practices.

Certified and Registered Alarm I and II Contractors – 7 hours of continuing education biennially, one hour of which includes a specialized or advanced module course, approved by the Florida Building Commission, on any portion of the Florida Building Code, relating to the contractor's respective disciplinary practices.

Certified and Registered Specialty Electrical Contractors – 7 hours of continuing education biennially, one hour of which includes a specialized or advanced module course, approved by the Florida Building Commission, on any portion of the Florida Building Code, relating to the contractor's respective disciplinary practices.

Division of Real Estate

The Florida Real Estate Commission licenses real estate sales agents and real estate brokers. The Florida Real Estate Commission requires both types of licensees to complete fourteen hours of continuing education every two years (per biennium). Distance learning is allowed.

The Florida Real Estate Appraisal Board licenses appraisers and requires them to complete thirty hours of continuing education every two years (per biennium). Distance learning is allowed.

2. EFFECT OF THE BILL:Section 1

The bill amends s. 455.2123, F.S., to require that a board, or the department when there is no board, to allow by rule that distance learning may be used to satisfy continuing education requirements, approve distance learning courses as an alternative to classroom courses.

Section 2

The bill amends s. 455.2124, F.S., to require that a board, or the department when there is no board, exempt an individual from completing the continuing education required for a renewal of a license if

- 1). the individual holds an active license issued by the board or department to practice the profession.
- 2). The individual has continuously held the license for at least ten years, AND
- 3). No disciplinary action is imposed on the individual's license.

The bill does not apply to any medical board or department regulated by the Department of Health.

The bill requires the department and each affected board to adopt rules pursuant to implement the provision of the bill.

Section 3

The bill provides for an effective date of July 1, 2024.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☒ N ☐

If yes, explain:	The bill requires a board, or the department when there is no board, to adopt rules to allow distance learning to satisfy continuing education requirements, and to implement provisions relating to exempt individuals from completing education requirements for renewal of a license for a renewal period if certain requirements are met.
Is the change consistent with the agency's core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	<p><u>Professions:</u></p> <p>Harbor Pilots - Rule 61G14-12.0015, F.A.C.</p> <p>Regulatory Council of Community Association Managers – Rules 61E14-4.001 and 4.004, FAC</p> <p>Building Code Administrators and Inspectors Board – Rules 61G19-6.014, 6.015, 9.001, 9.004, and 9.0045, F.A.C.</p> <p>Home Inspectors - Rule 61-30.503 F.A.C,</p>

	<p>Mold Related Services Program - Rule 61-30.505 F.A.C</p> <p>Asbestos Licensing – Rule 61E1-1.002, F.A.C.</p> <p>Veterinary Medicine – Rules 61G18-16.001 and 16.002, F.A.C.</p> <p>Barbers – Rule 61G3-16.0091, 25.004, 25.005, and 25.006, F.A.C.</p> <p>Cosmetology – Rules 61G5-29.013 and 32.001, F.A.C.</p> <p>Architecture– 61G1-24.001, 61G1-24.002 and 61G1-24.004, F.A.C. Interior Design – 61G21.001, 61G1-21.003 and 61G1-21.006, F.A.C.</p> <p>Board of Landscape Architecture – 61G10-18.001, F.A.C.</p> <p>Electrical Contractors’ Licensing Board – Rules 61G6-9.001, 9.002, 9.004, F.A.C.</p> <p>Construction Industry Licensing Board – Rule 61G4-18.001, F.A.C.</p> <p><u>Real Estate:</u> Florida Real Estate Commission-61J2-3.009, F.A.C. Florida Real Estate Appraisal Board-61J1-4.003, F.A.C.</p> <p><u>CPA:</u> 61H1-33.001, 33.003, 33.0031, 33.0035</p>
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4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	Click or tap here to enter text.
--------	----------------------------------

Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?

Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	<p>Prior to renewal cycles for each profession, the department will need to determine whether license holders had disciplinary action imposed on their license to know which license holders will be required to submit continuing education hours for renewal. This would impact CE renewal notices; the Versa Regulation (VR) system; the Versa Online (VO) system; and renewal processing if a disciplinary case goes to the board during the renewal period because that would then change the need for CE, etc. Any potential impact is indeterminate at this time and could largely be done with existing resources.</p> <p>Additionally, the impact on the service operations division is indeterminate. The Continuing Education exemption for qualified licenses should reduce call volume to the Customer Contact Center during peak renewal times. We are unable to determine how many of the potentially exempted licensees have historically contacted the Customer Contact Center concerning reporting their continuing education to the department.</p>
Does the legislation contain a State Government appropriation?	No.

If yes, was this appropriated last year?	N/A
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3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☒ N ☐

Revenues:	While the fiscal impact is indeterminate, continuing education providers may experience a decrease in revenue because of licensees being exempt from continuing education requirements if certain requirements are met.
Expenditures:	While the fiscal impact is indeterminate, licensees may experience a decrease in expenditures as a result of being able to complete more continuing education via distance learning, as well as being exempt from continuing education requirements if certain requirements are met.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT**1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☒ N ☐

If yes, describe the anticipated impact to the agency including any fiscal impact.	<p>This bill will require configuration changes to Versa Regulation (VR) to set a flag to indicate if a licensee is required to take CE. Technology will need to identify all records for every license type from the last 10 years to determine if there have been any disciplinary actions and apply to flag to the record that would require the licensee to take CE.</p> <ul style="list-style-type: none"> VR - 400 hours <p>This can be accomplished with existing resources.</p>
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FEDERAL IMPACT**1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?**Y ☒ N ☐

If yes, describe the anticipated impact including any fiscal impact.	<p>Appraisers are licensed and their continuing education requirements, are set by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council which was created by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.</p> <p>Section 2 of the bill would put the State of Florida's appraisal program out of compliance with federal standards. If Florida's appraisal program is out of compliance with federal standards, the appraisers licensed in Florida may not be able to perform work outside of Florida, and the federal government could potentially impose fines against the State of Florida.</p>
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ADDITIONAL COMMENTS

Professions:

It is unclear whether the exemption from continuing education requirements if certain requirements are met is intended to apply to only one renewal period or all renewal periods after the licensee has continuously held the license for at least ten years. It is also not clear whether the license must be “active” for the entire ten-year period. Reducing the continuing education requirements for professions could affect the licensees' ability to apply by endorsement in other states that currently recognize Florida requirements.

For some professions, additional continuing education is required for licensees changing their licenses from “inactive” to “active”. It is unclear how the bill would affect those who had become exempt from licensure after ten years before changing their licenses to an “inactive state”, and whether those licensees would still need to complete any continuing education hours that are required to restore the license to an active status.

The bill’s effective date of July 1, 2024, does not allow sufficient time to complete rulemaking.

CPAs:

All states require CPAs to complete continuing professional education, usually in some variation of 40 hours per year, i.e., 40 annually, 80 biennial, or 120 hours in 3 years. An elimination of the CPE requirement might impact practice mobility for Florida CPAs. It is recommended that CPAs be exempt from the requirements of this bill because continuing professional education is necessary for licensees to stay abreast of changes in financial reporting and tax laws in order to protect the public.

Veterinary Medicine:

Although the Board of Veterinary Medicine is not under the Department of Health, it is recommended that veterinary medicine be exempted from the requirements of this bill. Continuing education in this profession is necessary to keep licensees abreast of medical, pharmacological, and epidemiological changes, advancements, and trends in order to protect public health, safety, and welfare.

Landscape Architecture:

Reduction of continuing education requirements may negatively impact license portability. Licensees attempting to get licensed in other states with higher requirements may have to meet additional requirements for licensing. Currently, Florida is comparable to other states.

Cosmetology and Barbers

In the interest of public health, safety, and welfare, an exemption from continuing education requirements for cosmetology and barbering services could impact the clients or persons providing cosmetology and barbering services.

Building Code Administrators and Inspectors Board (BCAIB) and Regulatory Council of Community Association Managers (CAMS)

Exemption from continuing education for BCAIB and CAMS could impact the public's health, safety, and welfare due to the need to stay abreast of the varying building code standards and regulations that allow for specific design and construction of buildings in Florida.

Construction Industry Licensing Board

An exemption from continuing education for construction contractors could impact the health, safety and welfare of the public due to the need for certificate holders and registrants to, at a minimum, stay informed of any changes to Chapter 489, Part I, F.S., Construction Contracting; Chapter 455, F.S., Business and Professional Regulation: General Provisions; Chapter 682, F.S., Arbitration Code; Chapter 713, F.S., Florida Construction Lien Law; Chapter 440, F.S., Workers' Compensation; OSHA regulations; Chapter 553, F.S., Building Construction Standards; wind mitigation methodologies; and, the Florida Building Code, which is updated every three years.

Real Estate:

Appraisers are regulated by the federal government and their continuing education requirements are set by the federal government. These requirements include the amount of continuing education hours appraisers are required to complete and the types of courses they are required to complete. If the Department's ability to enforce these federal requirements is affected, it would impact Florida's ability to comply with federal requirements for appraisers which could prevent Florida licensees from performing work outside of the state and could potentially lead to fines being imposed by the federal government.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	Currently, around 30-40% of prosecutions of CPA's involve the non-completion of required CPE credits; it is therefore possible that the elimination of continuing education requirements for CPA's licensed over 10 years could result in fewer cases being forwarded to the Office of the General Counsel for review and potential prosecution.
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The Florida Senate

APPEARANCE RECORD

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

12.13.23

Meeting Date

R26 IND

Committee

382

Bill Number or Topic

827888

Amendment Barcode (if applicable)

Name

TREY GOLDMAN

Phone

850-224-1400

Address

200 S. MONROE

Email

treyg@floridarealtors.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:

FLORIDA REALTORS

☐

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

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

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

S-001 (08/10/2021)

APPEARANCE RECORD

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

382

Bill Number or Topic

827 888

Amendment Barcode (if applicable)

12/13/23

Meeting Date

Regulated Industries

Committee

Name Jason Harrell

Phone 850 345 6835

Address 119 S. Monroe St. Unit 121

Street

Email Jason H @ FICPA .org

Tallahassee FL

City

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☒ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐ I am appearing without
compensation or sponsorship.☒ I am a registered lobbyist,
representing:

FICPA

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

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

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

S-001 (08/10/2021)

APPEARANCE RECORD

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FHBA, NVCA of FL

☐

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

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The Florida Senate
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 Regulated Industries

BILL: SB 492

INTRODUCER: Senator Hooper

SUBJECT: Sunshine State One-Call of Florida, Inc., Board of Directors

DATE: December 12, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 492 amends s. 556.103, F.S., to specify that at least two voting members of the Sunshine State One-Call of Florida, Inc., or Sunshine 811, board of directors must be underground utility and excavation contractors. The bill also calls for the National Utility Contractors Association of Florida to provide recommendations for these appointments.

The bill takes effect on July 1, 2024.

II. Present Situation:

Florida Underground Facility Damage Prevention and Safety Act

Chapter 556 is Florida's Underground Facility Damage Prevention and Safety Act (act). The purpose of the act is to:

- Prevent injuries, property damage, and interruption of services that could result from damage to an underground facility¹ caused by excavation or demolition operations;
- Create a not-for-profit corporation comprised of operators of underground facilities in this state to administer the act;

¹ Section 556.102(13), F.S., defines the term "underground facility" as "any public or private personal property which is buried, placed below ground, or submerged on any member operator's right-of-way, easement, or permitted use which is being used or will be used in connection with the storage or conveyance of water; sewage; electronic, telephonic, or telegraphic communication; electric energy; oil; petroleum products; natural gas; optical signals; or other substances, and includes, but is not limited to, pipelines, pipes, sewers, conduits, cables, valves, and lines." For purposes of the act, "a liquefied petroleum gas line regulated under chapter 527 is not an underground facility unless such line is subject to the requirements of Title 49 C.F.R. adopted by the Department of Agriculture and Consumer Services, provided there is no encroachment on any member operator's right-of-way, easement, or permitted use." Petroleum storage systems regulated under chapter 376 are also not considered underground facilities for the purposes of the act "unless the storage system is located on a member operator's right-of-way or easement. Storm drainage systems are not considered underground facilities."

- Fund the cost of the administration of the corporation through contributions from member operators for services provided to member operators and from charges made to others for services requested and provided, such as record searches, education or training, and damage prevention activities;
- Reserve to the state the power to regulate any subject matter specifically addressed in the act;²
- Permit any local law enforcement officer, local government code inspector, or code enforcement officer to enforce the act without the need to incorporate the provisions of the act into any local code or ordinance;
- Foster the awareness of federal laws and regulations that promote safety with respect to underground facilities, including, but not limited to, the Federal Pipeline Safety Act of 1968, as amended, the Pipeline Safety Improvement Act of 2002, OSHA Standard 1926.651, and the National Electric Safety Code, ANSI C-2, by requiring and facilitating the advance notice of activities by those who engage in excavation or demolition operations.³

Sunshine State One-Call of Florida

The not-for-profit corporation created under the act is called Sunshine State One-Call of Florida, Inc. (also known as Sunshine 811). Section 506.103, F.S., establishes Sunshine 811 with the purpose to administer the act. Section 506.103(1), F.S., establishes that each operator of an underground facility in Florida is to be a member of Sunshine 811 (i.e. member operator)⁴ and must use and participate in the free-access notification system established by Sunshine 811 (system).⁵

Sunshine 811 Procedures

Sunshine 811 is required to provide a single toll-free telephone number (811) within Florida which excavators can use to notify member operators of planned excavation or demolition activities.⁶ Excavators intending to conduct excavation or demolition must notify the system not less than two full business days before beginning operations that are not beneath the waters of the state, and not less than 10 full business days if the operation is beneath the waters of the state, with certain exceptions.⁷ The excavator must also provide specified identification, location, and operational information, which remains valid for 30 calendar days.⁸ Each notification is recorded to document compliance with the act.⁹

² Local governments may not adopt or enforce ordinances or rules that conflict with this chapter or that 1) require operators of underground facilities to obtain permits from local governments in order to identify underground facilities, 2) require premarking or marking, 3) specify the types of paint or other marking devices that are used to identify underground facilities, or 4) require removal of marks. Section 556.101(3)(d), F.S.

³ Section 556.101, F.S.

⁴ Section 556.102, F.S., defines “member operator” as “any person who furnishes or transports materials or services by means of an underground facility.”

⁵ See s. 556.102, F.S., which defines “system” for ch. 556, F.S.

⁶ Section 556.104, F.S.

⁷ Section 556.105(1)(a), F.S. Member operators with state-owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate facilities. Section 556.105(5), F.S.

⁸ Section 556.105(1)(a)-(d), F.S.

⁹ Section 556.105(2), F.S.

Upon receipt of this notice, the system provides the notifying excavator with a list of the member operators who will be advised of the notification, along with a notification number to be provided to law enforcement upon request.¹⁰ The system in turn notifies the potentially affected member operators of the planned excavation or demolition activities.¹¹ Within two full business days after the time the notification is received by the system (or 10 days if the proposed excavation is in proximity to facilities beneath state waters), potentially affected member operators must determine the location of their underground facilities in relation to the proposed excavation or demolition. If this cannot be done in this time period, the member operator must contact the person giving notice and negotiate a new schedule and time that is agreeable and does not unreasonably delay the excavator. If a member operator determines that a proposed excavation or demolition is in proximity to or conflicts with an underground facility, the member operator must identify the horizontal route of the facility in a specified manner.¹²

An excavator is required to delay excavations until the first of the following events occurs:

- Each member operator's underground facilities have been marked and located;
- The excavator has been notified that no member operator has underground facilities in the area described in the notice; or
- Expiration of the time allowed for markings.

If a member operator has not located and marked its underground facilities within the time allowed for marking, the excavator may proceed with the excavation, provided that the excavator does so with reasonable care and that detection equipment or other acceptable means to locate underground facilities are used. An excavator may not conduct demolition in an area until all member operators' underground facilities have been marked and located or removed.¹³

Sunshine 811 Board of Directors

Section 556.103, F.S., states that the membership of Sunshine 811 must elect a board of directors (board) to administer the system. The board also has the authority to assess members for funds to operate the system.¹⁴

The required number of board members and board terms are not specified in statute. Sunshine 811 currently has a 21-member board as specified by Sunshine 811's bylaws.¹⁵ Directors are elected to staggered two-year terms. The board meets quarterly and elections to the board are held each May at the annual Sunshine 811 membership meetings.¹⁶

The board currently comprises six officers, four committee chairs, and eleven directors. Board officers serve one-year terms and there are currently six officers. Sunshine 811 committees are

¹⁰ Section 556.105(3) and (4), F.S.

¹¹ Section 556.105(5), F.S.

¹² *Id.*

¹³ Section 556.105(6), F.S.

¹⁴ Section 556.103(3), F.S.

¹⁵ Sunshine 811, *Bylaws of Sunshine State One Call of Florida, Inc.*, September 18, 2020 (on file with the Senate Regulated Industries Committee).

¹⁶ Sunshine 811, *Board of Directors*, <https://www.sunshine811.com/board-of-directors> (last visited Dec. 8, 2023).

dissolved annually with new chairs voted in to lead new committees annually.¹⁷ Each director must serve on at least one committee.¹⁸ The current Sunshine 811 committees are:

- Treasurer & Finance;
- Legislative Ad Hoc;
- Operations; and
- Damage Prevention.¹⁹

The Treasurer & Finance, Operations, and Damage Committees are standing committees as specified in Sunshine 811's bylaws. In addition, Sunshine 811's bylaws call for a standing executive committee, comprised of the comprised of the Chairperson, Vice-Chairperson, the Secretary, and the Treasurer of the Board of Directors; and the Chairperson of each standing committee.²⁰

National Utility Contractors Association of Florida

The National Utility Contractors Association of Florida was formed in 1980 when four Florida National Contractors Association (NUCA) chapters formed the state association, the Underground Utility Contractors of Florida. The association changed to its current name in 2014.²¹ It is a non-profit trade association including underground utility contractors, material and equipment suppliers, and manufacturers in the State of Florida.²²

The association board of directors is made up of 23 representatives of the six chapters of the National Utility Contractors Association.²³

III. Effect of Proposed Changes:

SB 492 amends s. 556.103, F.S., to specify that at least two voting members of the Sunshine 811 board be utility and excavation contractors, as defined in s. 489.105(3)(n), F.S.²⁴ The bill also

¹⁷ Sunshine 811, *Board of Directors*, <https://www.sunshine811.com/board-of-directors> (last visited Dec. 8, 2023).

¹⁸ Sunshine 811, *Bylaws of Sunshine State One Call of Florida, Inc.*, supra note 15.

¹⁹ Sunshine 811, *Board of Directors*, supra note 16.

²⁰ Sunshine 811, *Bylaws of Sunshine State One Call of Florida, Inc.*, supra note 15.

²¹ NUCA, *About Us*, <https://nucaflorida.org/about/> (last visited December 11, 2023).

²² NUCA, *NUCA Homepage*, <https://nucaflorida.org/> (last visited December 11, 2023).

²³ NUCA, *Board of Directors*, <https://nucaflorida.org/about/nuca-of-florida-board-of-directors/> (last visited December 11, 2023).

²⁴ Section 489.105(3)(n), F.S., defines an underground utility and excavation contractor as:

A contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter if each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and the installation of such conduit does not include

calls for the National Utility Contractors Association of Florida to provide recommendations to the membership of Sunshine 811 for these two appointments.

The bill takes effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor may not install piping that is an integral part of a fire protection system as defined in s. 633.102 beginning at the point where the piping is used exclusively for such system.

VII. Related Issues:

Currently, ch. 566, F.S. does not specify the makeup of the Sunshine 811 board (s. 556.103, F.S., only specifies that the membership elect such a board). Thus, the number of persons and roles of such persons are not currently defined. The bill adds two members to this board; however, it maintains the current law that the number of board members is not defined and there are no other specified groups or interests required to be represented on the board. This may be somewhat inconsistent; and the intended potential authority of these new specified members could be revised or diluted by Sunshine 811 expanding the size, revising the makeup, or limiting the duties or authority of specified components of its board.

VIII. Statutes Affected:

This bill substantially amends s. 556.103 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Hooper

21-00766A-24

2024492__

A bill to be entitled

An act relating to the Sunshine State One-Call of Florida, Inc., board of directors; amending s. 556.103, F.S.; requiring a certain number of licensed underground utility and excavation contractors to be voting members of the Sunshine State One-Call of Florida, Inc., board of directors; requiring the National Utility Contractors Association of Florida to provide recommendations for such members; providing an effective date.

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

Section 1. Subsection (2) of section 556.103, Florida Statutes, is amended to read:

556.103 Creation of the corporation; establishment of the board of directors; authority of the board; annual report.—

(2) The membership of the corporation shall elect a board of directors to administer the system. The board of directors must include as voting members at least two underground utility and excavation contractors, as defined in s. 489.105(3)(n), who are licensed in the state. The National Utility Contractors Association of Florida shall provide recommendations to the membership of the corporation for the appointment of the two licensed underground utility and excavation contractors.

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



The Florida Senate

Committee Agenda Request

To: Senator Joe Gruters, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: December 4, 2023

I respectfully request that **Senate Bill #492**, relating to Sunshine State One-Call of Florida, Inc., Board of Directors, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", is written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 21

BYLAWS OF SUNSHINE STATE ONE CALL OF FLORIDA, INC

Revised as of September 18, 2020

ARTICLE I

NAME AND PURPOSE OF THE CORPORATION

Section A. Name: The name of the corporation is Sunshine State One-Call of Florida, Inc., a Not-for-Profit Corporation hereafter referred to as the Corporation, as established by Ch. 556, F. S.

Section B. Purpose: The purpose of this corporation is as follows:

1. Aid the public by preventing injury to persons or property and the interruption of services resulting from damage to an underground facility caused by excavation or demolition operations.
2. Provide a free access notification system to expedite the location of underground installations, including but not limited to water, gas, electric, telephone, cable, oil, fuel, sewer and reclaimed water, prior to the start of any excavation work or any other work that may affect the subsurface of the earth;
3. Receive notification from the public, contractors, utilities and all other excavators or other entities performing any other work that may affect the subsurface of the earth who contact the centralized one-number call system in advance of a planned excavation or similar activity;
4. Transmit information received from such notifications to all participating members who may have underground facilities at the location of the excavation or demolition; and
5. Have and exercise any other powers as may be had or exercised by this or like corporations under the laws of Florida.

History: New May 1993; Amended May 1997; May 1998; May 2002; May 2011; May 2012.

ARTICLE II
MEMBERSHIP

Section A. Membership Category: The Corporation shall have two categories of Members.

1. The Primary Members shall be those entities, which operate an underground facility in Florida and which are required by law to use and participate in the one-call notification system created by Chapter 556, Florida Statutes.
2. The Associate Members shall be those entities which are qualified to do business in Florida and are entities interested in safety and the prevention of service interruptions in Florida. Associate Members shall have no voting rights at a membership meeting, but there may be voting positions on the Board of Directors that may be occupied by Associate members, as provided in these bylaws. Associate Members shall have such rights and privileges as may be determined by the Board of Directors.

Section B. Membership Contributions: The cost of administration of the system shall be funded as set forth in Chapter 556, F.S. The Board of Directors shall determine the manner in which contributions shall be assessed, and the assessment may be in the form of a per notification (ticket transmission) charge for each notification received in a member's gridded area or in any other form which fairly and reasonably distributes costs to members. At the direction of the Board of Directors, members shall be promptly informed of the form and level of charges and any changes thereto. Members shall timely pay all legitimate charges as a condition to the receipt of notification of excavation activity.

Section C. Membership Obligations: Every entity required by law to be a member shall provide funding for the cost of administration pursuant to the policies and procedures adopted by the corporation and shall be liable for proper assessments in the Court having jurisdiction of the matter in and for Volusia County, Florida, or in any other venue deemed appropriate by the corporation.

Section D. Withdrawal of Associate Membership: An associate member may withdraw from membership at any time; however, the Corporation is not liable to refund any membership fees or any part thereof paid by such associate member.

History: New May 1993; Amended May 1994; May 1996; May 1998; May 2000; May 2002; May 2003; May 2011.

ARTICLE III MEETING OF MEMBERS

Section A. Notice of Meetings: Written notice of the time and place of all meetings shall be sent to the members within a reasonable time prior to each meeting. Notice shall be given by mail or by electronic means to each member at the member's last known address. If possible, notice shall also be placed in the Florida Administrative Weekly. The notice of the meeting shall specifically state the purpose or purposes for which the meeting is called.

Section B. Place of Meetings: All meetings of the members of the Corporation shall be held at the principal office of the Corporation, or at such other place, within the State of Florida as determined by the Board of Directors and set forth within the notice of the meeting.

Section C1. Annual Meetings: The annual meeting of the members of the Corporation shall be held in May each year at a time and location designated by the Board of Directors for the purpose of electing Directors of the Corporation, considering changes to these bylaws and for the consideration of such other matters as may be properly brought before the meeting.

Section C2. Substitute Annual Meeting: If the annual meeting cannot be held as provided by these bylaws, a substitute annual meeting may be called by a majority of the Board of Directors. A meeting so called shall be designated and treated for all purposes as the annual meeting and may be held in person or virtually by electronic media as set forth within the notice of the meeting.

Section D. Special Meetings: Special meetings of the Members may be called at any time by the Chairperson or a majority of the Board of Directors of the Corporation.

Section E. Agenda for Meetings: Prior to the membership meeting, the Executive Committee shall develop the annual membership meeting draft agenda which shall be approved at the commencement of the meeting.

Section F. Voting Lists: No later than the beginning of each meeting of the members, the Secretary shall approve an alphabetical list of the Members eligible to vote at such meeting with the address of each. The list shall be kept on file at the registered office of the Corporation, and shall be subject to inspection by any member at any time during usual business hours. This list shall also be available for inspection during the meeting.

Section G. Voting of Members: Each primary Member in good standing shall be entitled to one vote per legal entity to elect Directors of the Corporation as specified in Article IV and to vote on bylaws. Each primary member through a designated representative shall be entitled to one vote per legal entity on all matters submitted to the members for approval or otherwise for a vote. Associate members shall not be entitled to a vote.

Section H. Quorum: Any number greater than ten of the primary members of the Corporation, represented in person, shall constitute a quorum at a meeting of members.

Section I. Adjournment: Any membership meeting may be adjourned from time to time to any date that allows for timely notice. Such adjournment shall be by a majority of the members present at such meeting. Notice of the time and date and place of the reconvening of any adjourned membership meeting shall be given in writing per Section A of this Article III.

Section J. Proxies: Proxy votes shall not be permitted.

History: New May 1993; Amended May 1996; May 1998, May 2000; May 2002; May 2012; September 2020.

ARTICLE IV DIRECTORS

Section A. General Powers: The Board of Directors shall have general charge and management of the affairs, funds and property of the Corporation. The Board of Directors shall have full power, and it shall be the Board of Directors

duty, to carry out the purposes and objectives of the Corporation in accordance with the Articles of Incorporation, these bylaws and the "Underground Facility Damage Prevention and Safety Act." The Board of Directors shall review the performance of its Executive Director on a regular basis.

Section B. Number, Term and Election, Designation of a Substitute and Automatic Termination of Directors:

1. The number of Directors of the Corporation shall be no more than twenty-one (21). No more than three Directors may be employed by associate members in good standing. All other Directors shall be employed by a primary member in good standing. To the greatest degree possible all industry categories, including cities and counties will be represented on the Board of Directors.
2. If a Director is unable to attend a Board of Directors meeting or a committee or subcommittee meeting, that Director may designate a substitute to attend the meeting. The designation must be communicated to the chairperson of the Board of Directors or the chairperson of the committee or subcommittee, as the case may be, at any time prior to the meeting that the Director is unable to attend. A substitute shall not be used to attend designated conventions, conferences or symposiums or other Board affiliated functions that a member was assigned to attend.
3. A Director's continued membership as a Director is contingent upon that Director's employment and support by the member company, organization or agency, or its successor, that the Director represents on the Board of Directors.
4. Directors shall serve for a two (2) year term and may be reelected. Directors must be qualified to serve. The board shall establish qualifications for directors.
5. Any person who intends to become a candidate for election as a Director must inform the Executive Director of his/her intention at least ten (10) days before the election. The candidate must have the written support of his/her primary or associate member employer and must meet the qualifications for Directors established by the Board of Directors. The primary members shall elect Directors at the annual meeting. Each Director must be elected by an affirmative vote of a majority of members voting.
6. The Chairperson shall preside at all meetings of the Board of Directors and all membership meetings and perform such other duties as may be determined by the Board. The Chairperson shall be a primary voting member.
7. Any Director elected by the members may be removed at any time with or without cause by the vote by a majority of all the votes of the members voting. s. 617.0808(1)(a)2, F. S. If removal is effected, any vacancy created thereby shall be filled by the members eligible to vote for the removal. s. 617.0808(1)(e), F. S.

Any Director elected by the Board of Directors to fill a vacancy may be removed for cause by vote of a majority of the Directors. s. 617.0808(1)(a)1, F. S.

Any Director elected by the Board of Directors to fill a vacancy may be removed without cause by a vote of two-thirds of the Directors. s. 617.0808(1)(i).

8. Any vacancy occurring in the Board of Directors may be filled by affirmative vote by the majority of the remaining Directors. The vacancy may be filled by someone from the previous Board member's company or by any other qualified person chosen by the remaining Directors. The term of a Director elected to fill a vacancy expires at the next annual meeting at which Directors are elected. s. 617.0809, F. S. If the vacancy occurs during the first year of a Director's two year term, the membership shall elect a replacement Director at the next annual meeting for a one year term.
9. Compensation shall not be provided to any Director, but Directors may be reimbursed for expenses incurred and approved by the Board of Directors.

History: New May 1993; Amended May 1994; May 1995; May 1996; May 1997; May 1998; May 2000; May 2002; May 2003; May 2005; May 2009; May 2011; May 2012; July 2013; May 2019.

ARTICLE V MEETINGS OF DIRECTORS

Section A. Regular Meetings: A regular meeting of the Board of Directors shall be held immediately after, and at the same location as the annual meeting of the Members. The Board of Directors may provide for the holding of additional regular meetings at prescribed times and locations within the state of Florida. All meetings shall be presided over by the Chairperson of the Board and in his/her absence by the Vice-Chairperson.

Section B. Special Meetings: Special meetings of the Board of Directors may be called by the Chairperson or set at a regular meeting by a majority of the Directors. The Chairperson or Directors calling such meeting shall fix the date, time, and location for such meeting.

Section C. Notice of Meetings: No meeting of the Board of Directors may be held without notice. The Chairperson or Directors calling a meeting of the Board of Directors shall cause reasonable notice to be given to all Directors in the manner set forth in Article III. Such notice must specify the purpose for which the meeting is called.

Section D. Quorum: A majority of the Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

Section E. Manner of Acting: Except as otherwise provided in these bylaws, the act of the majority of the Directors present at a meeting at which a quorum is present shall be an act of the Board of Directors. Each primary member Director shall have one vote. An associate member Director shall have one vote.

Section F. Presumption of Assent: A Director who is present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his/her contrary vote is recorded or the Director has abstained from voting.

Section G. Board of Directors meetings by teleconference: Action taken by a scheduled teleconference meeting, noticed as set forth in Article III, constitutes Board action.

Section H. Conduct of Meetings: Meetings shall be conducted by the Chairperson pursuant to an agenda developed by the Executive Committee, and approved or modified by the Board of Directors. The agenda shall include no less than thirty (30) minutes for an open forum to include problem resolution if requested prior to adjournment.

History: New May 1993; Amended May 1996; May 1998; May 2000; May 2002; May 2005; May 2012.

ARTICLE VI COMMITTEES

Section A. Committee Members: The Chairperson of the Board of Directors shall select and the Directors shall approve by majority vote the persons to serve on Committees. Each Director shall serve on at least one Committee. Each Committee, except the Executive Committee, shall have a minimum of three (3) and a maximum of eleven (11) members. Each committee other than the Executive Committee shall be comprised of Directors and may include employees of primary members or associate members.

Section B. Operation of Committees: Each Committee shall exercise the powers and perform duties as required by these bylaws or as directed to be performed by the Board of Directors. All actions taken by Committees shall be subject to review and approval by the Board of Directors, and each Committee shall keep minutes of each meeting and present a report to the Board of Directors at each Board meeting, along with any actions or suggestions for which approval is sought.

Section C. Service on Committees: No person may be a member of more than two (2) standing Committees, and the Chairperson and Secretary shall only serve on the Executive Committee.

Section D. Organization of Committees: Each committee except the Executive Committee and the Finance Committee, shall have a chairperson elected by the Board of Directors, but the members of each Committee shall select the vice chairperson of the committee. The chairperson and secretary of the Board of Directors shall also occupy those same positions on the Executive Committee.

Section E. Meetings of Committees: Each standing committee shall meet at least once every quarter unless the chairperson decides that no meeting is necessary. If no meeting is held in any particular quarter, the chairperson shall report and explain the reasons to the Board of Directors. The chairperson shall cause notice of committee meetings to be given in the manner required by Article III.

Section F. Vacancies and Quorum: A majority of the members of any Committee shall constitute a quorum. If any member should resign or terminate activity on a Committee, the Board of Directors may elect a replacement.

Section G. Standing Committees: The Executive, Finance, Operations, and Damage Prevention Committees shall be standing Committees of the Board of Directors.

1. The Executive Committee shall be comprised of the Chairperson, Vice-Chairperson, the Secretary, and the Treasurer of the Board of Directors; and the Chairperson of each standing committee. The Executive Committee shall develop the agenda for meetings of the Members and Board of Directors.
2. The Finance Committee shall have the responsibility for the finances and the financial transactions of the Corporation. The Finance Committee shall review the annual budget and present recommendations to the Board of Directors before consideration of the budget by the Board.
3. The Operations Committee shall have the responsibility of reviewing the operations of the call notification center and the operating practices, procedures and standards of the one-call notification system and shall present recommendations to the Board of Directors for the adoption of or any changes to existing practices, procedures and standards.
4. The Damage Prevention Committee shall have the responsibility of reviewing the damage prevention program and activities of the Corporation. The Committee shall present recommendations to the Board of Directors for the adoption of or changes to the damage prevention programs and activities.

Section H. Ex Officio Members: The Executive Director and General Counsel shall be ex officio members of all committees of the Board of Directors but shall have no voting rights.

History: New May 1993; Amended May 1995; May 1996; May 1998, May 2000; May 2002; May 2003; May 2005; May 2009; May 2012; May 2019.

ARTICLE VII OFFICERS OF THE CORPORATION

Section A. Number and Eligibility: The officers of the Corporation shall be elected from the primary members on the Board of Directors and shall consist of a Chairperson, a Vice-Chairperson, a Secretary, a Treasurer, an Assistant Secretary, and an Assistant Treasurer.

Section B. Election and Term: The officers of the Corporation shall be elected by the Board of Directors. Such election may be held at any regular or special meeting of the Board at which a quorum is present. Each officer shall be elected for a term of one year and may be re-elected.

Section C. Removal: Any officer elected by the Board of Directors may be removed by a majority vote of Directors present at a properly noticed meeting, whenever in its judgment the best interests of the Corporation will be served thereby. The intention to remove the officer need not be noticed specifically in the meeting notice required by Article III, Section A, prior to the meeting at which the proposed removal will be considered by the Board of Directors.

Section D. Compensation: No officer shall receive any salary or compensation for services rendered to the Corporation. An officer may be reimbursed for expenses incurred as approved by the Board of Directors.

Section E. Duties of the Officers: The Officers of the Corporation shall have the following duties:

1. **Chairperson:** The Chairperson shall be the principal executive officer of the Corporation and, subject to the control of the Board of Directors, shall supervise all of the business and affairs of the Corporation. The Chairperson may sign, with the Secretary, or with any other proper officer authorized by the Board of Directors, any deeds, leases, mortgages, bonds, contracts, or other instruments, which may be lawfully executed on behalf of the Corporation. The Chairperson shall serve on and be the chairperson of the Executive Committee.
2. **Vice-Chairperson:** In the absence of the Chairperson or in the event of his/her death, inability or refusal to act, the Vice-Chairperson shall be designated by the Board to perform the duties of the Chairperson, and when so acting, the Vice-Chairperson shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice Chairperson shall serve on the Executive Committee.
3. **Secretary:** The Secretary shall:
 - a. Ensure that minutes of the meetings of members and of the Board of Directors are kept in one or more books provided for that purpose;
 - b. Ensure that all notices are duly given in accordance with the provisions of these bylaws as required by law;
 - c. Be custodian of the corporate records and of the seal of the Corporation and see that the seal of the Corporation is affixed to all documents, the execution of which on behalf of the Corporation under its seal is duly authorized and required or desirable.
 - d. Ensure that a register of address information of each member of the Corporation is kept at the corporation's registered office or principal place of business and is furnished to the Secretary by the Executive Director or his or her designee prior to any membership meeting;
 - e. In general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned for him/her by the Chairperson or by the Board of Directors.
 - f. Serve on the Executive Committee.
4. **Assistant Secretary:** In the absence of the Secretary or in the event of his/her death, inability or refusal to act, an Assistant Secretary may be elected or, if already elected, by the Board of Directors may perform the duties of the Secretary.
5. **Treasurer:** The Treasurer shall exercise oversight over the following financial activities of the Corporation:
 - a. All funds of the Corporation
 - b. A true statement of the Corporation's assets and liabilities as of the close of each fiscal year, all in reasonable detail, which statement shall be made and filed at the Corporation registered office or principal place of business in the State of Florida within four months after the end of such fiscal year and thereafter kept available for a period of at least ten (10) years;
 - c. Payment of all taxes due the State, Federal and local Governmental agencies and shall file all tax statements required by law; and
 - d. In general, perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him/her by the Chairperson, by the Board of Directors or by these bylaws.
 - e. Serve on the Executive Committee.
 - f. Act as Chairperson of the Finance Committee.
6. **Assistant Treasurer:** In the absence of the Treasurer or in the event of his/her death, inability or refusal to act, an Assistant Treasurer may be elected or, if already elected, may perform the duties of the Treasurer.

History: New May 1993; Amended May 1996; May 1998; May 2000; May 2002; May 2003; May 2005; May 2011; May 2012; May 2019.

ARTICLE VIII CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section A. Contracts: The Board of Directors may authorize by resolution of the Board of Directors or by a policy adopted pursuant to these bylaws any officer or officers, agent or agents, to enter into any contract or execute and deliver any instruments in the name of and on behalf of the Corporation, and such authority may be general or be effective with respect to limited categories or be confined to specific instances.

Section B. Loans: No loans shall be obtained on behalf of the Corporation and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors or by a policy adopted pursuant to these bylaws. Such authority may be general or confined to specific instances.

Section C. Checks and Drafts: All checks, drafts or orders for the payment of money issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors or by a policy adopted pursuant to these bylaws.

Section D. Deposits: All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such depositories as the Board of Directors shall direct.

History: New May 1993; Amended May 1996; May 1998; May 2002.

ARTICLE IX GENERAL PROVISIONS

Section A. Seal: The Corporation shall adopt and use a corporate seal.

Section B. Indemnification:

1. Any person who at any time serves or has served as a Director or officer of the Corporation shall have a right to seek indemnification by the Corporation for
 - a. Expenses actually and necessarily incurred by him, including reasonable attorney's fees, in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such Director or officer (except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty); and
 - b. Reasonable payments made by him in satisfaction or any judgment, money decree, fine, penalty or settlement for which he may become liable in any such action, suit or proceeding (except in relation to any matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty).
2. The Board of Directors of the Corporation shall take all such action as may be necessary and appropriate to authorize the Corporation to pay any indemnification required by these bylaws. Any person who at any time after the adoption of this bylaw serves or has served in any of the aforesaid capacities for or on behalf of the Corporation shall be deemed to be doing or to have done so in reliance upon, and as consideration for, the right of indemnification provided herein. Such right shall inure to the benefit of the legal representatives of any such person and shall not be exclusive of any other rights to which such person may be entitled apart from the provision of these bylaws. Notwithstanding any of the foregoing, the Board of Directors may on behalf of the Corporation purchase insurance to indemnify the Corporation, its present and former officers and Directors with regard to any expenses incurred by either the Corporation or its present and former officers and Directors in connection with the defense of any threatened, pending or completed action, suit or proceeding (whether civil, criminal, administrative or investigative) seeking to hold either the Corporation or its present and former officers and Directors liable by reason of the actions of the officers or Directors on behalf of the Corporation.

Section C. Director conflict of interest: No contract or other transaction between the Corporation and one or more of its Directors or any other corporation, firm, association, or entity in which one or more of its Directors are directors or officers or are financially interested shall be either void or voidable, because of such relationship or interest, because such Director or Directors are present at the meeting of the Board of Directors or a committee thereof which authorizes, approves or ratifies such contract or transaction, or because his or their votes are counted for such purpose, if:

1. The fact of such relationship or interest is disclosed or known to the Board of Directors or committee which authorizes, approves, or ratifies the contract or transaction by a vote or consent sufficient for the purpose without counting the votes or consents of such interested Directors;

2. The fact of such relationship or interest is disclosed or known to the Members entitled to vote on such contract or transaction, if any, and they authorize, approve or ratify it by vote or written consent;
3. The contract or transaction is fair and reasonable as to the corporation at the time it is authorized by the Board, a committee or the members;
4. Interested Directors may be counted in determining the presence of a Quorum at the meeting of the Board of Directors or a committee thereof, which authorizes, approves, or ratifies such contract or transaction.

Section D. Agents: The Board of Directors shall have those corporate and emergency powers set forth in Sections 617.0302 and 617.0303, F. S., and, in the exercise of those powers, may appoint agents to act for or on behalf of the Corporation pursuant to contract. These agents may be auditors, accountants, attorneys, facilitators, lobbyists or other experts that can assist the Board in fulfilling its mission. These agents work at the pleasure of the Board and their services may be terminated by the Board when the Board chooses; keeping in mind that breach of a contract with an agent that specifies a term of appointment may have adverse consequences.

Section E. Fiscal Year: The fiscal year of the Corporation shall end on May 31 of each year.

Section F. Amendments: These bylaws may be amended by a majority vote of the Primary Members present at a regular or special meeting of the Corporation provided notice of the proposed amendment has been stated in the notice of the meeting.

Section G. Independent Operation: The Corporation shall function independently, and its location and method of operation shall be selected in such manner as to minimize its direct association with any participating member.

Section H. Liabilities: In the event of property damage to the plant of any member, the individual member and parties involved shall accept the responsibility for all inquiries, investigation or litigation, and such actions shall not involve the Corporation.

Section I. Unauthorized Distribution of Information: Information and data received from the Corporation by members of the Corporation about excavation activity is intended solely for the use of the recipient for its own business purpose. Members shall not routinely provide information about excavation activity to any other entity except as may be required by law. The intent and purpose of this section is to discourage the transfer of information and data received from the Corporation when such transfer is for the purpose of avoiding the payment of charges by the corporation. Repeated violations will subject the violator to payment for revenue lost to or diverted from the Corporation by the violator, upon majority action by the Board of Directors.

Section J. Policies:

1. The Board of Directors may review, revise, adopt or delete by majority vote, at any noticed meeting, any policy for the conduct of its business or operations that is not in conflict with these bylaws or the law of the State of Florida.
2. The Board of Directors will establish a policy manual with all policies numerically organized. The policy manual will be made available at all noticed meetings and will be available for review at the office of the corporation.

History: New May 1993; Amended May 1994; May 1996; May 1998; May 2000; May 2002; May 2012.

ARTICLE X OFFICES

Section A. Principal Office: The principal office of the Corporation shall be located at DeBary, Florida, or at any other place as may be designated by resolution of the Board of Directors within the State of Florida.

Section B. Registered Office: The registered office of the Corporation required by law to be maintained in the State of Florida may be, but need not be, identical with the principal office.

Section C. Other Offices: The Corporation may have offices at such other places within the State of Florida, as the Board of Directors may from time to time determine, or as the affairs of the Corporation may require.

History: New May 1993; May 2000.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Vice Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Education Pre-K -12
Fiscal Policy
Health Policy
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR ROSALIND OSGOOD

32nd District

MEMORANDUM

To: Senator Gruters
From: Senator Osgood
Subject: Absent from Committee December 13, 2023
Date: December 12, 2023

I would ask to be excused from the Regulated Industries Committee on Wednesday, December 13, 2023. I will be back in the District for a funeral in my community.

REPLY TO:

- ☐ 8491 West Commercial Boulevard, Tamarac, Florida 33351 (954) 321-2705
- ☐ 226 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Education, *Vice Chair*
Education Postsecondary
Education Pre-K -12
Fiscal Policy
Regulated Industries
Rules

SENATOR SHEVRIN D. "SHEV" JONES

District 34

December 12, 2023

The Honorable Senator Joe Gruters

Chairman, Regulated Industries

413 Senate Building

404 South Monroe Street

Tallahassee, FL 32399-1100

Dear Chairman Gruters,

I respectfully request an excused absence from the Wednesday, December 13, 2023 Regulated Industries Committee Meeting taking place at 8:30 a.m. as I have work duties to attend to.

Thank you in advance for your consideration of this request. As we prepare for future committees, if I may be of assistance to answer questions, comments or concerns, please do not hesitate to contact me or my office.

Sincerely,

A handwritten signature in blue ink, appearing to be "Shev" followed by a stylized "Jones".

Shevrin D. "Shev" Jones

Florida State Senator – Senate District 34

REPLY TO:

□Capitol Office, 218 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 • (850) 487-5034

□District Office, 606 NW 183rd Street, Miami Gardens, FL 33169 • (305) 493-6002

Website: www.flsenate.gov/Senators/S34

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Fiscal Policy, *Chair*
Appropriations Committee on Education
Banking and Insurance
Education Pre-K -12
Finance and Tax
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR TRAVIS HUTSON

7th District

December 13, 2023

The Honorable Joe Gruters
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Gruters,

I am writing to request to be excused from today's Regulated Industries committee meeting.
Thank you for your consideration of this request.

Respectfully,

A handwritten signature in black ink that reads "Travis J. Hutson". The signature is written in a cursive, flowing style.

Travis Hutson

REPLY TO:

- ☐ 4875 Palm Coast Parkway, NW, Suite 5, Palm Coast, Florida 32137 (386) 446-7610 FAX: (888) 263-3475
- ☐ 416 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5007

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Committee on Regulated Industries

Judge:

Started: 12/13/2023 8:30:22 AM

Ends: 12/13/2023 9:19:19 AM

Length: 00:48:58

8:30:37 AM Roll call
8:30:39 AM Quorum present
8:30:45 AM Chair Gruters notes Sens. Jones and Osgood excused and that SB 492 has been TP'd
8:31:04 AM Take up Tab 2 SB 280
8:31:14 AM Sen. DeCeglie explains the bill
8:33:55 AM questions?
8:34:02 AM Sen. Pizzo for questions, noting Sens. Jones and Osgood's absences
8:34:41 AM Sen. DeCeglie responds
8:35:39 AM Sen. Pizzo
8:36:04 AM Sen. DeCeglie responds
8:36:18 AM Sen. Pizzo
8:36:59 AM Sen. DeCeglie responds
8:38:02 AM Sen. Pizzo
8:38:12 AM Sen. DeCeglie responds
8:38:18 AM Sen. Pizzo
8:38:24 AM Sen. DeCeglie responds
8:39:10 AM Sen. Pizzo comments, ends questions
8:39:35 AM Sen. Hooper
8:40:41 AM Sen. DeCeglie responds
8:41:45 AM Sen. Hooper
8:41:59 AM Sen. DeCeglie responds
8:42:16 AM Appearances
8:42:19 AM Samantha Padgett, Fla. Restaurant & Lodging Assoc.
8:46:47 AM Jack Cory, representing Jacksonville Beach
8:49:51 AM Mayor David Will, Redington Beach
8:52:02 AM Casey Cook, Fla. League of Cities
8:56:25 AM Mark Ryan, a retired city manager
8:58:52 AM David Birchim, St. Augustine City Manager
9:00:41 AM debate?
9:00:46 AM Sen. Hooper
9:04:00 AM Chair makes comments to Sen. DeCeglie
9:04:16 AM Sen. DeCeglie to close
9:06:04 AM Bill reported favorably
9:06:18 AM Take up Tab 3 SB 478
9:06:21 AM Sen. Rodriguez to explain the bill
9:07:24 AM Amendments
9:07:30 AM Substitute Amendment 453534
9:07:43 AM Sen. Rodriguez explains the SA
9:07:53 AM no questions
9:07:58 AM Chair reads into record those waiving comment
9:08:08 AM Sen. Rodriguez waives close
9:08:14 AM Amendment adopted w/o objection
9:08:25 AM Back on bill as amended
9:08:34 AM no debate, no questions; Chair reads those waiving comment into record
9:08:42 AM Sen. Rodriguez closes
9:08:53 AM Bill reported favorably
9:09:04 AM Take up Tab 4 SB 382
9:09:08 AM Sen. Hooper explains the bill
9:09:46 AM Amendments
9:09:49 AM Amendment 827888
9:09:53 AM Sen. Hooper explains amendment
9:11:03 AM no questions

9:11:09 AM Trey Goldman, Florida Realtors
9:12:13 AM Chair reads into record those waiving comment
9:12:27 AM no debate; Sen. Hooper waivs close
9:12:31 AM Amendment adopted w/o objection
9:12:43 AM Amendment 842854
9:12:49 AM Sen. Hooper explains amendment
9:13:00 AM no questions
9:13:05 AM Sen. Hooper waives close
9:13:09 AM Amendment adopted w/o objection
9:13:19 AM back on bill as amended; no questions; no debate
9:13:28 AM Bill is reported favorably
9:13:38 AM Appointment
9:13:50 AM Commissioner Tina Repp, Fla. Gaming Commission, is sworn in and gives remarks
9:18:22 AM no questions
9:18:29 AM Chair asks for motion to recommend confirmation
9:18:37 AM Sen. Hooper moves to recommend
9:18:49 AM Confirmation is recommended favorably
9:19:05 AM Chair makes final comments; Sen. Bradley moves to adjourn
9:19:07 AM Meeting is adjourned