Tab 1	**SB 14** by **Rodriguez;** Identical to H 06521 Relief of Jose Correa by Miami-Dade County

Tab 2	**SB 16** by **Rouson;** Identical to H 06517 Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg

Tab 3	**SB 24** by **Gruters;** Identical to H 06515 Relief of Lourdes Latour and Edward Latour by Miami-Dade County

Tab 4	**SB 168** by **Truenow;** Similar to H 00481 Public Nuisances

Tab 5	**SB 288** by **Rodriguez;** Identical to H 00379 Rural Electric Cooperatives

Tab 6	**SB 548** by **McClain;** Compare to H 01139 Growth Management

548630	A	S	CA, McClain	Delete L.37 - 191:	01/15 03:32 PM

Tab 7	**SB 686** by **McClain;** Identical to H 00691 Agricultural Enclaves

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Tab 8	**SB 830** by **Leek;** Identical to H 00263 Public Records/County Administrators and City Managers

Tab 9	**SB 1138** by **Massullo;** Compare to H 00927 Qualified Contractors

Tab 10	**SB 1234** by **DiCeglie;** Similar to H 00803 Building Permits and Inspections

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator McClain, Chair
Senator Massullo, Vice Chair

MEETING DATE: Tuesday, January 20, 2026
TIME: 1:00—3:00 p.m.
PLACE: *Mallory Horne Committee Room,* 37 Senate Building

MEMBERS: Senator McClain, Chair; Senator Massullo, Vice Chair; Senators Jones, Leek, Passidomo, Pizzo, Sharief, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 14** Rodriguez (Identical H 6521)	Relief of Jose Correa by Miami-Dade County; Providing for the relief of Jose Correa by Miami-Dade County; providing an appropriation to compensate Mr. Correa for injuries sustained as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of compensation and certain fees, etc. SM JU 01/12/2026 Favorable CA 01/20/2026 RC	
2	**SB 16** Rouson (Identical H 6517)	Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg; Providing for the relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg; providing for an appropriation to compensate Mr. Sanchez-Mayen for injuries sustained as a result of the negligence of the City of St. Petersburg; providing a limitation on compensation and the payment of attorney fees, etc. SM JU 01/12/2026 Favorable CA 01/20/2026 RC	
3	**SB 24** Gruters (Identical H 6515)	Relief of Lourdes Latour and Edward Latour by Miami-Dade County; Providing for the relief of Lourdes Latour and Edward Latour by Miami-Dade County; providing an appropriation to compensate Mr. and Mrs. Latour for injuries sustained as a result of the negligence of Miami-Dade County; providing a limitation on compensation and the payment of attorney fees, etc. SM JU 01/12/2026 Favorable CA 01/20/2026 RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 168** Truenow (Similar H 481)	Public Nuisances; Revising the list of places that may be declared a public nuisance to include the site of a gambling house; revising provisions relating to the assessment and collection of fines for public nuisances; deleting a limit on the total amount of fines that may be imposed on a public nuisance, etc. CJ 12/09/2025 Favorable CA 01/20/2026 RC	
5	**SB 288** Rodriguez (Identical H 379)	Rural Electric Cooperatives; Prohibiting a cooperative that sells electricity at retail from adopting, enacting, or enforcing a fee meeting specified criteria; revising the applicability of such prohibition on the types or fuel sources of energy production which may be used, delivered, converted, or supplied by specified entities, etc. RI 12/09/2025 Favorable CA 01/20/2026 RC	
6	**SB 548** McClain (Compare H 1139)	Growth Management; Deleting an exception to an applicability provision relating to concurrency; requiring that a demonstrated-need study use plan-based methodology for a certain purpose; revising the voting threshold required for approval of an ordinance increasing an impact fee beyond certain phase-in limitations; prohibiting local governments and school districts from increasing impact fee rates beyond certain phase-in limitations by more than a specified percentage within a certain timeframe, etc. CA 01/20/2026 FT RC	
7	**SB 686** McClain (Identical H 691)	Agricultural Enclaves; Authorizing owners of certain parcels to apply to the governing body of the local government for certification of such parcels as agricultural enclaves; requiring the local government to provide to the applicant a certain report within a specified timeframe; prohibiting a local government from enacting or enforcing certain laws or regulations, etc. CA 01/20/2026 JU RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	**SB 830** Leek (Identical H 263)	Public Records/County Administrators and City Managers; Providing an exemption from public records requirements for the personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers, including the names and personal identifying and location information of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; providing for future legislative review and repeal; providing for retroactive application; providing a statement of public necessity, etc. CA 01/20/2026 GO RC	
9	**SB 1138** Massullo (Compare H 927)	Qualified Contractors; Requiring the governing body of a local government, by a specified date, to create a program that authorizes an applicant to use a qualified contractor to conduct preapplication review of an application; requiring the development services office of a local government to establish a registry of a specified number of qualified contractors to be used to conduct preapplication reviews; prohibiting a local government from enforcing any additional criteria for qualified contractors beyond what is authorized by the act; prohibiting local governments from creating or establishing additional regulations for the approval of a final plat, etc. CA 01/20/2026 JU RC	
10	**SB 1234** DiCeglie (Similar H 803, Compare H 1049, H 1227, S 750, S 968, S 1444)	Building Permits and Inspections; Providing for expiration of certain building permits issued by a county; requiring the Florida Building Commission to modify the Florida Building Code to exempt from building permit requirements the installation of certain walls or barriers; providing for expiration of certain building permits issued by a local government; revising definitions and defining terms; requiring certain services to be subject to an agreement, rather than a written contract, etc. CA 01/20/2026 RI RC	
	Other Related Meeting Documents		

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

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

DATE	COMM	ACTION
1/5/26	SM	Favorable
1/12/26	JU	Favorable
1/20/26	CA	Pre-meeting

January 5, 2026

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

Re: **SB 14** – Senator Ana Maria Rodriguez
HB 6521 – Representative Blanco
Relief of Jose Correa by Miami-Dade County

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR $4.1 MILLION. THE CLAIMANT, JOSE CORREA, SEEKS DAMAGES FROM MIAMI-DADE COUNTY FOR PERSONAL INJURIES CAUSED BY THE NEGLIGENT OPERATION OF A MIAMI-DADE COUNTY BUS DRIVEN BY A COUNTY EMPLOYEE.

UPDATE TO PRIOR REPORT: On January 30, 2025, a de novo hearing was held on a previous version of this bill, SB 6 (2025). After the hearing, a report was issued containing findings of fact and conclusions of law. The report found the requested amount of $4,100,000 was reasonable. That report is attached as an addendum to this report.

Since that time, the Senate President has reassigned the claim to the undersigned to review records and determine whether any changes have occurred since the hearing that, if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

According to information received, no such changes have occurred since the hearing.

Respectfully submitted,

/s/ Carter McMillan
Senate Special Master

cc: Secretary of the Senate

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

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

DATE	COMM	ACTION
3/20/25	SM	Favorable
3/25/25	JU	Favorable
	CA	
	RC	

March 20, 2025

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

Re: **SB 6** – Senator Ana Maria Rodriguez
HB 6517 – Representative Busatta
Relief of Jose Correa by Miami-Dade County

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR $4.1 MILLION. THE CLAIMANT, JOSE CORREA, SEEKS DAMAGES FROM MIAMI-DADE COUNTY FOR PERSONAL INJURIES CAUSED BY THE NEGLIGENT OPERATION OF A MIAMI-DADE COUNTY BUS DRIVEN BY A COUNTY EMPLOYEE.

FINDINGS OF FACT:

Jose Correa, a 61-year-old, was a pedestrian injured in a bus accident involving an in-service Miami-Dade County bus that was driven by an on-duty Miami-Dade County bus driver. Mr. Correa's injuries include a below the knee amputation of his left leg. Because of the amputation, Mr. Correa suffers from neuropathic pain syndrome and phantom limb pain. A Miami-Dade County bus driver, Traci Constant, contributed to the injuries Mr. Correa sustained.

The Accident on December 16, 2021

At approximately 12:00 p.m., on December 16, 2021, Jose Correa was walking home and crossing the street at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when he was struck by a bus operated by Traci

Constant, an on-duty Miami-Dade County bus driver.[1] Mr. Correa was crossing the roadway within the crosswalk at the time of the accident, and witnesses indicated that it was a clear and sunny day.[2]

Prior to the accident, Ms. Constant pulled into the left turn lane traveling southbound on Le Jeune (SW 42nd Avenue) and began to make a left eastbound turn onto Bird (SW 40th Street). Before making the left turn, Ms. Constant pulled out onto the intersection to wait for northbound traffic to clear, however, when she made the left turn, the traffic light was red.[3]

Mr. Correa was walking northbound on the crosswalk at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when Ms. Constant made a left turn and struck him with the left side mirror of the bus.[4] The Traffic Homicide Report indicates that Mr. Correa walked across the crosswalk with a "do not cross" red hand (to stop/do not cross).[5] However, during the claim bill hearing held on January 30, 2025, the claimant's attorney asserted that the pedestrian crosswalk traffic signal was not working properly.[6]

At collision, Mr. Correa fell onto the roadway and the left rear tires of the bus dragged Mr. Correa's left leg until the bus came to a controlled stop.[7] The Coral Gables Fire Rescue (Engine #4 and Rescue #2) responded to the accident and administered first aid. Mr. Correa was then transported to Jackson Memorial Hospital – Ryder Trauma Unit.[8]

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[1] Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).
[2] Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).
[3] *See Id*; *see also* Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).
[4] *Id.*
[5] Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).
[6] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 18:08-19:32. During the claim bill hearing, the claimant's attorney indicated that they hired a private investigator to take a video of the traffic signal not working properly. This video was not taken on the day of the accident but on a later date. However, the Special Masters never received this video to add into evidence.
[7] Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).
[8] Patient Care Record, Coral Gables Fire Department, Incident Number 21008649 (Dec. 16, 2021).

Prior to the Accident
During the claim bill hearing, the respondent's counsel stated that on the morning of the accident at approximately 11:45 a.m., Mr. Correa walked to a nearby 7-Eleven where a police officer, Officer Smith, witnessed Mr. Correa "swaying" and indicated that Mr. Correa was visibly intoxicated.[9] However, Mr. Correa stated that he did not have any alcohol on the day of the accident.[10]

Disciplinary Action Report and Hearing
Ms. Constant was suspended for 10 days following a "Miami-Dade County Disciplinary Action Report" dated January 13, 2022, and a "Disciplinary Hearing" that was held on March 4, 2022. The report indicates that Ms. Constant's actions on the day of the "accident" constituted a violation of Miami-Dade County Personnel Rules, and the accident was deemed preventable by the Accident Grading Committee.[11]

Traffic Homicide Report
The traffic homicide report provides that the roadway was free of defects or obstructions which would have affected the collision, the bus appeared to have been in good operating condition, and Ms. Constant was operating the bus with no apparent impairments.[12] Additionally, the homicide report indicates that Mr. Correa violated the visible red "do-not-walk" crosswalk traffic signal.[13] During a deposition taken on August 10, 2023, the traffic homicide detective, Detective Quinones, stated that he took a video on the day of the accident to demonstrate that the crosswalk traffic signal was working

[9] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 1:09:01-1:11:47. During the claim bill hearing, respondent's counsel read Officer Smith's statement aloud. *See also* Officer Smith recorded statement from the scene of the accident (Dec. 16, 2021).
[10] *See id*. at 24:10-24:20. Additionally, no evidence was submitted to demonstrate that a blood alcohol test was ever administered to Mr. Correa after the accident.
[11] *See* Disciplinary Action Report, Miami-Dade County, Transportation and Public Work Department, Division Number 06771031, Traci Constant (Jan 13, 2022). *See also* Memorandum, Miami-Dade County, MDT Bus Operations, Disciplinary Hearing, Bus Operator Traci Constant (March 4, 2022).
[12] Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).
[13] *Id*.

properly.[14] The traffic homicide report also lists "severe signs of impairment" as "probable cause," and states that Officer Smith observed Mr. Correa as being intoxicated moments before the collision.[15] Ultimately, the traffic homicide report attributes fault to Ms. Constant and Mr. Correa.[16]

Medical Injuries

Mr. Correa suffered extensive injuries, including a below the knee amputation of his left leg. Because of the amputation, Mr. Correa suffers from neuropathic pain syndrome and phantom limb pain.[17] During the claim bill hearing, Mr. Correa indicated that Medicare covered most of his medical expenses.[18] However, the claimant's attorney provided financial data and projected Mr. Correa's total past medical liens to be approximately $339,416.[19]

Current and Future Needs

Currently, Mr. Correa is living in an assisted living facility, but he would like to live on his own again.[20] During the claim bill hearing, Mr. Correa explained that his prosthetic does not fit him properly due to skin integrity issues.[21] However, he hopes to get those problems addressed and corrected.[22] The claimant's attorney provided a life care evaluation that estimates Mr. Correa's "present value of future loss" to be approximately $4,051,261.[23] Additionally, Mr. Correa and his sister testified that the claimant's quality of life has dramatically decreased since the accident in December of 2021.[24]

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[14] *See* Quinones Deposition, 27-30 (Aug. 10, 2023).
[15] Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).
[16] *Id*.
[17] *See* Claimant's Summary of the Case*; see also* Special Master Claim Bill Hearing (Jan. 30, 2025).
[18] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 51:28.
[19] *See id*. at 55:00. In the Claim Bill Hearing the Claimant's attorney stated that Mr. Correa's Medicaid lien was approximately $339,416, and all other past expenses have been satisfied. The "Claimant's Summary of the Case" indicates that Mr. Correa's past medical bills are approximately $1,300,000.
[20] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 44:38-48:07.
[21] *See id*. at 38:40-42:00.
[22] *Id*.
[23] *See* Gary A. Anderson, Summary of the Past and Present Value of Future Economic Loss to Jose Correa (May 30, 2023). *See also* Paul M. Ramos, Life Care Plan for Jose Correa (Oct. 16, 2023).
[24] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025). Mr. Correa and his sister testified regarding the claimant's quality of life. Prior to the accident, Mr. Correa enjoyed being

LITIGATION HISTORY:

A lawsuit was filed in July of 2022, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, case no. 2022-013508-CA-01, styled *Jose Correa v. Miami-Dade County*. The complaint asserted vicarious liability negligence claims on behalf of Mr. Correa against Miami-Dade County. The complaint further alleged that Miami-Dade County's employee, Traci Constant, carelessly and negligently struck Mr. Correa while she was driving a Miami-Dade County passenger bus. As a result, the complaint provides that Mr. Correa suffered great bodily injury, pain, disability, disfigurement, mental anguish, and the loss of the capacity for the enjoyment of life.

Release of all Claims and Settlement Agreement

On March 25, 2024, Mr. Correa signed a "release" to release and discharge Miami-Dade County from liability related to the facts in Circuit Court Case 2022-013508-CA-01.[25] Pursuant to that "release," the claimant received $200,000 from Miami-Dade County, and the respondent agreed to support a claim bill in the amount of $4,100,000.[26]

Section 768.28 of the Florida Statutes limits the amount of damages that a claimant can collect from a local government as a result of its negligence or the negligence of its employees to $200,000 for one individual, and $300,000 for all claims or judgments arising out of the same incident. Funds in excess of this limit may only be paid upon approval of a claim bill by the Legislature.

On November 25, 2024, a "notice of voluntary dismissal with prejudice" was entered in Circuit Court Case 2022-013508-CA-01.

On March 13, 2025, the attorneys for both parties executed and signed a letter stating that everything enclosed in the March 25, 2024, "Release" is considered a settlement agreement between Miami-Dade County and Mr. Correa.

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active and had an active lifestyle. Additionally, both the claimant and his sister testified that Mr. Correa has had a difficult time mentally and emotionally post-accident.

[25] Release of All Claims, Jose Correa v. Miami-Dade County, Case No. 22-013508-CA-01 (Mar. 25, 2024).

[26] *Id*.

Miami-Dade County agrees with the claimant's position that this claim bill arises out of a settlement between Miami-Dade County and the claimant, Mr. Correa, and agrees to support a claim bill in the amount of $4,100,000.[27]

CONCLUSIONS OF LAW:

The claim bill hearing held on January 30, 2025, was a de novo proceeding to determine whether Miami-Dade County is liable for negligence damages caused by its employee, Traci Constant acting within the scope of her employment, to the claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the Special Master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Under the legal doctrine of *respondeat superior*, Miami-Dade County is responsible for the wrongful acts of its employees when the acts are committed within the scope of their employment. Because Ms. Constant was operating a bus in the course and scope of her employment at the time of the accident and because the bus was owned by Miami-Dade County, the County is responsible for any wrongful acts, including negligence, committed by Ms. Constant.

Negligence

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.[28]

The plaintiff bears the burden of proving, by the greater weight of the evidence, that the defendant's action was a breach of the duty that the defendant owed to the plaintiff. The "greater weight of the evidence" burden of proof "means the more persuasive and convincing force and effect of the entire evidence in the case."[29]

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[27] Miami-Dade County's Summary, Positions, and Insurance Statement, Senate Bill 6*; see also* Correa Special Master Claim Bill Hearing (Jan. 30, 2025).
[28] *Williams v. Davis,* 974 So.2d 1052, at 1056-1057 (Fla. 2007)*; see also* Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.
[29] Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence*.

In this case, Miami-Dade County's liability depends on whether Ms. Constant negligently operated the County's bus and whether that negligent operation caused Mr. Correa's resulting injuries.

Duty

A legal duty may arise from statutes or regulations; common law interpretations of statutes or regulations; other common law precedent; and the general facts of the case.[30]

In this case, Ms. Constant was responsible for the duty of reasonable care to others while driving her Miami-Dade County bus. In accordance with Miami-Dade County Personnel Rules, Ms. Constant had a reasonable duty to observe "safe driving practices," including a duty against "making right or left turns on red traffic signals," a duty to "use caution before entering intersections," and a duty to give pedestrians the right-of-way. Additionally, in accordance with the Metrobus Operation Rules and Procedures Manual, Ms. Constant had a reasonable duty to not enter an intersection unless she knew the bus could get completely across if the signal changed to red, and a duty to never run a red or yellow light.

Section 316.075(1)(c), of the Florida Statutes, provides that:

> [t]he driver of a vehicle facing a steady red signal shall stop before entering the crosswalk and remain stopped to allow a pedestrian, with a permitted signal, to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger…[u]nless otherwise directed by a pedestrian control signal…, pedestrians facing a steady red signal must not enter the roadway.

Section 316.075(1)(a), of the Florida Statutes, provides that:

> [v]ehicular traffic facing a circular green signal may proceed cautiously straight through or turn right or left unless a sign at such place prohibits

[30] *McClain v. Florida Power Corp.*, 593 So.2d 500, 503 n. 2 (Fla. 1992).

> either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

Section 316.075(1)(b), of the Florida Statutes, provides that "[v]ehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection."

Breach
The undersigned finds that Ms. Constant breached the duty of care owed to Mr. Correa.

As stated above, Ms. Constant pulled into the left turn lane traveling southbound on Le Jeune (SW 42nd Avenue) and began to make a left eastbound turn onto Bird (SW 40th Street). Before making the left turn, Ms. Constant pulled out into the intersection to wait for northbound traffic to clear; however, when she made the left turn, the traffic light was red. Mr. Correa was walking northbound on the crosswalk at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when Ms. Constant made a left turn and struck him with the left side mirror of the bus. Then, Mr. Correa fell onto the roadway and the left rear tires of the bus dragged Mr. Correa's left leg until the bus came to a controlled stop.

Causation
Mr. Correa's injuries were the natural and direct consequence of Ms. Constant's breach of her duty. Ms. Constant was acting within the scope of her employment at the time of the accident. Miami-Dade County, as the employer, is liable for damages caused by its employee's negligent act.

Damages
A plaintiff's damages are computed by adding these elements together:

Economic Damages
- Past Medical Expenses

- Future Medical Expenses

Non-Economic Damages
- Past Pain and Suffering and Loss of Enjoyment of Life
- Future Pain and Suffering and Loss of Enjoyment of Life

The claimant's attorney provided financial data and projected Mr. Correa's total past medical liens to be approximately $339,416, and projected his total future medical expenses to be approximately $4,051,261.[31]

No evidence was presented or available indicating the damages authorized by the settlement agreement are excessive or inappropriate.[32]

Comparative Negligence
Comparative negligence is the legal theory that a defendant may diminish his or her responsibility to an injured plaintiff by demonstrating that another person, sometimes the plaintiff and sometimes another defendant or even an unnamed party, was also negligent and that negligence contributed to the plaintiff's injuries. The goal of proving a successful comparative negligence defense is to hold other people responsible for the injuries they cause to a plaintiff. By apportioning damages among all who are at fault, it will ultimately reduce the amount of damages owed by a defendant.[33]

If this case had proceeded to trial, it would likely have been disputed that Ms. Constant was solely at fault in the collision or solely responsible for Mr. Correa's injuries and

[31] In the Claim Bill Hearing the Claimant's attorney stated that Mr. Correa's Medicaid lien was approximately $339,416. The "Claimant's Summary of the Case" indicates that Mr. Correa's past medical bills are approximately $1,300,000. *See also* Gary A. Anderson, Summary of the Past and Present Value of Future Economic Loss to Jose Correa (May 30, 2023). The "Summary of the Past and Present Value of Future Economic Loss to Jose Correa" states that the estimated total of future loss is $4,051,261, however, this is the amount Mr. Correa is expected to be billed but does not factor in any potential outside assistance (i.e. Medicare). *See also* Paul M. Ramos, Life Care Plan for Jose Correa (Oct. 16, 2023). *See also* s. 409.910(11)(f), F.S., which provides for recovery in a tort action when Medicaid has provided medical goods and services to a plaintiff who is a Medicaid recipient.
[32] *See Estate of Dougherty v. WCA of Florida, LLC*. (Fla. Cir. Ct. 2018). *See also Fernandez v. BFI Waste Systems of North America, Inc.* (Fla. Cir. Ct. 2000). *See also Gold v. Duncan; Sara Lee; Bryan Foods, Inc.* (Fla. Cir. Ct. 1991),
[33] Section 768.81, of the Florida Statutes, is the comparative fault statute. The apportionment of damages is established in section 768.81(3), of the Florida Statutes.

damages.[34] Miami-Dade County raised the affirmative defense of comparative negligence in its Answer to the Plaintiffs' Complaint to reduce the County's liability in causing the accident and its responsibility for Mr. Correa's damages.

Section 768.36(2), of the Florida Statutes, provides that:

> "[i]n any civil action, a plaintiff may not recover any damages for loss or injury to his or her person or property if the trier of fact finds that, at the time the plaintiff was injured:
>
> (a) The plaintiff was under the influence of any alcoholic beverage…to the extent that the plaintiff's normal faculties were impaired or the plaintiff had a blood or breath alcohol level of 0.08 percent or higher; and
>
> (b) As a result of the influence of such alcoholic beverage the plaintiff was more than 50 percent at fault for his or her own harm.[35]

Section 316.130(1), of the Florida Statutes., provides that a pedestrian must "obey the instructions of any official traffic control device specifically applicable to the pedestrian unless otherwise directed by a police officer." Additionally, section 316.075(1)(c), of the Florida Statutes, states that a pedestrian facing a steady red signal may not enter the roadway.

Mr. Correa violated s. 316.130(1), F.S., by entering the roadway with a steady red signal, and is no more than 50 percent at fault for his injuries. However, Ms. Constant had a heightened duty to adhere to the requirements of the Miami-Dade County Personnel Rules, which requires bus drivers to give pedestrians the right-of-way, and as stated above, Ms. Constant breached that duty.

Ultimately, the following was established by the greater weight of the evidence; Mr. Correa was negligent when he entered

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[34] *See* Miami-Dade County's Summary, Positions, and Insurance Statement.

[35] *See* s. 768.36(2), F.S. It is unclear whether Mr. Correa had been drinking prior to the accident and on the day of the accident. The recorded statement by Officer Smith indicated that Mr. Correa was "swaying" and was potentially intoxicated, however, evidence of an alcohol toxicology was not entered into the record. Additionally, at the claim bill hearing, Mr. Correa testified that he did not have any alcohol on the day of the accident.

the crosswalk with a steady red signal; and Ms. Constant was negligent when she pulled into the intersection and turned left when the traffic light was red.[36] The parties entered into a signed settlement agreement, and Miami-Dade County agrees with the claimant's position that this claim bill arises out of a settlement between Miami-Dade County and the claimant, Mr. Correa, and agrees to support a claim bill in the amount of $4,100,000. Thus, the settled claim amount of $4,100,000 to be paid by Miami-Dade County seems reasonable based on the evidence presented, including any comparative negligence, and in taking into consideration the unpredictable nature of juries.[37]

ATTORNEY FEES: Attorney fees may not exceed 25 percent of the amount awarded. The claimant's attorney has agreed to limit fees to 25 percent of any amount awarded by the Legislature. Additionally, lobbying fees will be limited to 7 percent of any amount awarded by the Legislature.

RECOMMENDATIONS: Based on the foregoing, the undersigned recommends that Senate Bill 6 be reported FAVORABLY.

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[36] As stated above, Ms. Constant owed Mr. Correa a heightened duty of care as established by Miami-Dade County Personnel Rules, which requires bus drivers to give pedestrians the right-of-way.

[37] *See Estate of Dougherty v. WCA of Florida, LLC.*, 2018 WL 6925662 (Fla. Cir. Ct.), where a bicyclist was struck and killed by a truck as she was trying to get from the bike lane to the crosswalk and the truck driver failed to yield, failed to check his mirrors, failed to use his turn signal, and failed to slow down as he executed his turn. The Defense claimed that Dougherty made a sudden turn that put her bicycle in the path of the truck and that tests showed that Dougherty had both alcohol and cocaine in her system at the time of the crash. The jury found the plaintiff was "not under the influence of cocaine and/or alcohol to the extent that her normal faculties were impaired or that she had a blood alcohol level of 0.08 or higher" and was 20 percent negligent and the defendant was found to be 80 percent negligent, and awarded $25,000,000 to the plaintiffs for the wrongful death of their daughter. *See also Fernandez v. BFI Waste Systems of North America, Inc.*, 2000 WL 33268233 (Fla. Cir. Ct.), where a 70 year old retired woman suffered injuries after she was struck while crossing a roadway outside of the crosswalk by the defendant recycling truck. In *Fernandez*, the jury found the plaintiff to be 50 percent negligent and the jury awarded $1,487,000 to the plaintiff. The case was settled after trial for $725,000. *See also Gold v. Duncan, Sara Lee, and Bryan Foods, Inc.*, 1992 WL 737190 (Fla. Cir. Ct.), where an 88 year old woman suffered an amputated right arm and her left arm was rendered useless as a result of being struck by a tractor-trailer driven by the defendant and owned by the co-defendants. The defendant had been stopped at a traffic light waiting to turn, and the plaintiff was waiting to cross the roadway. When the light turned green, the defendant started to execute a wide turn. When the plaintiff started to walk forward, she was struck, and the rear wheels of the trailer ran over her arms. The plaintiff contended that she did not think the truck was turning. The defendant alleged that the plaintiff walked into the truck, and two eyewitnesses stated that the plaintiff began walking after the truck was blocking the crosswalk. The plaintiff was found 50 percent negligent, and the award was reduced to $2,000,000.

Respectfully submitted,

/s/ Carter McMillan
Senate Special Master

cc: Secretary of the Senate

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

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

DATE	COMM	ACTION
3/20/25	SM	Favorable
3/25/2025	JU	Favorable
	CA	
	RC	

March 20, 2025

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

Re: **SB 6** – Senator Ana Maria Rodriguez
HB 6514 – Representative Busatta
Relief of Jose Correa by Miami-Dade County

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR $4.1 MILLION. THE CLAIMANT, JOSE CORREA, SEEKS DAMAGES FROM MIAMI-DADE COUNTY FOR PERSONAL INJURIES CAUSED BY THE NEGLIGENT OPERATION OF A MIAMI-DADE COUNTY BUS DRIVEN BY A COUNTY EMPLOYEE.

FINDINGS OF FACT:

Jose Correa, a 61-year-old, was a pedestrian injured in a bus accident involving an in-service Miami-Dade County bus that was driven by an on-duty Miami-Dade County bus driver. Mr. Correa's injuries include a below the knee amputation of his left leg. Because of the amputation, Mr. Correa suffers from neuropathic pain syndrome and phantom limb pain. A Miami-Dade County bus driver, Traci Constant, contributed to the injuries Mr. Correa sustained.

The Accident on December 16, 2021

At approximately 12:00 p.m., on December 16, 2021, Jose Correa was walking home and crossing the street at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when he was struck by a bus operated by Traci

Constant, an on-duty Miami-Dade County bus driver.[38] Mr. Correa was crossing the roadway within the crosswalk at the time of the accident, and witnesses indicated that it was a clear and sunny day.[39]

Prior to the accident, Ms. Constant pulled into the left turn lane traveling southbound on Le Jeune (SW 42nd Avenue) and began to make a left eastbound turn onto Bird (SW 40th Street). Before making the left turn, Ms. Constant pulled out onto the intersection to wait for northbound traffic to clear, however, when she made the left turn, the traffic light was red.[40]

Mr. Correa was walking northbound on the crosswalk at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when Ms. Constant made a left turn and struck him with the left side mirror of the bus.[41] The Traffic Homicide Report indicates that Mr. Correa walked across the crosswalk with a "do not cross" red hand (to stop/do not cross).[42] However, during the claim bill hearing held on January 30, 2025, the claimant's attorney asserted that the pedestrian crosswalk traffic signal was not working properly.[43]

At collision, Mr. Correa fell onto the roadway and the left rear tires of the bus dragged Mr. Correa's left leg until the bus came to a controlled stop.[44] The Coral Gables Fire Rescue (Engine #4 and Rescue #2) responded to the accident and administered first aid. Mr. Correa was then transported to Jackson Memorial Hospital – Ryder Trauma Unit.[45]

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[38] Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).
[39] Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).
[40] *See Id*; *see also* Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).
[41] *Id.*
[42] Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).
[43] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 18:08-19:32. During the claim bill hearing, the claimant's attorney indicated that they hired a private investigator to take a video of the traffic signal not working properly. This video was not taken on the day of the accident but on a later date. However, the Special Masters never received this video to add into evidence.
[44] Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).
[45] Patient Care Record, Coral Gables Fire Department, Incident Number 21008649 (Dec. 16, 2021).

Prior to the Accident

During the claim bill hearing, the respondent's counsel stated that on the morning of the accident at approximately 11:45 a.m., Mr. Correa walked to a nearby 7-Eleven where a police officer, Officer Smith, witnessed Mr. Correa "swaying" and indicated that Mr. Correa was visibly intoxicated.[46] However, Mr. Correa stated that he did not have any alcohol on the day of the accident.[47]

Disciplinary Action Report and Hearing

Ms. Constant was suspended for 10 days following a "Miami-Dade County Disciplinary Action Report" dated January 13, 2022, and a "Disciplinary Hearing" that was held on March 4, 2022. The report indicates that Ms. Constant's actions on the day of the "accident" constituted a violation of Miami-Dade County Personnel Rules, and the accident was deemed preventable by the Accident Grading Committee.[48]

Traffic Homicide Report

The traffic homicide report provides that the roadway was free of defects or obstructions which would have affected the collision, the bus appeared to have been in good operating condition, and Ms. Constant was operating the bus with no apparent impairments.[49] Additionally, the homicide report indicates that Mr. Correa violated the visible red "do-not-walk" crosswalk traffic signal.[50] During a deposition taken on August 10, 2023, the traffic homicide detective, Detective Quinones, stated that he took a video on the day of the accident to demonstrate that the crosswalk traffic signal was working properly.[51] The traffic homicide report also lists "severe signs of impairment" as "probable cause," and states that Officer Smith observed Mr. Correa as being intoxicated moments

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[46] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 1:09:01-1:11:47. During the claim bill hearing, respondent's counsel read Officer Smith's statement aloud. *See also* Officer Smith recorded statement from the scene of the accident (Dec. 16, 2021).

[47] *See id*. at 24:10-24:20. Additionally, no evidence was submitted to demonstrate that a blood alcohol test was ever administered to Mr. Correa after the accident.

[48] *See* Disciplinary Action Report, Miami-Dade County, Transportation and Public Work Department, Division Number 06771031, Traci Constant (Jan 13, 2022). *See also* Memorandum, Miami-Dade County, MDT Bus Operations, Disciplinary Hearing, Bus Operator Traci Constant (March 4, 2022).

[49] Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

[50] *Id*.

[51] *See* Quinones Deposition, 27-30 (Aug. 10, 2023).

before the collision.[52] Ultimately, the traffic homicide report attributes fault to Ms. Constant and Mr. Correa.[53]

Medical Injuries

Mr. Correa suffered extensive injuries, including a below the knee amputation of his left leg. Because of the amputation, Mr. Correa suffers from neuropathic pain syndrome and phantom limb pain.[54] During the claim bill hearing, Mr. Correa indicated that Medicare covered most of his medical expenses.[55] However, the claimant's attorney provided financial data and projected Mr. Correa's total past medical liens to be approximately $339,416.[56]

Current and Future Needs

Currently, Mr. Correa is living in an assisted living facility, but he would like to live on his own again.[57] During the claim bill hearing, Mr. Correa explained that his prosthetic does not fit him properly due to skin integrity issues.[58] However, he hopes to get those problems addressed and corrected.[59] The claimant's attorney provided a life care evaluation that estimates Mr. Correa's "present value of future loss" to be approximately $4,051,261.[60] Additionally, Mr. Correa and his sister testified that the claimant's quality of life has dramatically decreased since the accident in December of 2021.[61]

LITIGATION HISTORY:

A lawsuit was filed in July of 2022, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, case no. 2022-013508-CA-01, styled *Jose Correa v. Miami-Dade County*. The complaint asserted vicarious liability negligence claims on behalf of Mr. Correa against Miami-

[52] Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).
[53] *Id*.
[54] *See* Claimant's Summary of the Case*; see also* Special Master Claim Bill Hearing (Jan. 30, 2025).
[55] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 51:28.
[56] *See id*. at 55:00. In the Claim Bill Hearing the Claimant's attorney stated that Mr. Correa's Medicaid lien was approximately $339,416, and all other past expenses have been satisfied. The "Claimant's Summary of the Case" indicates that Mr. Correa's past medical bills are approximately $1,300,000.
[57] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 44:38-48:07.
[58] *See id*. at 38:40-42:00.
[59] *Id*.
[60] *See* Gary A. Anderson, Summary of the Past and Present Value of Future Economic Loss to Jose Correa (May 30, 2023). *See also* Paul M. Ramos, Life Care Plan for Jose Correa (Oct. 16, 2023).
[61] *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025). Mr. Correa and his sister testified regarding the claimant's quality of life. Prior to the accident, Mr. Correa enjoyed being active and had an active lifestyle. Additionally, both the claimant and his sister testified that Mr. Correa has had a difficult time mentally and emotionally post-accident.

Dade County. The complaint further alleged that Miami-Dade County's employee, Traci Constant, carelessly and negligently struck Mr. Correa while she was driving a Miami-Dade County passenger bus. As a result, the complaint provides that Mr. Correa suffered great bodily injury, pain, disability, disfigurement, mental anguish, and the loss of the capacity for the enjoyment of life.

Release of all Claims and Settlement Agreement

On March 25, 2024, Mr. Correa signed a "release" to release and discharge Miami-Dade County from liability related to the facts in Circuit Court Case 2022-013508-CA-01.[62] Pursuant to that "release," the claimant received $200,000 from Miami-Dade County, and the respondent agreed to support a claim bill in the amount of $4,100,000.[63]

Section 768.28 of the Florida Statutes limits the amount of damages that a claimant can collect from a local government as a result of its negligence or the negligence of its employees to $200,000 for one individual, and $300,000 for all claims or judgments arising out of the same incident. Funds in excess of this limit may only be paid upon approval of a claim bill by the Legislature.

On November 25, 2024, a "notice of voluntary dismissal with prejudice" was entered in Circuit Court Case 2022-013508-CA-01.

On March 13, 2025, the attorneys for both parties executed and signed a letter stating that everything enclosed in the March 25, 2024, "Release" is considered a settlement agreement between Miami-Dade County and Mr. Correa.

Miami-Dade County agrees with the claimant's position that this claim bill arises out of a settlement between Miami-Dade County and the claimant, Mr. Correa, and agrees to support a claim bill in the amount of $4,100,000.[64]

CONCLUSIONS OF LAW:

The claim bill hearing held on January 30, 2025, was a de novo proceeding to determine whether Miami-Dade County is liable for negligence damages caused by its employee, Traci

[62] Release of All Claims, Jose Correa v. Miami-Dade County, Case No. 22-013508-CA-01 (Mar. 25, 2024).
[63] *Id*.
[64] Miami-Dade County's Summary, Positions, and Insurance Statement, Senate Bill 6*; see also* Correa Special Master Claim Bill Hearing (Jan. 30, 2025).

Constant acting within the scope of her employment, to the claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the Special Master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Under the legal doctrine of *respondeat superior*, Miami-Dade County is responsible for the wrongful acts of its employees when the acts are committed within the scope of their employment. Because Ms. Constant was operating a bus in the course and scope of her employment at the time of the accident and because the bus was owned by Miami-Dade County, the County is responsible for any wrongful acts, including negligence, committed by Ms. Constant.

Negligence

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.[65]

The plaintiff bears the burden of proving, by the greater weight of the evidence, that the defendant's action was a breach of the duty that the defendant owed to the plaintiff. The "greater weight of the evidence" burden of proof "means the more persuasive and convincing force and effect of the entire evidence in the case."[66]

In this case, Miami-Dade County's liability depends on whether Ms. Constant negligently operated the County's bus and whether that negligent operation caused Mr. Correa's resulting injuries.

Duty

[65] *Williams v. Davis,* 974 So.2d 1052, at 1056-1057 (Fla. 2007)*; see also* Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.
[66] Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence*.

A legal duty may arise from statutes or regulations; common law interpretations of statutes or regulations; other common law precedent; and the general facts of the case.[67]

In this case, Ms. Constant was responsible for the duty of reasonable care to others while driving her Miami-Dade County bus. In accordance with Miami-Dade County Personnel Rules, Ms. Constant had a reasonable duty to observe "safe driving practices," including a duty against "making right or left turns on red traffic signals," a duty to "use caution before entering intersections," and a duty to give pedestrians the right-of-way. Additionally, in accordance with the Metrobus Operation Rules and Procedures Manual, Ms. Constant had a reasonable duty to not enter an intersection unless she knew the bus could get completely across if the signal changed to red, and a duty to never run a red or yellow light.

Section 316.075(1)(c), of the Florida Statutes, provides that:

> [t]he driver of a vehicle facing a steady red signal shall stop before entering the crosswalk and remain stopped to allow a pedestrian, with a permitted signal, to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger…[u]nless otherwise directed by a pedestrian control signal…, pedestrians facing a steady red signal must not enter the roadway.

Section 316.075(1)(a), of the Florida Statutes, provides that:

> [v]ehicular traffic facing a circular green signal may proceed cautiously straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

[67] *McClain v. Florida Power Corp.*, 593 So.2d 500, 503 n. 2 (Fla. 1992).

Section 316.075(1)(b), of the Florida Statutes, provides that "[v]ehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection."

Breach
The undersigned finds that Ms. Constant breached the duty of care owed to Mr. Correa.

As stated above, Ms. Constant pulled into the left turn lane traveling southbound on Le Jeune (SW 42nd Avenue) and began to make a left eastbound turn onto Bird (SW 40th Street). Before making the left turn, Ms. Constant pulled out into the intersection to wait for northbound traffic to clear; however, when she made the left turn, the traffic light was red. Mr. Correa was walking northbound on the crosswalk at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when Ms. Constant made a left turn and struck him with the left side mirror of the bus. Then, Mr. Correa fell onto the roadway and the left rear tires of the bus dragged Mr. Correa's left leg until the bus came to a controlled stop.

Causation
Mr. Correa's injuries were the natural and direct consequence of Ms. Constant's breach of her duty. Ms. Constant was acting within the scope of her employment at the time of the accident. Miami-Dade County, as the employer, is liable for damages caused by its employee's negligent act.

Damages
A plaintiff's damages are computed by adding these elements together:

Economic Damages
- Past Medical Expenses
- Future Medical Expenses

Non-Economic Damages
- Past Pain and Suffering and Loss of Enjoyment of Life
- Future Pain and Suffering and Loss of Enjoyment of Life

The claimant's attorney provided financial data and projected Mr. Correa's total past medical liens to be approximately $339,416, and projected his total future medical expenses to be approximately $4,051,261.[68]

No evidence was presented or available indicating the damages authorized by the settlement agreement are excessive or inappropriate.[69]

Comparative Negligence

Comparative negligence is the legal theory that a defendant may diminish his or her responsibility to an injured plaintiff by demonstrating that another person, sometimes the plaintiff and sometimes another defendant or even an unnamed party, was also negligent and that negligence contributed to the plaintiff's injuries. The goal of proving a successful comparative negligence defense is to hold other people responsible for the injuries they cause to a plaintiff. By apportioning damages among all who are at fault, it will ultimately reduce the amount of damages owed by a defendant.[70]

If this case had proceeded to trial, it would likely have been disputed that Ms. Constant was solely at fault in the collision or solely responsible for Mr. Correa's injuries and damages.[71] Miami-Dade County raised the affirmative defense of comparative negligence in its Answer to the Plaintiffs' Complaint to reduce the County's liability in causing the accident and its responsibility for Mr. Correa's damages.

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[68] In the Claim Bill Hearing the Claimant's attorney stated that Mr. Correa's Medicaid lien was approximately $339,416. The "Claimant's Summary of the Case" indicates that Mr. Correa's past medical bills are approximately $1,300,000. *See also* Gary A. Anderson, Summary of the Past and Present Value of Future Economic Loss to Jose Correa (May 30, 2023). The "Summary of the Past and Present Value of Future Economic Loss to Jose Correa" states that the estimated total of future loss is $4,051,261, however, this is the amount Mr. Correa is expected to be billed but does not factor in any potential outside assistance (i.e. Medicare). *See also* Paul M. Ramos, Life Care Plan for Jose Correa (Oct. 16, 2023). *See also* s. 409.910(11)(f), F.S., which provides for recovery in a tort action when Medicaid has provided medical goods and services to a plaintiff who is a Medicaid recipient.

[69] *See Estate of Dougherty v. WCA of Florida, LLC*. (Fla. Cir. Ct. 2018). *See also Fernandez v. BFI Waste Systems of North America, Inc.* (Fla. Cir. Ct. 2000). *See also Gold v. Duncan; Sara Lee; Bryan Foods, Inc.* (Fla. Cir. Ct. 1991),

[70] Section 768.81, of the Florida Statutes, is the comparative fault statute. The apportionment of damages is established in section 768.81(3), of the Florida Statutes.

[71] *See* Miami-Dade County's Summary, Positions, and Insurance Statement.

Section 768.36(2), of the Florida Statutes, provides that:

> "[i]n any civil action, a plaintiff may not recover any damages for loss or injury to his or her person or property if the trier of fact finds that, at the time the plaintiff was injured:
>
> (a) The plaintiff was under the influence of any alcoholic beverage…to the extent that the plaintiff's normal faculties were impaired or the plaintiff had a blood or breath alcohol level of 0.08 percent or higher; and
>
> (b) As a result of the influence of such alcoholic beverage the plaintiff was more than 50 percent at fault for his or her own harm.[72]

Section 316.130(1), of the Florida Statutes., provides that a pedestrian must "obey the instructions of any official traffic control device specifically applicable to the pedestrian unless otherwise directed by a police officer." Additionally, section 316.075(1)(c), of the Florida Statutes, states that a pedestrian facing a steady red signal may not enter the roadway.

Mr. Correa violated s. 316.130(1), F.S., by entering the roadway with a steady red signal, and is no more than 50 percent at fault for his injuries. However, Ms. Constant had a heightened duty to adhere to the requirements of the Miami-Dade County Personnel Rules, which requires bus drivers to give pedestrians the right-of-way, and as stated above, Ms. Constant breached that duty.

Ultimately, the following was established by the greater weight of the evidence; Mr. Correa was negligent when he entered the crosswalk with a steady red signal; and Ms. Constant was negligent when she pulled into the intersection and turned left when the traffic light was red.[73] The parties entered into a signed settlement agreement, and Miami-Dade County agrees with the claimant's position that this claim bill arises out of a settlement between Miami-Dade County and the

[72] *See* s. 768.36(2), F.S. It is unclear whether Mr. Correa had been drinking prior to the accident and on the day of the accident. The recorded statement by Officer Smith indicated that Mr. Correa was "swaying" and was potentially intoxicated, however, evidence of an alcohol toxicology was not entered into the record. Additionally, at the claim bill hearing, Mr. Correa testified that he did not have any alcohol on the day of the accident.

[73] As stated above, Ms. Constant owed Mr. Correa a heightened duty of care as established by Miami-Dade County Personnel Rules, which requires bus drivers to give pedestrians the right-of-way.

claimant, Mr. Correa, and agrees to support a claim bill in the amount of $4,100,000. Thus, the settled claim amount of $4,100,000 to be paid by Miami-Dade County seems reasonable based on the evidence presented, including any comparative negligence, and in taking into consideration the unpredictable nature of juries.[74]

ATTORNEY FEES: Attorney fees may not exceed 25 percent of the amount awarded. The claimant's attorney has agreed to limit fees to 25 percent of any amount awarded by the Legislature. Additionally, lobbying fees will be limited to 7 percent of any amount awarded by the Legislature.

RECOMMENDATIONS: Based on the foregoing, the undersigned recommends that Senate Bill 6 be reported FAVORABLY.

Respectfully submitted,

/s/ Carter McMillan
Senate Special Master

cc: Secretary of the Senate

[74] *See Estate of Dougherty v. WCA of Florida, LLC.*, 2018 WL 6925662 (Fla. Cir. Ct.), where a bicyclist was struck and killed by a truck as she was trying to get from the bike lane to the crosswalk and the truck driver failed to yield, failed to check his mirrors, failed to use his turn signal, and failed to slow down as he executed his turn. The Defense claimed that Dougherty made a sudden turn that put her bicycle in the path of the truck and that tests showed that Dougherty had both alcohol and cocaine in her system at the time of the crash. The jury found the plaintiff was "not under the influence of cocaine and/or alcohol to the extent that her normal faculties were impaired or that she had a blood alcohol level of 0.08 or higher" and was 20 percent negligent and the defendant was found to be 80 percent negligent, and awarded $25,000,000 to the plaintiffs for the wrongful death of their daughter. *See also Fernandez v. BFI Waste Systems of North America, Inc.*, 2000 WL 33268233 (Fla. Cir. Ct.), where a 70 year old retired woman suffered injuries after she was struck while crossing a roadway outside of the crosswalk by the defendant recycling truck. In *Fernandez*, the jury found the plaintiff to be 50 percent negligent and the jury awarded $1,487,000 to the plaintiff. The case was settled after trial for $725,000. *See also Gold v. Duncan, Sara Lee, and Bryan Foods, Inc.*, 1992 WL 737190 (Fla. Cir. Ct.), where an 88 year old woman suffered an amputated right arm and her left arm was rendered useless as a result of being struck by a tractor-trailer driven by the defendant and owned by the co-defendants. The defendant had been stopped at a traffic light waiting to turn, and the plaintiff was waiting to cross the roadway. When the light turned green, the defendant started to execute a wide turn. When the plaintiff started to walk forward, she was struck, and the rear wheels of the trailer ran over her arms. The plaintiff contended that she did not think the truck was turning. The defendant alleged that the plaintiff walked into the truck, and two eyewitnesses stated that the plaintiff began walking after the truck was blocking the crosswalk. The plaintiff was found 50 percent negligent, and the award was reduced to $2,000,000.

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

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DATE	COMM	ACTION
1/5/26	SM	Favorable
1/12/26	JU	Favorable
1/20/26	CA	Pre-meeting

January 5, 2026

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

Re: **SB 16** – Senator Darryl Rouson
HB 6517 – Representative Berfield
Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR $2,300,000 FROM THE GENERAL REVENUE OF THE CITY OF ST. PETERSBURG. THIS AMOUNT IS THE UNPAID SETTLEMENT AGREEMENT BETWEEN HERIBERTO SANCHEZ-MAYEN, THE CITY OF ST. PETERSBURG, AND ST. PETERSBURG POLICE OFFICERS MICHAEL THACKER AND SARAH GADDIS, IN THEIR INDIVIDUAL CAPACITIES. THE SETTLEMENT RESOLVED A FEDERAL CIVIL ACTION ARISING FROM ALLEGED INJURIES RECEIVED BY HERIBERTO SANCHEZ-MAYEN WHILE IN POLICE CUSTODY, RESULTING IN THE AMPUTATION OF HIS LEGS.

FINDINGS OF FACT:

As noted by the U.S. District Court of the Middle District of Florida-Tampa Division, in an order granting, in part, a Motion to Dismiss in this matter, this case is unique in that "the entirety of the officers' relevant conduct…is captured on three videotapes," and "these three tapes are almost the entire case…both parties argued from the tapes without objection." The authenticity of these videos was not challenged by either party.[1]

[1] *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 10, 2025), at 1-2.

On the morning of June 8, 2023, Officer Sarah Gaddis (Gaddis) of the St. Petersburg Police Department, at approximately 10:25 a.m., responded to a call for service "regarding transients loitering in vacant lot just south of…251 15th Street North. The caller advised there were three subjects; a white male, a white female, and a Hispanic male."[2]

The property in question is a long, narrow, vacant lot owned by the City of St. Petersburg. The lot is bounded by fencing on its long sides and can be ingressed and egressed from the narrower sides. These two narrower sides were marked with metal signs on wooden posts. From Officer Gaddis' bodycam video of the incident in question, at least one sign, clearly visible from the street, stated "No Trespassing" and cited to St. Petersburg City Code 21-40. The wording of the other sign is not clear from the video; however, it is reasonable to assume it contained similar verbiage.[3] Gaddis walked further into the lot, where she found Heriberto Sanchez-Mayen (Sanchez-Mayen) asleep on his back, barefoot, and lying on a piece of cardboard with a backpack near his arm. Nearby Sanchez-Mayen is a tarp tied up amongst a bamboo clump so as to make a makeshift shelter, as are several items of clothing, a pack of cigarettes, and a beer can.[4] Various pieces of other rubbish can also be found around the lot. Gaddis arouses Sanchez-Mayen from his sleep by calling out his first name, which she clearly knows.[5]

After arousing Sanchez-Mayen, Gaddis informed him that he was trespassing and asks Sanchez-Mayen if he knew this (Sanchez-Mayen later denied seeing the no trespassing sign) and if the beer can nearby was his (which he also denied—Gaddis however, does not appear to believe this, as she states that the beer is a brand Sanchez-Mayen always drinks).[6] She instructs Sanchez-Mayen to put on his shoes, gather his belongings, and accompany her to her police cruiser nearby to be issued "a ticket."[7] However, Gaddis

[2] Deposition of Officer Sarah Gaddis, Jan. 30, 2025, at 71, unmarked Claimant's Exhibit.
[3] Gaddis also states that both signs say, "no trespassing." Bodycam video of Officer Sarah Gaddis, Jun. 8, 2023, at 0:30-32.
[4] *Id.* at 1:25-2:01.
[5] *Id.* at 0:49-52. In her deposition, Gaddis stated that "I was able to easily identify the Hispanic male as Heriberto Sanchez-Mayen, as we have had numerous previous interactions with him. He is a chronic offender of ordinances and violations downtown." Deposition of Officer Sarah Gaddis, *supra* note 2 at 74.
[6] Bodycam video of Officer Sarah Gaddis, *supra* note 3 at 0:50-2:36, unmarked Claimant's Exhibit.
[7] *Id.* at 0:50-1:06.

appears to immediately reconsider this, and asks into her radio whether the police transport van is nearby and then asks for the van to come to the lot for a trespass.[8]

Sanchez-Mayen, though seemingly groggy and potentially intoxicated, fully complies with Gaddis' instructions and is at no time combative or otherwise uncooperative.[9] Gaddis also treated Sanchez-Mayen in a professional manner and was neither abusive nor physically threatening. Gaddis proceeded to conduct a search of Sanchez-Mayen's backpack and pats him down. Sanchez-Mayen continues to be cooperative, and Gaddis continues to be professional.[10] Gaddis then informs Sanchez-Mayen that he will not be getting a ticket and will, instead, be arrested, stating that they are getting "all kinds of complaints," Sanchez-Mayen gets tickets "all the time," but does not care and continues to "not change his ways."[11]

Shortly thereafter, Officer Michael Thacker (Thacker) arrives, who is the driver of the police transport van and responsible for transporting detainees to the police station "sally port." Gaddis informs Thacker of Sanchez-Mayen's name and that the charge against him is trespass. Two other unidentified officers are nearby; however, they are not substantially involved in the arrest other than to walk with Sanchez-Mayen to the van.[12] Thacker then says to Gaddis "I think after a certain many of these, it should be a felony." Gaddis indicates her agreement with this statement.[13] Thacker then places Sanchez-Mayen in handcuffs and places a belly chain around Sanchez-Mayen's waist to which he attaches the handcuffs.[14] Gaddis again re-iterates that Sanchez-Mayen will not "change his ways," to which Thacker says, "A year in jail would probably settle it."[15] Gaddis then states, "Yeah…maybe…it's debatable."[16] The officers search Sanchez-Mayen's backpack and load his property into a bag for Thacker to take with him for transporting Sanchez-Mayen.[17]

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[8] *Id.* at 1:07-1:27.
[9] Officer Gaddis, in her deposition, stated that, from her recollection of that morning, Sanchez-Mayen did not appear intoxicated. Deposition of Officer Sarah Gaddis, *supra* note 2 at 86.
[10] Bodycam video of Officer Sarah Gaddis, *supra* note 3 at 2:42-4:12.
[11] *Id.* at 4:50-55 and 6:15-20.
[12] *Id.* at 5:01-6:02.
[13] *Id.* at 6:02-6:10.
[14] *Id.* at 5:55-6:28.
[15] *Id.* at 6:15-6:29.
[16] *Id.* at 6:30-6:34.
[17] *Id.* at 6:50-8:08.

Sanchez-Mayen is loaded into the police van, and he continues to be completely cooperative with no physical resistance whatsoever—although he does continue to appear to be groggy and potentially intoxicated.[18] The van is a Ford Police Transport Van, with two compartments. Both compartments are metal, do not appear to have any padding of any sort, and are fitted with a metal, built-in bench structure that appears to have some sort of black anti-skid tape on the seat.[19] The smaller side compartment has a single bench running the length of the compartment. This smaller compartment appears to have room for approximately one person.[20] The larger rear compartment is bifurcated with a metal partition running through the middle. The right side has a bench that runs the length of the compartment and terminates on the wall abutting the side compartment. It appears to potentially fit several transportees The left side (where Sanchez-Mayen was loaded by Thacker) also has a bench that runs the length of the compartment; however, this bench also wraps around the bulkhead of the vehicle to create an L-shaped configuration. It also appears to potentially fit several transportees. The compartments do not have seatbelts or any other similar type of restraints.[21]

It was the policy of the City of St. Petersburg, at least at the time of the incident, that detainees would be handcuffed[22] but were not required to be seat-belted or similarly restrained in police vans[23]—a policy which counsel for the Claimant, at hearing, stated they "had no problem with." However, Claimant does point out that it was safer, in the larger compartment, to have the transportee sit on the floor with their back against the bulkhead if possible, instead of on the bench. Thacker acknowledged this in his deposition and that he failed

[18] *Id.* at 7:00-7:10.
[19] Van Photo 45530-23-021625-A_11 through 17, unmarked Claimant's Exhibit.
[20] Detainee Kicking video, Jun. 8, 2023, Claimant's Exhibit 11.
[21] *Id.*
[22] St. Petersburg Police Department General Order: Transporting and Booking Prisoners, § III-10 (2016), unmarked Claimant's Exhibit, states that detainees placed in the prisoner transport van (PTV) must be handcuffed. Whether to do so in front or in back is at the discretion of the officer; however, if the prisoner is handcuffed in front, the handcuffs must be attached to a waist (i.e. belly) chain.
[23] Deposition of Officer Michael Thacker, Jan. 30, 2025, at 78-79, unmarked Claimant's Exhibit.

to ask Sanchez-Mayen to do so, despite nothing preventing him from doing this.[24]

Sanchez-Mayen was loaded into the left-side portion of the rear compartment as the side compartment was already occupied by another detainee.[25] This detainee seemed to be less cooperative, exceedingly intoxicated, and kicking at the walls of the van and yelling.[26] The ride to the sally port is lengthy, however there is not a video of Sanchez-Mayen for most of this ride as Thacker admitted that he forgot to initialize the camera in the left-side of the larger compartment.[27] The failure to activate this camera was a violation of St. Petersburg Police Department protocol. According to Thacker, he heard a bump against the bulkhead of the compartment and at that point realized his error and activated the internal camera for the larger compartment.[28] This camera had a technology that, when turned on, would record the previous 30-35 seconds.

As the camera activates, the video shows Sanchez-Mayen quietly sitting upright on the metal bench. Moments later, the van appears to come to an abrupt halt.[29] Sanchez-Mayen, generally unable to brace himself due to the handcuffs and belly chain, falls, striking his head on the side of the van and then the metal bench. The fall appears to be with some force as Sanchez-Mayen's restraints made it difficult to break his fall in any meaningful way.[30]

Immediately thereafter, Sanchez-Mayen can be seen lying generally motionless on the floor of the van (there may have been some minor movement, though it is unclear if this was independent movement on Sanchez-Mayen's part or was simply the movement of the van itself). This lasts for approximately five minutes. The van then appears to park,

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[24] Deposition of Officer Michael Thacker, *supra* note 23 at 34-38, unmarked Claimant's Exhibit. In the deposition, Thacker stated that placing a detainee in this position is not always possible, some detainees are too large to fit and others are simply uncooperative and thus would not listen.
[25] *Id.* at 32-34.
[26] Detainee Kicking video, *supra* note 20.
[27] Deposition of Officer Michael Thacker, *supra* note 23 at 83.
[28] *Id.* at 83-86.
[29] The District court found that "Thacker stopped the van fairly suddenly…it was not a lurching, 'slam on the brakes' stop, but it was a fairly sudden, definitely firm stop." *Sanchez-Mayen v. City of St. Petersburg*, et al, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 10, 2025), at 10.
[30] Inside van video, Jun. 8, 2023, at 0:40-48.

and lights come on in the compartment, as the van arrives at the station.[31]

Thacker then opens the back door of the van to find Sanchez-Mayen lying face-down on the floor of the compartment, unresponsive. Thacker makes several attempts to arouse Sanchez-Mayen by loudly saying his name and strongly shaking at Sanchez-Mayen's leg and lower back. Thacker then firmly pulls up on one of Sanchez-Mayen's shoulders and again, repeatedly shouts Sanchez-Mayen's name and tells him to wake up. Thacker does not appear to check Sanchez-Mayen for any injuries that may have caused his unresponsiveness.[32]

Finding Sanchez-Mayen still unresponsive, Thacker then begins to pull Sanchez-Mayen out of the van by forcefully pulling on his ankles—dragging Sanchez-Mayen face-first across the floor of the van.[33] Thacker then appears to ask for help from another officer to fully remove Sanchez-Mayen from the van.[34]

Thacker then proceeds, with the assistance of another officer, to roughly pull the unconscious Sanchez-Mayen completely from the van and flip him over.[35] Sanchez-Mayen's head slunk back onto the van floor as Thacker continues to call out and shake Sanchez-Mayen to "wake up."[36] Sanchez-Mayen head then slips further and strikes the side of the van door where he momentarily ends up in a sitting position with his head wedged between the van door and fender.[37] Thacker then directs the other officer to "go get the nurse" and keeps attempting to shake and rouse Sanchez-Mayen, eventually allowing him to further fall and strike the station floor.[38] Thacker then proceeds to pull Sanchez-Mayen by his feet again, dragging him across the station floor.[39] Shortly thereafter, multiple responders arrive and begin treatment asking Thacker if Sanchez-Mayen was breathing—to which

[31] *Id.* at 5:40-50
[32] *Id.* at 5:44-6:05.
[33] *Id.* at 6:06-6:30.
[34] *Id.* at 6:30-6:32.
[35] Inside van video, Jun. 8, 2023, at 1:46-2:00.
[36] *Id.* at 2:01-2:09.
[37] *Id.* at 2:09-2:15.
[38] *Id.* at 2:15-2:20.
[39] *Id.* at 2:20-2:25.

Thacker said he "gasped a couple of times."[40] Thacker gives Sanchez-Mayen a "sternum rub" and the respondents then begin to give full first aid to Sanchez-Mayen, including CPR and application of Narcan—presumably due to Thacker or the responders believing that Sanchez-Mayen may have had a drug overdose.[41] Eventually, additional responders arrive and, after about 13 minutes of treatment, Sanchez-Mayen is loaded onto a gurney and wheeled away.[42] It appears that the responders did not suspect at any time that Sanchez-Mayen had a head or spinal injury.

Thacker, from the time he found the unconscious Sanchez-Mayen until the time he removed him from his van, appeared to give no effort in assessing Sanchez-Mayen for an apparent injury, protecting Sanchez-Mayen from any injury, or protecting against aggravating any injury Sanchez-Mayen may have had. The District Court characterized Thacker's treatment of Sanchez-Mayen after finding him unconscious as "giving no apparent effort whatsoever to considering bodily injury or protecting against aggravating one, other that noting 'he is unconscious," and that Thacker's handling of Sanchez-Mayen "was very rough, indeed sloppy or cavalier handling of a potentially injured person."[43] Further, the court stated that the extraction of Sanchez-Mayen was "reckless, callous, and something every Boy Scout with a First Aid merit badge would know is entirely improper."[44] These characterizations are quite accurate.

On his way to the hospital, Sanchez-Mayen was given a notice to appear on the charge of "trespass on property other than a structure or conveyance."[45] This charge was subsequently dismissed by the Pinellas County Court on February 22, 2024, on the grounds that the lot in question was not appropriately posted or marked as required under the applicable trespass statute: section 810.09, of the Florida Statutes.[46]

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[40] *Id.* at 2:28-3:12.
[41] *Id.* at 3:12-16:10.
[42] *Id.* at 4:40-2:15
[43] *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, (M.D.Fla Mar. 10, 2025), at 11-13.
[44] *Id.* at 24.
[45] *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, (M.D.Fla Mar. 10, 2025), at 13.
[46] *State of Florida v. Heriberto Sanchez-Mayen*, No 23-09240-MM-G, (Pinellas Cty. Ct., Feb. 22, 2024). "Trespass on property other than structure or conveyance," requires such property to be posted pursuant to s. 810.11(5)(a), F.S., which requires, in part, "no trespassing" signs be posted at not more than 500 feet apart along and at each corner of the boundaries of the land. The property in question here only had one (possibly two) such signs.

Sanchez-Mayen was initially taken to HCA Largo Hospital, where he was eventually, after a CT scan, diagnosed with a C3 (a thin vertebra in the neck) anterior inferior corner fracture and a perivertebral edema/hematoma from an odontoid[47] fracture. A CT angiogram also revealed a Type B aortic dissection. It was also noted that Sanchez-Mayen was able to slightly shrug his shoulders, had minimal movement in his right foot, decreased sensation to all four extremities, and was unable to move his arms—he was diagnosed with a significant spinal cord injury. In addition, Sanchez-Mayen's feet were cool and mottled. Physicians also determined that there was a low likelihood that Sanchez-Mayen would regain function of his legs. After determining that HCA Largo Hospital was unable to meet Sanchez-Mayen's needs, he was transferred to Tampa General Hospital later that same day.[48]

On August 12, owing to his traumatic injuries, Sanchez-Mayen underwent above-the-knee amputation of both of his legs. He also suffered from acute respiratory failure later that month during his stay—necessitating a tracheostomy.[49] On August 22, 2023, Sanchez-Mayen was discharged from Tampa General and moved to a skilled nursing facility.[50] Sanchez-Mayen eventually moved into his sister's residence, where he continues to receive full-time care from his sister and other health professionals.

It was clear from his appearance at the hearing, which was by Web-X due to his condition and mobility issues, that Sanchez-Mayen still has extremely limited ability to use his hands and has difficulty raising his arms. A life care plan submitted by the Claimant found that Sanchez-Mayen will likely need ongoing medical care and support care throughout the remainder of his life expectancy.[51] The life care plan noted the following support needed for Sanchez-Mayen:

- Spinal injury: He cannot raise his arms above his head and lacks the ability to grasp with his hands. In addition, he has altered sensation in his lower back, down his

[47] The odontoid is a tooth-like projection from the second cervical vertebra (C2) at the top of the neck.
[48] *Life Care Plan for Heriberto Sanchez Mayen* (Robert P. Tremp Jr., Client M.D. Life Care Plans, May 16, 2025), unmarked Claimant's Exhibit, and *Discharge Summary* (Catherine Deluna, Tampa General Hospital, Jun. 8, 2023), unmarked Claimant's Exhibit.
[49] *Life Care Plan for Heriberto Sanchez Mayen, supra* note 48.
[50] *Discharge Summary, supra* note 48.
[51] *Life Care Plan for Heriberto Sanchez Mayen, supra* note 48.

legs, shoulder and muscle pain in his arms, and phantom pain in his limbs.
- Bowel/bladder: He is unable to move his bowel without digital stimulation and is incontinent. He must wear diapers which need to be changed by caregivers. Sanchez-Mayen also suffers from frequent urinary tract infections.
- Turning/transfers/attendant needs: He requires assistance to turn in bed and needs the assistance of two to transfer from bed, though he can maintain a sitting position—with his head up—once helped to this position. In addition, he is dependent on caregivers for his feeding, personal hygiene, and oral care, and essentially all daily needs.
- Complications: He reports frequent, painful, and violent spasms.[52]

The life care plan report notes three potential options, and estimated costs, for Sanchez-Mayen's continuing care:
- Option 1: Privately hired caregivers in his home at a cost of $7,088,677.
- Option 2: Hiring a team of caregivers through a home health agency at a cost of $10,105,567.
- Option 3: Full-time placement in a skilled nursing facility at a cost of $4,895,793.[53]

LITIGATION HISTORY:

On March 18, 2024, Claimant filed a complaint (in Federal Court) against the City of St. Petersburg, Thacker, and Gaddis.[54] Claimant filed an amended complaint on June 11, 2024, alleging the following against the City of St. Petersburg, Thacker (in his individual capacity), and Gaddis (in her individual capacity):

Count 1 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—deliberate indifference toward an excessive risk to health and safety.

Count 2 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—deliberate indifference to serious medical need.

[52] *Id.*
[53] *Id.*
[54] *Sanchez-Mayen v. City of St. Petersburg*, et al, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 18, 2024).

Count 3 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—excessive force.

Count 4 (Federal Claim): 42 U.S.C. § 1983 Claim against Gaddis—false arrest.

Count 5 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—failure to intervene as to Gaddis' false arrest.

Count 6 (Federal Claim): 42 U.S.C. § 1983 Claim against Gaddis—failure to intervene as to Thacker's deliberate indifference toward excessive risk to health and safety.

Count 7 (Federal Claim): 42 U.S.C. § 1983 Claim against Gaddis—malicious prosecution.

Count 8 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—failure to intervene in malicious prosecution by Gaddis.

Count 9 (Federal Claim): *Monell* claim against the City of St. Petersburg for promulgation and adherence to policies in violation of Mayen's constitutional rights.

Count 10 (State Claim): Claim against Gaddis for false imprisonment.

Count 11 (State Claim): Claim against Thacker for false imprisonment.

Count 12 (State Claim): Claim against Gaddis for malicious prosecution.

Count 13 (State Claim): Claim against Thacker for malicious prosecution.

Count 14 (State Claim): Claim against Thacker for battery.

On March 10, 2025, the District Court granted, in part, a motion to dismiss claims against the City, Thacker, and Gaddis. The order dismissed with prejudice counts 4, 6, and 7 against Gaddis. The dismissal of these claims extinguished all Federal claims against Gaddis, and, therefore, the court dismissed the state court claims against Gaddis, without

prejudice, due to lack of independent subject matter jurisdiction.[55]

Regarding Thacker, the District Court dismissed, with prejudice, counts 5 and 8 against him. The court also dismissed, without prejudice, claims 1 and 2 against Thacker, stating that he "is not, at this time, entitled to a dismissal of a 'deliberate indifference' claim under qualified immunity. But, the two counts are multiplicitous and contain some assertions that are not actionable." The court directed the claimant to combine and restate the claim in any second amended complaint. However, the court did state that the allegations in the amended complaint "if true, deprive Officer Thacker of qualified immunity on this claim, at this stage."[56]

The court also dismissed, without prejudice, counts 11 and 13 against Thacker. The court dismissed these counts because it found that Gaddis had probable cause for arrest. The court doubted the claims could be reasserted successfully; however, the court allowed the Claimant to do so if they so chose.

The court did not dismiss count 3 against Thacker. Though it found the claim "to be unusual for an excessive force case" and it was unlikely that Thacker drove the van to deliberately injure or intimidate Sanchez-Mayen, "the accusation suffices at this stage" to avoid dismissal. In addition, the court cites to the potential "battery" of Sanchez-Mayen in his removal from the van as a reason not to dismiss the claim.

The court also did not dismiss count 14 against Thacker, noting that a battery, as alleged, "would not be subject to the immunity provided by s. 768.28(9)(a) because an intentional battery would establish malice."[57]

The court also dismissed, without prejudice, count 9 for failure to state a proper cause of action.[58]

On March 14, 2025, the parties, after mediation, reached settlement on all matters in the case. That same day, the District Court acknowledged that settlement had been

[55] *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 10, 2025).
[56] *Id.*
[57] Citing to *Holland v. Glass*, 213 So.2d 320, 321 (Fla. 4th DCA 1968).
[58] *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 10, 2025).

reached in the case and dismissed it without prejudice for 60 days—after 60 days, that dismissal became with prejudice and, therefore, final.[59]

None of the pled counts in this matter at the district court were for negligence per se. All were for either deliberate indifference (a higher standard of proof than simple negligence) or intentional torts. However, the notarized settlement in this case states that it "settles the negligence claims against the City. Sanchez-Mayen withdraws the individual claims against the officers." This settlement was executed by the parties and approved by the District court in dismissing the case due to settlement.

As confirmed with counsel for the Claimant at the Special Master hearing conducted regarding this matter, the claims settled by the parties—and under consideration in the matter at hand—are the negligence claims against officers (particularly Thacker) and the vicarious liability, under the theory of respondeat superior, for the City of St. Petersburg regarding the officer's actions. Counsel for the City of St. Petersburg did not object to this characterization at the Special Master hearing, despite given a chance to do so.

Since the District court dismissed Gaddis from the matter, and the Claimant stated at the Special Master hearing that their claim of negligence was particularly regarding Thacker's conduct, any tort liability regarding Gaddis' conduct (which, consequently, did not show negligence on her part) will not be further considered here.

CONCLUSIONS OF LAW:

Section 768.28, of the Florida Statutes, waives sovereign immunity for tort liability up to $200,000 per person and $300,000 for all claims or judgments arising out of the same incident. Sums exceeding this amount are payable by the State and its agencies or subdivisions by further act of the Legislature.

Negligence, Generally

Negligence is the failure to take care to do what a reasonable and prudent person would ordinarily do under the

[59] *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 14, 2025).

circumstances.[60] Negligence is inherently relative— "its existence must depend in each case upon the particular circumstances which surrounded the parties at the time and place of the events upon which the controversy is based."[61]

Negligence comprises four necessary elements: (1) *duty*–where the defendant has a legal obligation to protect others against unreasonable risks; (2) *breach*–which occurs when the defendant has failed to conform to the required standard of conduct; (3) *causation*–where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) *damages*–actual harm.[62]

Vicarious Liability

Section 768.28(9)(a), of the Florida Statutes, provides, in part, that the exclusive remedy in a tort action for an injury caused by an officer, employee, or agent of the state or of any of its subdivisions—acting within the course and scope of their employment—is an action against the government entity (not the individual employee). Thus, such government entity is vicariously liable for such person's actions under the doctrine of respondeat superior.[63]

However, if the act is outside of the officer, employee, or agent's course and scope of employment—or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property—then the officer, employee, or agent may be personally liable (and the government entity would not be liable).[64]

Duty

Duty Element with Government Entities

To have liability in tort for a government entity, there must exist an "underlying common law or statutory duty of care with respect to the alleged negligent conduct. For certain basic judgmental or discretionary governmental functions, there has

[60] *De Wald v. Quarnstrom*, 60 So.2d 919, 921 (Fla. 1952).
[61] *Spivey v. Battaglia*, 258 So.2d 815, 817 (Fla. 1972).
[62] *Williams v. Davis*, 974 So.2d 1052, 1056–1057 (Fla. 2007).
[63] *City of Boynton Beach v. Weiss*, 120 So. 3d 606, 611 (Fla. 4th DCA 2013).
[64] *Id.*

never been an applicable duty of care."[65] Section 768.28, of the Florida Statutes, does not establish any new duty of care for governmental entities. The purpose of statute was to waive immunity that prevented recovery for breaches of existing common-law duties of care.[66]

Duty of Care to Person in Custody

A common law duty of care is owed to a person that law enforcement has taken into custody.[67] Accordingly, Thacker had a legal obligation to act as a reasonably prudent person under similar circumstances. This is because an officer, when taking a person into custody, places that person in a foreseeable zone of risk by taking away that person's normal opportunity for protection.[68] The Florida Supreme Court has recognized that when a person's "conduct creates a foreseeable zone of risk, the law generally will recognize a duty placed upon defendant either to lessen the risk or see that sufficient precautions are taken to protect others from the harm that the risk poses."[69] In addition, Florida, "recognizes that a legal duty will arise whenever a human endeavor creates a generalized and foreseeable risk of harming others," and "as the risk grows greater, so does the duty, because the risk to be perceived defines the duty that must be undertaken."[70] The City of St. Petersburg seems to recognize the inherent risk in transporting detainees as its general order regarding the transporting and booking of prisoners states that, "transporting prisoners is a potentially dangerous function…it is the policy of the St. Petersburg Police to take all necessary precautions, while transporting prisoners, to protect the lives and safety of Officers, the public, and the person(s) in custody."[71]

Certainly, any reasonable person, and especially a trained police officer, would know of the significant dangers of a person not being seat-belted. Clearly, this risk grows if such person has been handcuffed to a belly-chain and

[65] *Trianon Park Condo. Ass'n, Inc. v. City of Hialeah*, 468 So. 2d 912, 917 (Fla. 1985).
[66] *Id.*
[67] *Kaiser v. Kolb*, 543 So. 2d 732 (Fla 1989).
[68] *Henderson v. Bowden*, 737 So. 2d 532, 536 (Fla. 1999).
[69] *Kaiser* at 735, and
[70] *McCain v. Florida Power Corp.*, 593 So. 2d 500, 503 (Fla. 1992).
[71] St. Petersburg Police Department General Order: Transporting and Booking Prisoners, *supra* note 22.

could not attempt to brace themselves in any effective way. Here, Thacker knew, or should have known, the significant risk he places detainees in when he places them in the back of the police van. Transporting detainees in this situation creates a foreseeable zone of risk that said arrestee has a significantly increased chance of injury from a traffic accident or even a sudden braking incident. Thacker owed a duty to Sanchez-Mayen to account for this significant and foreseeable zone of risk.

Breach

Failure to Seatbelt or Otherwise Secure Sanchez-Mayen

As stated above, Claimant stated that they "had no problem with" the City of St. Petersburg's policy of not seat-belting or similarly restraining detainees in its police vans. However, the Claimant does point out that it was safer, in the larger compartment, to have the detainee sit on the floor with their back against the bulkhead if possible, instead of on the bench. Thacker acknowledged this in his deposition and that he failed to ask Sanchez-Mayen to do so, despite nothing preventing him from doing this.

While it may be a matter of some conjecture whether the policy of the City of St. Petersburg not to use seatbelts or similar restraints in the back of its police vans is negligent in and of itself, the claims regarding the City's overall policy are not at issue here. As affirmed by the Claimant, the negligence claim rests on the behavior of Thacker—not whether the City's policies are reasonable or prudent themselves.

Instead, it was Thacker's failure to direct Sanchez-Mayen to sit on the floor of the vehicle, against the bulkhead—despite no reason not to do so and knowing this was the safest position—that potentially breached his duty of care to Sanchez-Mayen.

In isolation, Thacker's failure to advise Sanchez-Mayen to sit on the floor may not rise to the level of breaching his duty of care to Sanchez-Mayen. However, taken with the totality of the circumstances below, Thacker's actions do breach his duty of care to Sanchez-Mayen and the failure

to direct or recommend to Sanchez-Mayen that he sit in a safer position is a contributing factor.

Removal of Sanchez-Mayen from Police Van

Even if Thacker believed Sanchez-Mayen had simply passed out from intoxication or a drug overdose, the careless and reckless manner in which he removed Sanchez-Mayen from the van presented an unacceptably high potential of serious injury. Something any reasonable person, especially a trained law enforcement officer, should have ascertained. In addition, that Sanchez-Mayen was completely unconscious and unresponsive should give any reasonable person, especially trained law enforcement personnel, wariness that Sanchez-Mayen may be experiencing some kind of neurological or spinal injury. Such a reasonable person would have taken reasonable precautions to protect his head, neck, and spine. Thacker, instead, did exactly the opposite—subjecting Sanchez-Mayen to additional and needless spinal and head trauma after Sanchez-Mayen likely had already suffered significant trauma from his initial fall. While it is difficult, if not impossible, to assess to what extent Sanchez-Mayen's injuries were from his initial fall or subsequent handling by Thacker, there is little doubt Thacker's actions exacerbated an already perilous situation.

Failure to Note Potential Neurological and Spinal Trauma

Thacker also breached his duty of care to Sanchez-Mayen by not activating his camera per department protocol, and, thus, did not see Sanchez-Mayen fall in the van (he only activated the camera presumably after hearing Sanchez-Mayen fall against the bulkhead). Had he seen Sanchez-Mayen fall, he may have conducted himself differently after seeing Sanchez-Mayen motionless on the floor. In addition, after seeing Sanchez-Mayen motionless on the floor of the van, Thacker did not reasonably assess whether Sanchez-Mayen may have been injured in a fall.

Given the foreseeable risk of injury of a potential fall in the van, Thacker should have at least been cognizant of a potential head or spinal injury and conducted himself accordingly. Further, his lack of care in assessing the

situation was a contributing factor to Sanchez-Mayen not receiving more prompt care for his spinal injuries. Had Thacker undertaken a better assessment of the situation, Sanchez-Mayen may have had an improved outcome or some of his injuries could have been better mediated by medical personnel.

Causation

Thacker's negligence was the cause of Sanchez-Mayen's injuries in three ways:

1. Thacker failed, without any reasonable cause, to instruct Sanchez-Mayen to sit at the bottom of the transport van, despite knowledge that this was the safest place in the larger compartment. While this element, taken in isolation, may not be the complete cause of Sanchez-Mayen's injuries, it was certainly a significant factor.
2. Thacker failed to be reasonably wary of a potential spinal or neurological injury after observing Sanchez-Mayen motionless and unresponsive. This was compounded by Thacker's failure to turn on his camera per department protocol.
3. Even without suspecting a spinal or neurological injury, Thacker's handling of a motionless and unresponsive Sanchez-Mayen was reckless and callous, and, even without an existing spinal or neurological injury to Sanchez-Mayen, could have done serious harm.

Thacker's actions during the time Sanchez-Mayen was in his custody, taken in totality, were the actual and proximate cause of Sanchez-Mayen's injuries.

Damages

Through the provision of records and evidence showing Sanchez-Mayen's injuries, the Claimant has established that the settlement of $2,500,000 (of which $200,000 has already been paid to Sanchez-Mayen by the City of St. Petersburg) was reasonable and should not be disturbed.

The cost of Sanchez-Mayen's needed continuing care,[72] as provided by the Claimant, demonstrates that the settled award is appropriate.

At the Special Master hearing, the Claimant provided that it was their intention that the potential proceeds of the claim bill, if approved, would be placed within a special needs trust to maintain some of Sanchez-Mayen's public benefits while also using the trust proceeds to pay for his other needs. Counsel for the Claimant also provided, in their statement of funds, that the funds would also be used to settle outstanding Medicare liens of $96,792.72 and $175,734.11 (along with an associated fine related to those liens of $4,285.00) relating to Sanchez-Mayen's previously received care.

ATTORNEY FEES:

Section 768.28(8), of the Florida Statutes, states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement.

The Claimant's attorney has submitted an affidavit to limit attorney fees to 25 percent of the total amount awarded and has not sought any attorney fees for her lobbying effort on behalf of Sanchez-Mayen.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that SB 16 be reported FAVORABLY.

Respectfully submitted,

Kurt Schrader
Senate Special Master

cc: Secretary of the Senate

[72] As mentioned above, the least expensive option provided in the life care plan for Sanchez-Mayen, was $4,895,793.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Vice Chair*
Agriculture
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Health and Human Services
Children, Families, and Elder Affairs
Ethics and Elections
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON
16th District

January 12, 2026

Sen. Stan McClain
Chairman, Committee on Community Affairs
315 Knot Building
404 S Monroe St
Tallahassee, FL 32399

Dear Chairman McClain,

I am respectfully requesting SB 16, Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg, be added to the agenda of a forthcoming meeting of the Committee on Community Affairs for consideration.

I am available for any questions you may have about this legislation. Thank you in advance for the committee's time and consideration.

Sincerely –

Darryl E Rouson

Senator Darryl E. Rouson
Florida Senate District 16

REPLY TO:
❒ 535 Central Avenue, Suite 302, St. Petersburg, Florida 33701 (727) 822-6828
❒ 212 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

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

DATE	COMM	ACTION
1/5/26	SM	Favorable
1/12/26	JU	Favorable
1/20/26	CA	Pre-meeting

January 5, 2026

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

Re: **SB 24** – Senator Gruters
HB 6515 – Representative Busatta
Relief of Lourdes Latour and Edward Latour by Miami-Dade County

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM BILL FOR LOCAL FUNDS IN THE AMOUNT OF $500,000, PAYABLE FROM UNENCUMBERED FUNDS OF MIAMI-DADE COUNTY, BASED ON A SETTLEMENT AGREEMENT BETWEEN LOURDES AND EDWARD LATOUR AND MIAMI-DADE COUNTY. THE SETTLEMENT AGREEMENT RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENCE OF THE COUNTY THAT CAUSED INJURIES TO LOURDES LATOUR AND HER HUSBAND, EDWARD LATOUR.

FINDINGS OF FACT:

At approximately 10:45 on the morning of November 5, 2017, Lourdes LaTour and her Husband, Edward LaTour (collectively "Claimants"), were bicycling to visit a relative in the Gables by the Sea Community (the "Community") located in Coral Gables, Miami-Dade County (the "County"), something they had done together ten to fifteen times prior. At all times relevant to the matter, the County owned the land upon where the accident occurred and was the legal entity that designed, operated, maintained, and controlled the guard gates and guard houses of the Community.

The Claimants entered the Community without incident and sometime later (within 30 minutes) began to exit the Community on their bicycles. As there was insufficient space for a bicycle to bypass the gate when exiting, and as they had done during their prior visits to the Community while on bicycles, they approached the guard gate to exit and the gate's arm opened for Mr. LaTour to exit. After his successful exit, the gate arm closed. Mrs. LaTour waited for the gate arm to open again so she could exit. Once the gate arm opened, Mrs. LaTour began to exit but the gate arm closed suddenly and unexpectantly before she had cleared the gate, striking her and knocking her off her bicycle. A bystander called 911 and Mrs. LaTour was transported by Miami-Dade EMS to South Miami Hospital.

Once she was knocked to the ground, Mrs. LaTour came in and out of consciousness several times. She remembers hearing her husband scream, fluid coming from the back of her mouth, someone yelling not to move her, a woman telling her everything would be okay, and someone bringing ice for her head.[1] She remembers EMS personnel moving her, waking up in an ambulance, waking up in the hospital, and having her clothing cut off of her.[2]

On the day of the accident, Lourdes LaTour was 63 years old and Edward LaTour was 67 years old. They had been married for 43 years. Both of the LaTours were born in Cuba but are U.S. citizens and have lived in Miami since they were small children. They have two grown children together.

INJURIES – As a result of the accident, Mrs. Latour suffered a supracondylar humerus fracture with intercondylar split in her left arm which is a severe break of the upper arm bone just above the elbow, with the added complication of a fracture line that goes through the elbow joint. Treatment of her injury required three surgical procedures over the year following the accident as the fracture resulted in a non-union as it healed.

Mrs. LaTour's first surgery was performed on November 7, 2017. Her orthopedic surgeon, Robert Miki, M.D., testified that because the fracture was within the elbow joint, he had to

[1] Deposition of Lourdes LaTour, July 16, 2019, p. 67, line 21 – p. 68, line 17.
[2] *Id.*

break another bone to get to the fracture site.[3] Dr. Miki testified that the surgery included the placement of a screw, wires, and two metal plates in her arm.[4]

Mrs. LaTour's second surgery was performed by Dr. Miki on April 11, 2018. During this surgery, Dr. Miki testified he opened the wound and removed one of the plates and the screw he had placed in the arm to heal the bone he had to break during the first surgery.[5]

Mrs. LaTour's third surgery was performed by Dr. Miki on August 31, 2018. During this surgery, Dr. Miki testified that because her bones had not yet healed, he had to remove the remaining plate in her arm and replace it with a set of new plates.[6] After this surgery, her arm was placed in a long-arm cast.

Mrs. Latour suffers permanent shooting pain on a daily basis that limits her ability to perform many basic activities of daily living, including driving, shopping, laundry, cooking, bathing, grooming, and household chores.[7] Her injuries have required her to give up activities she enjoyed prior to the accident, including boating, gardening, dancing, working out, bicycling, going for walks, Pilates, and yoga.[8] Due to the pain and lack of strength, her left arm has limited function.

Dr. Miki testified that he believes Mrs. LaTour will develop some level of traumatic arthritis[9], that her injuries are "definitely permanent"[10], and that she may need additional surgeries to release the ulnar nerve and remove the plates in her arm.[11]

LITIGATION HISTORY:

On October 17, 2018, Claimants filed a lawsuit against the County. In January 2025, the case proceeded to trial and the jury returned a verdict in favor of the Claimants. The verdict awarded $4,750,000 to Mrs. LaTour ($4,000,000 for past damages and $750,000 for future damages) and $165,000 to

[3] Deposition of Roberto A. Miki, M.D., Dec. 15, 2022, p. 14, lines 3 – 9.
[4] *Id.* at p. 14, lines 14 - 21.
[5] *Id.* at p. 22, lines 18 – 25.
[6] *Id.* at p. 27, lines 1 – 7.
[7] Deposition of Lourdes LaTour, July 16, 2019, p. 69, lines 10 – 15; p.ge 72, line 23 – p. 75, line 10.
[8] *Id.*
[9] Deposition of Roberto A. Miki, M.D., Dec. 15, 2022, p. 37, lines 9 – 15.
[10] *Id.* at p. 39, lines 15 – 18.
[11] *Id.* at p. 36, lines 19 – 25.

Mr. LaTour ($100,000 for past damages and $65,000 for future damages). The jury found the County 100 per cent at fault and found no fault against the Claimants or the company providing guard services at the gate, U.S. Security Associates.

The County appealed the verdict and a settlement was reached by the parties prior to the appellate court ruling on the matter. Pursuant to the settlement agreement, the County agreed to pay the Claimants $800,000. The terms of the agreement required the County to pay the sovereign immunity limits of $300,000, with the remaining $500,000 balance to be paid upon the passage of a claim bill.

RESPONDENT'S POSITION: The County agrees that the passage of this claim bill in the amount of $500,000 is in the parties' mutual best interests. The County supports the passage of this claim bill. The source of payment for this claim bill would be from Miami-Dade County's Self Insurance Fund.

CONCLUSIONS OF LAW: The claim bill hearing held on November 3, 2025, was a *de novo* proceeding to determine whether the County is liable in negligence for damages it may have caused to the Claimants, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, limits the amount of damages a claimant can collect from government entities as a result of its negligence or the negligence of its employees to $200,000 for one individual and $300,000 for all claims or judgments arising out of the same incident. Damages in excess of this limit may only be paid upon approval of a claim bill by the Legislature. Thus, the Claimants will not receive the full amount of the settlement unless the Legislature approves a claim bill authorizing additional payment.

Every claim bill must be based on facts sufficient to meet the "greater weight of the evidence" standard. The "greater weight of the evidence" burden of proof "means the more persuasive

and convincing force and effect of the entire evidence in the case."[12]

Negligence

Negligence is "the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances";[13] and "a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred."[14]

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.[15]

In this matter, the County's liability depends on whether the County violated the applicable standard of care in the design, operation, maintenance, and control of the guard gate and guard house of the Community and whether this breach caused the resulting injuries to the Claimants.

Duty

A legal duty may arise from statutes or regulations; common law interpretations of statutes or regulations; other common law precedent; and the general facts of the case.[16] This duty is known as the "standard of care."

Under Florida's premises liability law, a property owner owes two duties to an invitee: (1) to use reasonable care in maintaining the premises in a reasonably safe condition, and (2) to give the invitee warning of concealed perils which are or should be known to the landowner, and which are

[12] Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence*.
[13] Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.
[14] Fla. Std. Jury Instr. (Civ.), 401.12(a) - *Legal Cause, Generally*.
[15] *Williams v. Davis*, 974 So. 2d 1052, 1056 (Fla. 2007). *See also* Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.
[16] *McCain v. Fla. Power Corp*., 593 So. 2d 500, 503 n. 2 (Fla. 1992).

unknown to the invitee and cannot be discovered by the invitee through the exercise of due care.[17]

The Florida Supreme Court has opined that "[w]hile a city is not an insurer of the motorist or the pedestrian who travels its streets and sidewalks, it is responsible, of course, for damages resulting from defects which have been in existence so long that they could have been discovered by the exercise of reasonable care, and repaired."[18]

In this matter, the County, as the property owner, had a duty to design, operate, maintain, and control the guard gates and guard houses of the Community in a non-negligent manner.

Breach
A preponderance of the evidence establishes that the County breached its duties by failing to design, operate, maintain, and control the guard gate and guard house of the Community in a non-negligent manner.

The Florida Department of Transportation Design Manual (FDM) sets forth design criteria for all new construction, reconstruction, and resurfacing projects on the State Highway System and the National Highway System.[19] The FDM sets forth the criteria for planning and preparing for the construction and the operation of any road, path, or way which by law is open to bicycle travel, regardless of whether such facilities are signed and marked for the preferential use by bicyclists or are to be shared with other transportation modes.[20] For such bicycle facilities, the FDM requires maintaining a smooth, clean riding surface, free of obstructions.[21]

The Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (referred to as the Florida Green Book) provides uniform minimum standards and criteria for the design, construction,

[17] *See*, *Knight v. Waltman*, 774 So. 2d 731 (Fla. 2007); *Owens v. Publix Supermarkets, Inc.,* 802 So. 2d 315 (Fla. 2001).
[18] *Mullis v. City of Miami,* 60 So. 2d 174, 176 (Fla. 1952) (citing *City of Jacksonville v. Foster*, 41 So. 2d 548, 549 (Fla. 1949)).
[19] *FDOT Design Manual*, Jan. 1, 2025, Sec. 100 - *Purpose*. https://fdotwww.Design Manual (Last visited November 14, 2025).
[20] Deposition of Rowland Lamb, Feb. 18, 2020, p. 16, lines 6 - 9.
[21] *FDOT Design Manual*, Jan. 1, 2025, Sec. 223.1 – *Bicycle Facilities (General)*. https://fdotwww.Design Manual (Last visited November 14, 2025).

and maintenance of all transportation facilities, including all roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, bicycle facilities, underpasses, and overpasses used by the public for vehicular and pedestrian traffic.[22] The Manual requires that:

- Bicycle facilities be given full consideration in the planning and development of transportation facilities, including the incorporation of such facilities into state, regional, and local transportation plans, and programs under the assumption that transportation facilities will be used by bicyclists.
- All roadways, except where bicycle use is prohibited by law, should be designed, constructed, and maintained under the assumption they will be used by bicyclists.[23]

Credible and uncontroverted testimony from the County's expert witness, Renato R. Vega, revealed:

- That the opening of the gate is triggered by a vehicle loop sensor placed in a groove cut into the asphalt acting as an antenna that sends a signal to the gate operating mechanism that a mass of metal is above the sensor.[24]
- That a bicycle should never trigger such a gate operating system to open.[25]
- If the gate operating system is opening for bicycles, it is recommended that:
  - The system be "retuned" so that it will not open for bicycles;
  - Warning signs be placed;
  - A different sensor be installed;
  - A separate bicycle path be provided; or
  - The site be redesigned where bicycles are not required to exit through the gate.[26]

Credible and uncontroverted testimony from the Claimants' expert witness, David Rowland Lamb, revealed:

- At the time of the accident, there was only fifteen inches of space from the right edge of the exit gate arm to the

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[22] *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways - Purpose*. https://fdotwww.blob/floridagreenbook (last visited November 14, 2025).
[23] *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways*, Chapter 9 – Bicycle Facilities. https://fdotwww.blob/floridagreenbook (last visited November 14, 2025).
[24] Deposition of Renato R. Vega, March 3, 2020, p. 21, lines 17 – 25.
[25] *Id.* at p. 24, lines 8 – 13.
[26] *Id.* at p. 48, line 21 – p. 52, line 12.

curb making it impossible for a bicycle to ride through the gate without the gate arm being opened.[27]

- The Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways minimum standards for counties were not met at the Community exit.[28]
- Pursuant to the American Association of State Highway and Transportation Officials Code, at least 48 inches is needed for a bicycle to bypass the gate.[29]
- At the time of the incident, there were no advanced warnings or signs to give bicyclists directions as to what they were supposed to do to exit the community.[30]
- That it was foreseeable that bicyclists would be exiting the community.[31]
- Lack of training or direction to the guards maintaining the gate arm created insufficient lateral clearance for a bicycle to exit around the side of the gate arm.[32]
- The lack of adequate direction and width to pass to the right of the gate arm accompanied with the gate arm not allowing for safe passage of a bicyclist is a violation of subsection 316.2065(1), of the Florida Statutes, which requires:

  > Every person propelling a vehicle by human power has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.[33]

Causation

In order to prove negligence, the Claimants must show that the breach of duty caused the specific injury or damage to the plaintiff.[34] Proximate cause is generally concerned with "whether and to what extent the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred."[35] To prove proximate cause, the Claimants

[27] Deposition of Rowland Lamb, Feb. 18, 2020, p. 16, lines 6 - 9.
[28] *Id.* at p. 17, lines 18 – 22.
[29] *Id.* at p. 31, lines 5 – 9.
[30] *Id.* at p. 31, lines 15 - 18.
[31] *Id.* at p. 31, lines 22 - 24.
[32] *Id.* at p. 31, lines 25 – 33.
[33] *Id.* at p. 33, line 23 – p. 35 line 6.
[34] *Stahl v. Metro Dade Cnty.*, 438 So. 2d 14 (Fla. 3rd DCA 1983).
[35] *Dept. of Children and Family Svcs. v. Amora*, 944 So. 2d 431, 435 (Fla. 4th DCA 2006).

must submit evidence showing there is a sequence between the County's negligence and the Claimants' injuries such that it can be reasonably said that but for the County's negligence, the injuries would not have occurred.

The record includes expert testimony that the lack of signage, pavement markings, inadequate maintenance operations, and flawed design of the Community exit created the conditions that led to the Claimants' injuries.[36] Mrs. LaTour's surgeon testified that there was no reason to question the mechanism (that her fall was caused by the gate arm) that caused the distal fracture of her left arm.[37]

In this matter, the greater weight of the evidence is the injuries suffered by the LaTours were the direct and proximate result of the County's failure to fulfill its duties in a non-negligent manner. The County breached its duties by failing to design, operate, maintain, and control the guard gate and guard house of the Community in a non-negligent manner and these failures led to the injuries suffered by the Claimants.

Damages
The Claimants have established that Mrs. Latour suffered permanent injuries to her arm, resulting in three surgeries to date, with the need for certain additional future medical services. The Claimants' quality of life has been significantly affected, and will continue to be in the future, due to Mrs. LaTour's constant pain and the limits her injuries have placed on her. The record demonstrates that the Latours have suffered substantial economic and emotional loss. Based on these losses, the jury in the civil trial awarded $4,750,000 to Mrs. LaTour ($4,000,000 for past damages and $750,000 for future damages) and $165,000 to Mr. LaTour ($100,000 for past damages and $65,000 for future damages).

As a result of the settlement agreement entered by the parties, the County has paid $300,000 (the maximum allowed under the state's sovereign immunity waiver) with the remaining $500,000 to be paid if this claim bill is passed by the Legislature and becomes law.

[36] Deposition of Rowland Lamb, Feb. 18, 2020, p. 33, lines 13 - 21.
[37] Deposition of Roberto A. Miki, M.D., Dec. 15, 2022, p. 11, lines 3 – 5.

COLLATERAL SOURCES OF RECOVERY: Prior to the civil litigation, the Claimants received a settlement from businesses responsible for the installation and maintenance of the gate operation. The amount of this settlement was $295,000.

ATTORNEY FEES: Attorney fees may not exceed 25 percent of the amount awarded.[38] The Claimants' attorney has agreed to limit attorney and lobbying fees to 25 percent of any amount awarded by the Legislature.

RECOMMENDATIONS: With respect to this claim bill, the Claimants proved that the County had a duty to the Claimants, the County breached that duty, and that breach caused the Claimants' injuries and resulting damages. The greater weight of the evidence in this matter demonstrates that the negligence of the County in the design and operation of the guard gate at the Community was the legal proximate cause of the injuries and damages suffered by the LaTours. Based on the record, and in recognition of the jury award of $4,915,000, the award under this claim bill is well within the actual damages suffered by the Claimants.

Based upon the arguments and documents provided before, during, and after the special master hearing, the undersigned finds that the settlement is a proper and fair agreement.

Accordingly, I recommend that SB 24 be reported FAVORABLY in the amount of $500,000.

Respectfully submitted,

Tom Thomas
Senate Special Master

cc: Secretary of the Senate

[38] *See* s. 768.28(8), F.S.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 168
INTRODUCER:	Senator Truenow
SUBJECT:	Public Nuisances
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Favorable**
2.	Tolmich	Fleming	CA	**Pre-meeting**
3.			RC	

I. Summary:

SB 168 amends s. 893.138, F.S., to declare any place or premises that has been used on more than two occasions within a 12-month period as a gambling house, as a public nuisance.

The bill revises the penalties that a county or municipality may impose by ordinance to abate public nuisances, which may include:

- Increasing maximum daily fines from $250 to $500 if the nuisance activity persists beyond one year, with the nuisance abatement board considering the severity of the nuisance and the owner's actions.
- Allowing continued jurisdiction over the property in one-year increments until the nuisance is abated.
- Authorizing foreclosure on liens unpaid for three months, and mandating foreclosure if the nuisance continues after two years.

The bill also provides that, when ordinances allow attorney fees for public nuisance investigations and hearings, nuisance abatement boards must also award fees for legal assistants who provide nonclerical legal support under attorney supervision, including legal research and case development.

Finally, the bill removes the $15,000 cap on total fines and eliminates restrictions preventing counties and municipalities from pursuing other remedies against public nuisances.

The bill may have an indeterminate fiscal impact. See *Section V. Fiscal Impact Statement.*

The bill is effective July 1, 2026.

II. Present Situation:

In March 2025, citizen reports led local law enforcement to three separate sites of illegal gambling rooms in Tallahassee. The law enforcement agencies seized a little over $92,000 in cash and 401 illegal gambling machines.[1] At the press conference, Leon County Sheriff Walt McNeil noted these gambling rooms were "in communities of high risk and… create an environment through gaming where they're trying to take advantage… of those persons in our community." Gaming Control Commission Director of Law Enforcement Carl Herold also spoke to criminal activities surrounding illegal gambling rooms, referring to the 2023 murder of a security guard in a Gadsden County internet café. In the Gadsden case, Tyrone Washington was convicted for the murder of Lewis Butler and attempted murder of the store clerk who was shot during the attempted robbery.[2]

Keeping Gambling Houses

It is unlawful for a person[3] to have, keep, exercise, or maintain a gaming table or room, gaming implements or apparatus, or place[4] for the purpose of gaming or gambling. Further, it is unlawful for a person to have or maintain a place in which a person[5] procures, suffers, or permits any person to play for money or other valuable thing at any game.[6]

A violation under this section results in a second degree misdemeanor.[7,]

Nuisance Abatement

Local governments may establish, by ordinance, a nuisance abatement board to hear public nuisance complaints.[8] These boards may take various administrative actions to abate violence-related, drug-related, prostitution-related, or stolen property-related public nuisances and criminal gang activity, including the closure of the place or premises.

Specified criminal activities which, if committed at any place or premises during a specified period of time, may create a public nuisance. Such nuisance may be abated by order of a nuisance abatement board. Those properties subject to nuisance abatement by the board include any place or premises that has been used:[9]

- On more than two occasions within a 6-month period as the site for prostitution;[10,11]

[1] Tallahassee Democrat, Over $92K seized in Tallahassee gambling sting, March 21, 2025, available at: https://www.tallahassee.com/story/news/local/2025/03/21/lcso-operation-westside-illegal-gambling-florida-gaming-control-commission-florida-highway-patrol/82591202007/ (last visited January 14, 2026).
[2] WCTV, Man found guilty of murder in internet café armed robbery, November 17, 2025, available at: https://www.wctv.tv/2025/11/17/man-found-guilty-murder-internet-cafe-armed-robbery/ (last visited January 14, 2026).
[3] Or by the person's clerk or agent.
[4] Including house, booth, tent, shelter, or other place.
[5] Directly or indirectly, who has charge, control, or management, either exclusively or with others.
[6] Section 849.01, F.S.
[7] *Id*. A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to $500. Sections 775.082 and 775.083, F.S.
[8] Section 893.138, F.S.
[9] Section 893.138(2), F.S.
[10] Section 893.138(2)(a), F.S.
[11] A violation of s. 796.07, F.S.

- On more than two occasions within a 6-month period as a site for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance;[12]
- On one occasion as the site of a felony involving the unlawful possession of a controlled substance and that has been previously used as the site for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance;[13]
- By a criminal street gang for a pattern of criminal street gang activity;[14,15]
- On more than two occasions within a 6-month period for dealing in stolen property;[16,17]
- On two or more occasions within a 6-month period, as the site of the Florida Drug and Cosmetic Act;[18,19]
- On more than two occasions within a 6-month period, as the site of any combination of murder and other specified aggravated batteries;[20,21] or
- On more than two occasions within a 12-month period, as the site of unlicensed or unlawful sale of alcoholic beverages.[22,23]

Additionally, any pain-management clinic which has been used on more than two occasions within a 6-month period as the site of a violation relating to assault and battery, burglary, theft, robbery by sudden snatching, or the unlawful distribution of controlled substances may be declared a public nuisance and subject to nuisance abatement.[24]

A nuisance abatement board created to address public nuisances may order the owner of such place or premises to adopt appropriate procedures to abate a nuisance, or enter an order immediately prohibiting:[25]

- The maintaining of the nuisance;
- The operating or maintaining of the place or premises, including the closure or operation of the place or premises; or
- The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

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[12] Section 893.138(2)(b), F.S.
[13] Section 893.138(2)(c), F.S.
[14] "Criminal gang-related activity" means, in part, an activity committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purposes of increasing a person's own standing within a criminal gang. Section 874.03(4)(a), F.S.
[15] Section 893.138(2)(d), F.S.
[16] Section 893.138(2)(e), F.S.
[17] A violation of s. 812.019, F.S.
[18] Section 893.138(2)(f), F.S.
[19] A violation of ch. 499, F.S. Acts prohibited under ch. 499 include, in part, the manufacture, repackaging, sale, delivery, or holding or offering for sale of any drug, device, or cosmetic that is adulterated or misbranded or has otherwise been rendered unfit for human or animal use; the sale, distribution, purchase, trade, holding, or offering of any drug, device, or cosmetic in violation of this part; and the purchase or receipt of a prescription drug from a person that is not authorized under ch. 499 to distribute prescription drugs to that purchaser or recipient. Section 499.005, F.S.
[20] Section 893.138(2)(g), F.S.
[21] Offenses include murder pursuant to s. 782.04, F.S., attempted felony murder pursuant to s. 782.051, F.S., aggravated battery with a deadly weapon pursuant to s. 784.045(1)(a)2., F.S., and aggravated assault with a deadly weapon without intent to kill pursuant to s. 784.021(1)(a), F.S.
[22] Section 893.138(2)(h), F.S.
[23] A violation of s. 562.12, F.S.
[24] Section 893.138(3), F.S.
[25] Section 893.138(5), F.S.

Penalties that may be imposed under s. 893.138, F.S., may be supplemented by a county or municipal ordinance, which may include, but is not limited to, the following penalties:[26]

- Imposing additional penalties for public nuisances, including fines not to exceed $250 per day;
- Requiring the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances;
- Providing continuing jurisdiction for a period of one year over any place or premises that has been or is declared to be a public nuisance;
- Imposing penalties, including fines not to exceed $500 per day for recurring public nuisances;
- Requiring the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order;
- Providing that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and
- Providing for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. However, a lien may not be created to foreclose on real property which is a homestead under s. 4, Art. X of the State Constitution.

The total fines imposed by such county or municipal ordinance may not exceed $15,000.

A nuisance abatement board may also bring a complaint under s. 60.05, F.S., seeking temporary and permanent injunctive relief against any nuisance described in s. 893.138(2), F.S.

There is a process for an Attorney General, state attorney, city attorney, county attorney, sheriff, or any citizen of the county to sue in the name of the state to prohibit the nuisance, the person or persons maintaining it, and the owner or agent of the building or ground on which the nuisance exists.[27] For other types of public nuisances such as the disposal of dead animals, the abandonment of refrigerators and other appliances, and abandoned or derelict vessels, other penalties are provided for the maintenance of those nuisances.[28]

III. Effect of Proposed Changes:

The bill amends s. 893.138, F.S., to declare any place or premises that has been used on more than two occasions within a 12-month period as a gambling house, as a public nuisance.

The bill revises the penalties that a county or municipality may impose by ordinance to abate public nuisances, which may include:

- Increasing maximum daily fines from $250 to $500 if the nuisance activity persists beyond one year, with the nuisance abatement board considering the severity of the nuisance and the owner's actions.

[26] Section 893.138(11), F.S.
[27] Section 60.05, F.S.
[28] Chapter 823, F.S.

- Allowing continued jurisdiction over the property in one-year increments for renewing until the nuisance is abated.
- Authorizing foreclosure on liens unpaid for three months, and mandating foreclosure if the nuisance continues after two years.

The bill provides that, when ordinances allow attorney fees for public nuisance investigations and hearings, nuisance abatement boards must also award fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter. The bill defines "legal assistant" as a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

The bill removes the $15,000 cap on total fines and eliminates restrictions preventing counties and municipalities from pursuing other remedies against public nuisances.

The bill is effective July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be an indeterminate fiscal impact incurred due to increased fines on private property or private businesses.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact due to the allowed increase in daily fines, the addition of gambling houses to the list of offenses deemed public nuisances, and the removal of the cap on the total fines that may be imposed. Additionally, counties may incur costs due to foreclosure litigation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 893.138 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 Truenow

13-00205A-26 2026168__

A bill to be entitled

An act relating to public nuisances; amending s. 893.138, F.S.; revising the list of places that may be declared a public nuisance to include the site of a gambling house; revising provisions relating to the assessment and collection of fines for public nuisances; defining the term "legal assistant"; deleting a limit on the total amount of fines that may be imposed on a public nuisance; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsections (2) and (11) of section 893.138, Florida Statutes, are amended to read:

893.138 Local administrative action to abate certain activities declared public nuisances.—

(2) Any place or premises that has been used:

(a) On more than two occasions within a 6-month period, as the site of a violation of s. 796.07;

(b) On more than two occasions within a 6-month period, as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(c) On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

13-00205A-26 2026168__

(d) By a criminal gang for the purpose of conducting criminal gang activity as defined by s. 874.03;

(e) On more than two occasions within a 6-month period, as the site of a violation of s. 812.019, relating to dealing in stolen property;

(f) On two or more occasions within a 6-month period, as the site of a violation of chapter 499;

(g) On more than two occasions within a 6-month period, as the site of a violation of any combination of the following:

1. Section 782.04, relating to murder;

2. Section 782.051, relating to attempted felony murder;

3. Section 784.045(1)(a)2., relating to aggravated battery with a deadly weapon; or

4. Section 784.021(1)(a), relating to aggravated assault with a deadly weapon without intent to kill; ~~or~~

(h) On more than two occasions within a 12-month period, as the site of a violation of s. 562.12, relating to the unlicensed or unlawful sale of alcoholic beverages; or

(i) On more than two occasions within a 12-month period, as the site of a violation of s. 849.01, relating to keeping a gambling house,

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

(11) ~~The provisions of~~ This section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, any of the following:

(a) ~~provisions that establish additional~~ Penalties for public nuisances, including fines not to exceed $250 per day. If

the nuisance activity is not abated within 1 year, the fines may increase to $500 per day. In determining the amount of the fine, the nuisance abatement board shall consider the gravity of the public nuisance and any actions taken by the property owner to correct the public nuisance.~~; provide for the payment of reasonable costs, including~~

(b) Reasonable attorney fees associated with investigations of and hearings on public nuisances. If attorney fees are requested, the nuisance abatement board must also award fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter. For purposes of this subsection, the term "legal assistant" means a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

(c) ~~; Provide for~~ Continuing jurisdiction for renewing periods ~~a period~~ of 1 year over any place or premises ~~that has been or is~~ declared to be a public nuisance, until the public nuisance is abated.~~; establish penalties, including fines not to exceed $500 per day for recurring public nuisances;~~

(d) ~~Provide for~~ The recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order.~~; provide that~~ Recorded orders on public nuisances may become liens against the real property that is the subject of the order.~~; and~~

(e) ~~Provide for~~ The foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees and legal assistant fees, associated with the recording of orders and foreclosure. If a lien remains unpaid 3

months after it is filed, the nuisance abatement board may authorize the appropriate entity to foreclose on the lien. If the public nuisance activity is unabated after 2 years, the nuisance abatement board must authorize and require the appropriate entity to foreclose on the lien. A ~~No~~ lien created pursuant to ~~the provisions of~~ this section may not be foreclosed on real property that ~~which~~ is a homestead under s. 4, Art. X of the State Constitution. If ~~Where~~ a local government seeks to bring an administrative action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner is ~~shall~~ not ~~be~~ subject to a lien against his or her property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant. ~~The total fines imposed pursuant to the authority of this section shall not exceed $15,000. Nothing contained within~~ This section does not prohibit ~~prohibits~~ a county or municipality from proceeding against a public nuisance by any other means.

Section 2. This act shall take effect July 1, 2026.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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

SENATOR KEITH TRUENOW

13th District

January 15, 2026

The Honorable Senator Stan McClain
312 Senate Office Building
Tallahassee, FL 32399

Dear Chairman McClain

I would like to request SB 168 Public Nuisance be placed on your next available Community Affairs committee agenda.

This bill relates to public nuisances, revises the list of places that may be declared a public nuisance to include the site of a gambling house. It also revises the provisions relating to the assessment and collection of fines for public nuisances and defines "legal assistant" and deletes a limit on the total amount of fines that may be imposed on a public nuisance.

I appreciate your favorable consideration.

Sincerely,

Senator Keith Truenow
Senate District 13

KT/dd

cc: Elizabeth Fleming, Staff Director
Lizbeth Martinez Gonzalez, Administrative Assistant

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

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

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 288
INTRODUCER:	Senator Rodriguez
SUBJECT:	Rural Electric Cooperatives
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Favorable**
2.	Hackett	Fleming	CA	**Pre-Meeting**
3.			RC	

I. Summary:

SB 288 revises the bill revises s. 425.041, F.S., which prohibits certain bylaws, tariffs, and policies to be utilized by rural electric cooperatives. The revisions limit the section's applicability to only those cooperatives that sell electricity at retail. It also revises types of actions to which the restrictions apply—eliminating the term "any other action" and adding "any fee, including a lot fee, developer fee, or surcharge."

The section also eliminates electric investor-owned utilities, municipal electric utilities, and rural electric cooperatives from the entities covered by the restriction in s. 425.041(1), F.S., prohibiting the restriction or prohibition of "types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities…to serve customers that those entities would be authorized to serve."

The bill becomes effective July 1, 2026.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (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 and reliable manner and at fair prices.[2] In order to do so, the PSC exercises authority over utilities in one or more of

[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 Jan. 16, 2026).

the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[3]

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid[4] and may order the addition or repair of infrastructure as necessary.[5] The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities[6] (defined as "public utilities" under ch. 366, F.S.).[7] However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.[8] Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

Municipal Electric and Gas Utilities, and Special Gas Districts, in Florida

A municipal electric or gas utility is an electric or gas utility owned and operated by a municipality. A "special gas district" is a dependent or independent special district, set up pursuant to ch. 189, F.S., to provide natural gas service.[9] Chapter 366, F.S., provides the majority of electric and gas utility regulations for Florida. While ch. 366, F.S., does not provide a definition, per se, for a "municipal utility," variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric utilities that serve over 14 percent of the state's electric utility customers.[10] Florida also has 27 municipally-owned gas utilities and four special gas districts.[11]

Rural Electric Cooperatives in Florida

At present, Florida has 18 rural electric cooperatives (cooperatives), with 16 of them being distribution cooperatives and two being generation and transmission cooperatives.[12] These cooperatives operate in 57 of Florida's 67 counties and have more than 2.7 million customers.[13] Florida rural electric cooperatives serve a large percentage of area, but have a low customer density. Specifically, Florida cooperatives serve approximately 10 percent of Florida's total electric utility customers, but their service territory covers 60 percent of Florida's total land

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[3] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Jan. 16, 2026).
[4] Section 366.04(5) and (6), F.S.
[5] Section 366.05(1) and (8), F.S.
[6] Section 366.05, F.S.
[7] Section 366.02(8), F.S.
[8] Florida Public Service Commission, *About the PSC*, *supra* note 3.
[9] Section 189.012(6), F.S., defines a "special district" as "a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet."
[10] Florida Municipal Electric Association, *About Us,* https://www.flpublicpower.com/about-us (last visited Jan. 16, 2026).
[11] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, pg. 14, Apr. 2025 (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf).
[12] Florida Electric Cooperative Association, *Members*, https://feca.com/members/ (last visited Jan. 16, 2026).
[13] Florida Electric Cooperative Association, *Our History*, https://feca.com/our-history/ (last visited Jan. 16, 2026).

mass. Each cooperative is governed by a board of cooperative members elected by the cooperative's membership.[14]

Public Electric and Gas Utilities in Florida

There are four investor-owned electric utility companies (electric IOUs) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), and Florida Public Utilities Corporation (FPUC).[15] In addition, there are five investor-owned natural gas utility companies (gas IOUs) in Florida: Florida City Gas, FPUC, Peoples Gas System, Sebring Gas System, and St. Joe Natural Gas Company. Of these five gas IOUs, four engage in the merchant function servicing residential, commercial, and industrial customers: Florida City Gas, FPUC, Peoples Gas System, and St. Joe Natural Gas Company. Sebring Gas System is only engaged in firm transportation service.[16]

Electric IOU and Gas IOU rates and revenues are regulated by the PSC and the utilities must file periodic earnings reports. These reports allow the PSC to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.[17] If a utility believes it is earning below a reasonable level, it can petition the PSC for a change in rates.[18]

Section 366.041(2), F.S., requires public utilities to provide adequate service to customers. As compensation for fulfilling that obligation, s. 366.06, F.S., requires the PSC to allow the IOUs to recover honestly and prudently invested costs of providing service, including investments in infrastructure and operating expenses used to provide electric service.[19]

Utility Service Restrictions

Municipal Utilities

Section 366.032(1), F.S., provides that "municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used, delivered, converted, or supplied" by the following:[20]

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;

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[14] *Id.*
[15] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, *supra* note 11, at 4.
[16] *Id* at 15. Firm transportation service is offered to customers under schedules or contracts which anticipate no interruption under almost all operating conditions. *See* Firm transportation service, 18 CFR s. 284.7.
[17] PSC, *2024 Annual Report*, p. 6, (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2024.pdf) (last visited Jan. 16, 2026).
[18] *Id.*
[19] *Id*.
[20] To the extent of serving the customers they are authorized to serve.

- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Category I liquefied petroleum gas dealers, category II liquefied petroleum gas dispensers, or category III liquefied petroleum gas cylinder exchange operators as defined in s. 527.01, F.S.

Section 366.032(2), F.S., also prohibits (except to enforce the Florida Building Code and Florida Fire Prevention Code) a municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, development district, or other political subdivision of the state from restricting or prohibiting the use of an appliance using the fuels or energy types used, delivered, converted, or supplied by the entities above.

The section also provides that it acts retroactively to any provision that existed before its enactment in 2021.

Cooperative Utilities

In 2025, the Legislature passed HB 1137, which, in part, created s. 425.041, F.S., prohibiting certain bylaws, tariffs, and policies to be utilized by cooperatives.[21] Specifically, the section provides that a cooperative may not adopt, enact, or enforce any bylaw, tariff, or policy, or take any other action, that restricts or prohibits or has the effect of restricting or prohibiting the following:

- The types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in s. 366.032(1), F.S.,[22] to serve customers that those entities would be authorized to serve.[23]
- The use of an appliance,[24] including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in s. 366.032(1), F.S.[25]

III. Effect of Proposed Changes:

Section 1 of the bill revises s. 425.041, F.S., to limit the section's applicability to only those cooperatives that sell electricity at retail.[26] It also revises types of actions to which the restrictions apply—eliminating the term "any other action" and adding "any fee, including a lot fee, developer fee, or surcharge."

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[21] The bill also, in part, expanded the applicability of ss. 366.032(1) and (2), F.S., to apply to a "board, agency, commission, or authority of any county, municipal corporation, or political subdivision," as detailed above.

[22] As provided above, these entities would be: a) investor-owned electric utilities; b) municipal electric utilities; c) rural electric cooperatives; entities formed by interlocal agreement to generate, sell, and transmit electrical energy; d) investor-owned gas utilities; e) gas districts; f) municipal natural gas utilities; g) natural gas transmission companies; and h) category I liquefied petroleum gas dealers, category II liquefied petroleum gas dispensers, or category III liquefied petroleum gas cylinder exchange operators as defined in s. 527.01, F.S.

[23] Section 425.041(1), F.S.

[24] As used in this subsection the term "appliance" is defined as "a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements."

[25] Section 425.041(2), F.S.

[26] Florida currently has two cooperatives that are generation and transmission cooperatives and, thus, do not sell electricity at retail.

The section also eliminates electric IOUs, municipal electric utilities, and rural electric cooperatives from the entities covered by the restriction in s. 425.041(1), F.S., prohibiting the restriction or prohibition of "types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities…to serve customers that those entities would be authorized to serve."

Section 2 of the bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 425.041 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 Rodriguez

40-00142A-26 2026288__

A bill to be entitled

An act relating to rural electric cooperatives; amending s. 425.041, F.S.; prohibiting a cooperative that sells electricity at retail from adopting, enacting, or enforcing a fee meeting specified criteria; revising the applicability of such prohibition on the types or fuel sources of energy production which may be used, delivered, converted, or supplied by specified entities; providing an effective date.

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

Section 1. Section 425.041, Florida Statutes, is amended to read:

425.041 Prohibited fees, bylaws, tariffs, and policies.—A cooperative which sells electricity at retail may not adopt, enact, or enforce any fee, including a lot fee, developer fee, or surcharge, or any bylaw, tariff, or policy, ~~or take any other action,~~ that restricts or prohibits or has the effect of restricting or prohibiting:

(1) The types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in s. 366.032(1)(b)-(e) ~~s. 366.032(1)~~ to serve customers that such entities are authorized to serve.

(2) The use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in s. 366.032(1). As used in this subsection, the term

40-00142A-26 2026288__

"appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

Section 2. This act shall take effect July 1, 2026.

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

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 12, 2026

I respectfully request that **Senate Bill 288**, relating to Rural Electric Cooperatives, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 548
INTRODUCER:	Senator McClain
SUBJECT:	Growth Management
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Pre-meeting**
2.			FT	
3.			RC	

I. Summary:

SB 548 implements new requirements for local governments seeking to increase impact fee rates beyond the ordinary phase-in limitations due to extraordinary circumstances. Under the bill, the demonstrated-need study required to show extraordinary circumstances justifying an impact fee rate increase must reflect at least four of seven specified conditions based on population growth, building permits issued, failure to meet service standards, and other criteria.

The bill also amends the vote requirement for an extraordinary impact fee increase ordinance from unanimous to two-thirds of the governing body, and prohibits a local government from increasing an impact fee rate utilizing the extraordinary circumstances provisions by more than 100 percent in a 4-year period.

The bill provides for reasonable attorney fees and costs to a petitioner in an action challenging an impact fee imposed in violation of the statute.

The bill takes effect July 1, 2026.

II. Present Situation:

Local Government Impact Fees

In Florida, impact fees are imposed pursuant to local legislation and are generally charged as a condition for the issuance of a project's building permit. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.[1] Impact fees have become an accepted method of paying for public improvements that must be constructed to serve new growth.[2] In order for an impact fee to

[1] *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin*, 329 So. 2d 314, 317-318 (Fla. 1976).
[2] *St. Johns County v. Ne. Florida Builders Ass'n, Inc.*, 583 So. 2d 635, 638 (Fla. 1991); s. 163.31801(2), F.S.

be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, in that the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditure of the funds collected and the benefits accruing to the new residential or nonresidential construction.[3]

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Impact Fee Increases

Section 163.31801(6), F.S., provides limitations on impact fee increases imposed by a local government, school district, or special district. An impact fee may increase only pursuant to a plan for the imposition, collection, and use of the increased impact fees as follows:

- An impact fee increase of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- If the increase in rate is between 25 and 50 percent of the current rate, the increase must be implemented in four equal annual installments.
- No impact fee increase may exceed 50 percent of the current impact fee rate.
- An impact fee may not be increased more than once every four years.
- An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

A local government, school district, or special district may increase an impact fee rate beyond these phase-in limitations if a local government, school district, or special district:

- Completes, within the 12-month period before the adoption of the impact fee increase, a demonstrated-need study justifying the increase and expressly demonstrating the *extraordinary circumstances* necessitating the need to exceed the limitations;
- Holds at least two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the limitations; and
- Approves the impact fee increase ordinance by unanimous vote of the governing body.

A local government may not increase impact fee rates beyond the basic phase-in limitations if they have not increased the impact fee within the preceding 5 years, excluding years in which they were prohibited from increases due to hurricane disaster regulations.

III. Effect of Proposed Changes:

The bill implements new requirements for local governments seeking to increase impact fee rates beyond the base phase-in limitations due to extraordinary circumstances based on a

[3] *See St. Johns County* at 637. Codified at s. 163.31801(3)(f) and (g), F.S.

demonstrated-need study. The demonstrated-need study must utilize "plan-based methodology," defined by the bill as methodology using the most recent and localized data to project growth over a 5-year period, anticipate capacity impacts, and establish a working list of capital projects to be constructed in a defined time period to mitigate effects of projected growth on capacity.

In order to demonstrate "extraordinary circumstances" under the bill, the demonstrated-need study must reflect at least four of the following seven conditions:

- Population growth within the jurisdiction exceeding the high population projections provided by the University of Florida's Bureau of Economic and Business Research;
- Average number of building permits issued in the previous 3 years less than 10 percent of the average issued in the preceding 10 years;
- Documented failure to meet transportation level-of-service or quality-of-service standards in the previous 5 years;
- Local capital construction costs exceeding previous 5 year average costs specified in the National Highway Construction Cost Index;[4]
- The jurisdiction's employment base exceeding the average labor market employment gains[5] in the previous 5 year-period;
- Average daily vehicle miles traveled in the past 5 years exceeding the Florida Vehicle Miles Traveled index average; and
- Cost per mile estimates for construction projects running at least 10 percent greater than the average cost per mile provided by the Department of Transportation as a model for similar construction projects in the previous 5 years.

The bill also amends the vote requirement for an extraordinary impact fee increase ordinance from unanimous to two-thirds of the governing body.

The bill further prohibits local governments from:

- Utilizing data that is older than 4 years to demonstrate extraordinary circumstances, except as otherwise specifically provided;
- Including in the impact fee increase any deduction authorized by a previous or existing impact fee; or
- Increasing an impact fee rate utilizing the extraordinary circumstances provisions by more than 100 percent in a 4-year period.

Finally, the bill provides that in an action challenging a local government or special district impact fee imposed in violation of the statute, a prevailing petitioner who is a resident of or an owner of a business located within the jurisdiction is entitled to reasonable attorney fees and costs.

The bill also amends s. 212.055, F.S., which conforms a statutory reference.

The bill takes effect July 1, 2026.

[4] As provided by the United States Department of Transportation's Federal Highway Administration.
[5] As reported by the Department of Commerce.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 163.3164, 163.3180, 163.31801, and 212.055 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment (with title amendment)

Delete lines 37 - 191

and insert:

within a jurisdiction over a 10-year period, anticipate capacity impacts on relevant systems which will be created by the projected growth, and establish a list of capital projects to be constructed or purchased in a defined time period to mitigate the anticipated capacity impacts as part of a new or updated impact fee study. The capital projects identified in the study

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and any necessary interlocal agreement must comport with the requirements of s. 163.3177(6)(h).

Section 2. Paragraph (h) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide

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for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c. The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. The agreement must:

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent

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municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities. Such coordination mechanisms must include plans to provide mitigation funding to address any extrajurisdictional impacts of development, consistent with the requirements of s. 163.3180(5)(j).

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

Section 3. Paragraph (j) of subsection (5) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)

(j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.

2. The interlocal agreement must, at a minimum:

a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts.

b. Establish a plan-based methodology for determining the legally permissible fee to be charged to a new development or redevelopment.

c. Require the county or municipality issuing the building

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permit to collect the fee, unless agreed to otherwise.

d. Provide a method for the proportionate distribution of the revenue collected by the county or municipality to address the transportation capacity impacts of a new development or redevelopment, or provide a method of assigning responsibility for the mitigation of the transportation capacity impacts belonging to the county and the municipality.

e. Use a plan-based methodology in complying with the requirements of s. 163.3177(6)(h).

3. By October 1, 2025, if an interlocal agreement is not executed pursuant to this paragraph:

a. The fee charged to a new development or redevelopment shall be based on the transportation capacity impacts apportioned to the county and municipality as identified in the developer's traffic impact study or the mobility plan adopted by the county or municipality.

b. The developer shall receive a 10 percent reduction in the total fee calculated pursuant to sub-subparagraph a.

c. The county or municipality issuing the building permit must collect the fee charged pursuant to sub-subparagraphs a. and b. and distribute the proceeds of such fee to the county and municipality within 60 days after the developer's payment.

4. This paragraph does not apply to:

a. A county as defined in s. 125.011(1).

b. A county or municipality that has entered into, or otherwise updated, an existing interlocal agreement, as of October 1, 2024, to coordinate the mitigation of transportation impacts. However, if such existing interlocal agreement is terminated, the affected county and municipality that have

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entered into the agreement are ~~shall be~~ subject to the requirements of this paragraph. An interlocal agreement entered into before October 1, 2024, may not extend beyond October 1, 2031 ~~unless the county and municipality mutually agree to extend the existing interlocal agreement before the expiration of the agreement~~.

Section 4. Present paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (6) and subsection (9) of that section are amended, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

(a) "Extraordinary circumstances" means measurable effects of development which will require mitigation by the affected local government, school district, or special district and which exceed the total of the current adopted impact fee amount and any increase as provided in paragraphs (6)(c), (d), and (e) in less than 4 years.

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

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a. A demonstrated-need study using a plan-based methodology which justifies ~~justifying~~ any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations. The capacity standards used to support the existence of such extraordinary circumstances must be specified in the impact fee study adopted under paragraph (4)(a). The demonstrated-need study must be accompanied by a declaration stating how and the timeframe during which the proposed impact fee increase will be used to construct or purchase the improvements necessary to increase capacity. The local government, school district, or special district must use localized data reflecting differences in costs and modality of projects between urban, emerging urban, and rural areas, as applicable within the study area, to project the anticipated growth or capacity impacts which underlie the extraordinary circumstances necessitating the impact fee increase.

b. The local government jurisdiction has held at least two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

c. The impact fee increase ordinance is approved by a unanimous vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact

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fee increase ordinance is adopted.

3. A local government, school district, or special district may not:

a. Increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government, school district, or special district has not increased the impact fee within the past 5 years. Any year in which the local government, school district, or special district is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

b. Use data that is older than 4 years to demonstrate extraordinary circumstances.

c. Include in the impact fee increase any deduction authorized by a previous or existing impact fee.

d. Increase an impact fee rate beyond the phase-in limitations under this paragraph by more than 100 percent divided equally over a 4-year period.

(9) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b.:~~,~~

(a) The government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government. If the court determines that the petitioner made an overpayment due to an improperly assessed impact fee, the petitioner is entitled to a refund in the amount of the overpayment with interest, with such

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interest amount determined by the court. The local government, school district, or special district that assessed the impact fee must issue the refund within 90 days after the judgment becomes final.

(b) A prevailing petitioner who is a resident of or an owner of a business located within the jurisdiction of the local government, school district, or special district that imposed the impact fee in violation of this section is entitled to reasonable attorney fees and costs. Such petitioner is further entitled to reasonable attorney fees and costs in any subsequent action necessary to collect a refund ordered by the court for any impact fee overpayment.

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

And the title is amended as follows:

Delete lines 4 - 22

and insert:

methodology"; amending s. 163.3177, F.S.; providing requirements for coordination mechanisms that are required for certain agreements required as part of the intergovernmental coordination element of a comprehensive plan; amending s. 163.3180, F.S.; requiring that certain interlocal agreements use a plan-based methodology for a certain purpose; prohibiting certain interlocal agreements from extending beyond a specified date; deleting an exception to an applicability provision relating to concurrency; amending s. 163.31801, F.S.; defining the term "extraordinary circumstances"; requiring that a

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demonstrated-need study use a plan-based methodology for a certain purpose; requiring that certain capacity standards be specified in a certain impact fee study; requiring that a demonstrated-need study be accompanied by a certain declaration; requiring local governments, school districts, and special districts to use localized data for a certain purpose; prohibiting local governments, school districts, and special districts from using certain data for a specified purpose; prohibiting local governments, school districts, and special districts from including certain deductions in certain impact fee increases and from increasing impact fee rates beyond certain phase-in limitations by more than a specified percentage within a certain timeframe; providing that a prevailing petitioner is entitled to an impact fee overpayment refund, with interest, under certain circumstances; requiring local governments, school districts, and special districts to issue such refunds within a specified timeframe; providing that certain prevailing petitioners are

By Senator McClain

9-00714-26 2026548__

A bill to be entitled

An act relating to growth management; amending s. 163.3164, F.S.; defining the term "plan-based methodology"; amending s. 163.3180, F.S.; deleting an exception to an applicability provision relating to concurrency; amending s. 163.31801, F.S.; defining the term "extraordinary circumstances"; requiring that a demonstrated-need study use plan-based methodology for a certain purpose; requiring that certain conditions be shown to exist in order to demonstrate extraordinary circumstances; revising the voting threshold required for approval of an ordinance increasing an impact fee beyond certain phase-in limitations; prohibiting local governments from using certain data for a specified purpose; prohibiting local governments from including certain deductions in certain impact fee increases; prohibiting local governments and school districts from increasing impact fee rates beyond certain phase-in limitations by more than a specified percentage within a certain timeframe; providing that certain prevailing parties in actions challenging certain impact fees are entitled to reasonable attorney fees and costs; amending s. 212.055, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present subsections (39) through (54) of section

9-00714-26 2026548__

163.3164, Florida Statutes, are redesignated as subsections (40) through (55), respectively, and a new subsection (39) is added to that section, to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(39) "Plan-based methodology" means a study methodology that uses the most recent and localized data to project growth within a jurisdiction over a 5-year period, anticipate capacity impacts on relevant systems which will be created by the projected growth, and establish a list of capital projects to be constructed in a defined time period to mitigate the anticipated capacity impacts as part of a new or updated impact fee study. The capital projects identified in the study must comport with the requirements of s. 163.3177(6)(h).

Section 2. Paragraph (j) of subsection (5) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)

(j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.

2. The interlocal agreement must, at a minimum:

a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts.

b. Establish a plan-based methodology for determining the legally permissible fee to be charged to a new development or redevelopment.

c. Require the county or municipality issuing the building permit to collect the fee, unless agreed to otherwise.

d. Provide a method for the proportionate distribution of the revenue collected by the county or municipality to address the transportation capacity impacts of a new development or redevelopment, or provide a method of assigning responsibility for the mitigation of the transportation capacity impacts belonging to the county and the municipality.

3. By October 1, 2025, if an interlocal agreement is not executed pursuant to this paragraph:

a. The fee charged to a new development or redevelopment shall be based on the transportation capacity impacts apportioned to the county and municipality as identified in the developer's traffic impact study or the mobility plan adopted by the county or municipality.

b. The developer shall receive a 10 percent reduction in the total fee calculated pursuant to sub-subparagraph a.

c. The county or municipality issuing the building permit must collect the fee charged pursuant to sub-subparagraphs a. and b. and distribute the proceeds of such fee to the county and municipality within 60 days after the developer's payment.

4. This paragraph does not apply to:

a. A county as defined in s. 125.011(1).

b. A county or municipality that has entered into, or otherwise updated, an existing interlocal agreement, as of October 1, 2024, to coordinate the mitigation of transportation impacts. However, if such existing interlocal agreement is terminated, the affected county and municipality that have entered into the agreement <u>are</u> ~~shall be~~ subject to the

requirements of this paragraph ~~unless the county and municipality mutually agree to extend the existing interlocal agreement before the expiration of the agreement~~.

Section 3. Present paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (6) and subsection (9) of that section are amended, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

<u>(a) "Extraordinary circumstances" means measurable effects of development which will require mitigation by the affected local government and which exceed the total of the current adopted impact fee amount and any increase as provided in paragraphs (6)(c), (d), and (e) in less than 4 years.</u>

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a. A demonstrated-need study <u>using plan-based methodology which justifies</u> ~~justifying~~ any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the

adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations. To demonstrate such extraordinary circumstances, at least four of the following conditions must be shown to exist, using localized data that reflects differences in area costs and modalities of projects between any urban, emerging urban, or rural areas within the study area:

(I) Population growth within the local government's, school district's, or special district's jurisdiction in the previous 5-year period exceeds the high population projections provided by the University of Florida's Bureau of Economic and Business Research.

(II) The average number of building permits issued by the local government in the previous 3-year period is less than 10 percent of the average number of building permits issued in the previous 10-year period.

(III) There is a documented failure to meet transportation level-of-service standards or quality-of-service standards within the jurisdiction which were necessary to meet demand in the previous 5-year period.

(IV) The local capital construction cost exceeds the previous 5-year average construction cost specified in the National Highway Construction Cost Index provided by the United States Department of Transportation's Federal Highway Administration.

(V) The employment base within the jurisdiction has exceeded the average labor market employment gains reported by the Department of Commerce in the previous 5-year period.

(VI) The average daily vehicle miles traveled in the

jurisdiction in the past 5 years has exceeded the Florida Vehicle Miles Traveled index average.

(VII) The cost per mile estimates for construction projects are at least 10 percent greater than the average cost per mile provided by the Department of Transportation as a model for similar construction projects in the previous 5-year period.

b. The local government jurisdiction has held at least two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

c. The impact fee increase ordinance is approved by a two-thirds ~~unanimous~~ vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact fee increase ordinance is adopted.

3. A local government may not:

a. Increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 5 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

b. Use data that is older than 4 years to demonstrate extraordinary circumstances except as specifically provided in sub-subparagraph 1.a.

c. Include in the impact fee increase any deduction authorized by a previous or existing impact fee.

4. A local government or school district may not increase an impact fee rate beyond the phase-in limitations under this paragraph by more than 100 percent in a 4-year period.

(9) In any action challenging:

(a) An impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

(b) A local government or special district impact fee imposed in violation of this section, a prevailing petitioner who is a resident of or an owner of a business located within the jurisdiction of the local government or special district, as applicable, is entitled to reasonable attorney fees and costs.

Section 4. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended;

and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service

indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(42) ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school

district's classrooms. As used in this sub-subparagraph, the term "instructional technology" means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement

must indicate the intention to make an allocation under the authority of this subparagraph.

4. Surtax revenues that are shared with eligible charter schools pursuant to paragraph (c) shall be allocated among such schools based on each school's proportionate share of total school district capital outlay full-time equivalent enrollment as adopted by the education estimating conference established in s. 216.136. Surtax revenues must be expended by the charter school in a manner consistent with the allowable uses provided in s. 1013.62(4). All revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9). If a school's charter is not renewed or is terminated and the school is dissolved under the provisions of law under which the school was organized, any unencumbered funds received under this paragraph shall revert to the sponsor.

Section 5. This act shall take effect July 1, 2026.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 686
INTRODUCER:	Senator McClain
SUBJECT:	Agricultural Enclaves
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Pre-meeting**
2.			JU	
3.			RC	

I. Summary:

SB 686 provides a substantially new public hearing process for development on agricultural enclaves. An agricultural enclave, generally, is agricultural land mostly surrounded by existing development which statutes provide certain benefits to assist development to match its environs.

Under the bill, the owner of an agricultural enclave may apply for certification of land as an agricultural enclave, subject to public hearing and approval. Upon certification, property owners may submit development plans for single-family residential housing consistent with land use requirements of adjacent parcels. A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities. The bill otherwise removes the existing process related to agricultural enclaves.

The bill also expands the definition of "agricultural enclave" to include that an agricultural enclave may include multiple parcels, and amends the requirements related to surrounding parcels that make land eligible for development benefits. Agricultural enclaves are also limited to those lands within a county with a population of 1.75 million or less.

The bill takes effect July 1, 2026.

II. Present Situation:

Comprehensive Plans

The Community Planning Act directs counties and municipalities to plan for future development by adopting comprehensive plans.[1] Each local government must maintain a comprehensive plan to guide future development.[2]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[3] A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

Comprehensive plans lay out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. They are made up of 10 required elements, each laying out regulations for different facets of development.[4]

The 10 required elements consider and address capital improvements; future land uses; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Other plans and programs may be added as optional elements to a comprehensive plan.[5]

Future Land Use Element and Compatibility

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.[6] Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.[7] The proposed distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.[8]

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[1] Section 163.3167(1), F.S.
[2] Section 163.3167(2), F.S.
[3] Section 163.3194(3), F.S
[4] Section 163.3177(3) and (6), F.S.
[5] *Id*.
[6] Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.
[7] Section 163.3177(6)(a)1., F.S.
[8] Section 163.3177(6)(a)2., F.S.

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[9]

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.[10] Compatibility means "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."[11] In other words, the compatibility requirement permits local governments to consider whether a proposed use can peacefully coexist with existing uses.

Local governments, through the future land use plan, are responsible for ensuring compatibility of uses on adjacent lands, and particularly those lands in proximity to military installations and airports.[12] To act on this requirement, land use regulations are required to contain specific and detailed provisions necessary to ensure the compatibility of adjacent land uses.[13] In practice, these regulations take the form of zoning codes with compatibility standards for height, density, setbacks, parking, and other general regulations on what types of developments can coexist.[14]

Comprehensive Plan Amendments

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.[15]

Comprehensive plan amendment adoption must be by an affirmative vote of at least a majority of the governing body's members present at the hearing, and failure to hold a timely adoption hearing causes the amendment to be deemed withdrawn unless the timeframe is extended by agreement with specified notice to the state land planning agency, which is currently the Department of Commerce (Department), and other parties.[16]

Within 10 working days, the local government must transmit the plan amendment to the Department and any affected person who provided timely comments on the amendment.[17] If no deficiencies are found following Department review, the amendment takes effect 31 days after the Department notifies the local government that the amendment package is complete for the expedited state review process, 31 days after the adoption of the amendment for small-scale

[9] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215,* 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder,* 627 So. 2d 469, 475 (Fla. 1993)).
[10] Section 163.3194(3), F.S.
[11] Section 163.3164(9), F.S.
[12] Section 163.3177(6)(a)2., F.S.
[13] Section 163.3202(2)(b), F.S.
[14] *See, e.g.,* s. 5.10 (Residential Compatibility Standards), Land Development Code of Maitland, Florida.
[15] Sections 163.3174(4)(a) and 163.3184, F.S.
[16] Section 163.3184(3), (4), and (11), F.S.
[17] *Id.*

development amendments, or pursuant to the Department's notice of intent determining the amendment is in compliance for the state coordinated review process.[18]

Amendments to comprehensive land use plans are legislative decisions that are subject to "fairly debatable" standard of review, even when amendments to plans are being sought as part of a rezoning application in respect to only one piece of property.[19] "Fairly debatable" means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached.[20]

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[21]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.[22] Local governments are encouraged to use innovative land development regulations[23] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[24] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[25]

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[26] and intensities[27] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[28]

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.[29] Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking

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[18] Sections 163.3184(3)(c)4., 163.3184(4)(e)4.-5., and 163.3187(5)(c), F.S.
[19] Martin Cty. v. Yusem, 690 So.2d 1288, 1293-94 (Fla. 1997).
[20] Gary K. Hunter Jr. and Douglas M Smith, ABCs of Local Land Use and Zoning Decisions, 84 Fla. B.J. 20 (January 2010).
[21] Section 163.3164(26), F.S.
[22] Section 163.3202(1), F.S.
[23] Section 163.3202(3), F.S.
[24] Sections 125.01055 and 166.04151, F.S.
[25] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[26] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. S. 163.3164(12), F.S.
[27] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. S. 163.3164(22), F.S.
[28] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cnty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).
[29] See, e.g., Indian River County, Planning and Development Services FAQ (last visited Jan. 11, 2026).

requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.[30] Rezoning applications are initially reviewed by local government staff, followed by a review by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[31] If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.[32] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Agricultural Enclaves

An agricultural enclave is an unincorporated, undeveloped parcel that:

- Is owned by a single person or entity;
- Has been in continuous use for bona fide agricultural purposes for 5 years prior to the date of any comprehensive plan amendment application;
- Is surrounded on at least 75 percent of its perimeter by existing industrial, commercial, or residential development; or property designated in the local government's comprehensive plan and land development regulations for future industrial, commercial, or residential development, and 75 percent of which currently contains such development;
- Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure; and
- Does not exceed 1,280 acres, or 4,480 acres if the property is surrounded by existing or authorized residential development with a density buildout of at least 1,000 residents per square mile.[33]

The owner of an agricultural enclave may apply for an amendment to the local government comprehensive plan. Such amendment is presumed not to be urban sprawl[34] if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. [35]

The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and

[30] See e.g., City of Tallahassee, Application for Rezoning Review (last visited Jan. 11, 2026).
[31] See id. and City of Redington Shores, Planning and Zoning Board (last visited Jan. 11, 2026).
[32] See e.g., City of Tallahassee, Variance and Appeals and Seminole County, Variance Processes (last visited Jan. 11, 2026).
[33] Section 163.3164(4), F.S.
[34] "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. S. 163.3164, F.S.
[35] Section 163.3162(5), F.S.

intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review.[36]

The agricultural enclave provisions do not preempt or replace any protection currently existing for property located within the boundaries of the Wekiva Study Area, as described in s. 369.316, F.S., or to the Everglades Protection Area, as defined in s. 373.4592.[37]

III. Effect of Proposed Changes:

Section 1 amends s. 163.3162, F.S., to provide a substantially new public hearing process for agricultural enclaves. Under the bill, the owner of an agricultural enclave may apply for certification of land as an agricultural enclave, subject to public hearing and approval. This process requires a written report on the application's compliance as an enclave, a public hearing within 30 days for approval, and a total timeline of 90 days before an application must be certified. The bill also provides the applicant an opportunity to petition for review of a denial.

Upon certification, property owners may submit development plans for single-family residential housing consistent with land use requirements, or future land use designations, including uses, density, and intensity, of adjacent parcels of adjacent parcels. Within 30 business days after the local government's receipt of such development plans, the local government and the owner of the parcel certified as an agricultural enclave must agree in writing to a process and schedule for information submittal, analysis, and final approval, which may be administrative in nature, of the development plans. The local government may not require the owner to agree to a process that is longer than 180 days in duration or that includes further review of the plans in a quasi-judicial process or public hearing.

A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities, and must treat an agricultural enclave that is adjacent to an urban service district as if it is within the urban service district.

Agricultural enclave development concepts do not replace or override protections related to military installations. The bill otherwise removes the existing process related to agricultural enclaves.

[36] *Id.*
[37] Section 163.3162(4)(d), F.S.

Section 2 amends s. 163.3164(4), F.S., the definition of "agricultural enclave." The bill expands the definition to include that an agricultural enclave may include multiple parcels, and specifically qualifies as an agriculture enclave, a parcel or set of parcels 75 percent surrounded by a combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line which are designated in the local government's future land use map as land to be developed for industrial, commercial, or residential purposes

The bill also provides that, as an alternative to the requirement that an enclave be 75 percent surrounded by existing development or planned development, an enclave may be comprised of:

- A parcel or set of parcels of less than 700 acres 50 percent surrounded by planned development and sharing 50 percent of its perimeter with an urban service district, area, or line; or
- A parcel or set of parcels within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses.

The section also provides that an enclave, as an alternative to possessing public services, may have an offer for a binding agreement by the applicant to pay for, construct, or contribute proportionate share for such required services.

The section also limits agricultural enclaves to those lands within a county with a population of 1.75 million or less.

Section 3 provides that the bill's provisions relating to agricultural enclaves shall expire January 1, 2028, and the text of those subsections shall revert to that in existence on September 30, 2026, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Section 3 provides a sunset clause for the bill's amendments to ss. 163.3162(4) and 163.3164(4), F.S., specifying that those changes expire on January 1, 2028, and that the statutory text reverts to the version in effect on September 30, 2026. However, because the bill's effective date is July 1, 2026, the reversion date should be revised to June 30, 2026, to accurately reflect the statutory language in effect immediately prior to the bill's amendments.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 163.3162 and 163.3164 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.

184380

LEGISLATIVE ACTION

Senate . House

. . . . . .

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

Senate Amendment

Delete line 212

and insert:

to that in existence on June 30, 2026, except that any

By Senator McClain

9-00584C-26 2026686__

A bill to be entitled

An act relating to agricultural enclaves; amending s. 163.3162, F.S.; authorizing owners of certain parcels to apply to the governing body of the local government for certification of such parcels as agricultural enclaves; requiring the local government to provide to the applicant a certain report within a specified timeframe; requiring the local government to hold a public hearing within a specified timeframe to approve or deny such certification; requiring the certification of a parcel as an agricultural enclave under certain circumstances; requiring the governing body to issue certain decisions in writing; authorizing an applicant to seek judicial review under certain circumstances; authorizing the owner of a parcel certified as an agricultural enclave to submit certain development plans; requiring that certain developments be treated as a conforming use; prohibiting a local government from enacting or enforcing certain laws or regulations; requiring a local government to treat certain agricultural enclaves as if they are within urban service districts; requiring the local government and the owner of a parcel certified as an agricultural enclave to enter a certain written agreement; deleting provisions relating to certain amendments to a local government's comprehensive plan; revising construction; amending s. 163.3164, F.S.; revising the definition of the term "agricultural enclave";

9-00584C-26 2026686__

providing for the future expiration and reversion of specified provisions; providing an effective date.

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

Section 1. Subsection (4) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural lands and practices.—

(4) PUBLIC HEARING PROCESS.—

(a) Notwithstanding any other law or local ordinance, resolution, or regulation, the owner of a parcel of land may apply to the governing body of the local government for certification of the parcel as an agricultural enclave as defined in s. 163.3164 if one or more adjacent parcels or an adjacent development permits the same density as, or higher density than, the proposed development.

(b) Within 30 days after the local government's receipt of such an application, the local government shall provide to the applicant a written report detailing whether the application complies with the requirements of paragraph (a).

(c) Within 30 days after the local government provides the report required under paragraph (b), the local government shall hold a public hearing to approve or deny certification of the parcel as an agricultural enclave. If the local government does not approve or deny certification of the parcel as an agricultural enclave within 90 days after receipt of the application, the parcel must be certified as an agricultural enclave.

(d) If the application is denied, the governing body of the

local government must issue its decision in writing with detailed findings of fact and conclusions of law. The applicant may seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the date the local government renders its decision.

(e) If the application is approved, the owner of the parcel certified as an agricultural enclave may submit development plans for single-family residential housing which are consistent with the land use requirements, or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or an adjacent development. A development for which plans are submitted under this paragraph must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

(f) A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities. A local government shall treat an agricultural enclave that is adjacent to an urban service district as if such enclave is within the urban service district.

(g) Within 30 business days after the local government's receipt of development plans under paragraph (e), the local government and the owner of the parcel certified as an agricultural enclave must agree in writing to a process and schedule for information submittal, analysis, and final approval, which may be administrative in nature, of the development plans. The local government may not require the owner to agree to a process that is longer than 180 days in duration or that includes further review of the plans in a

quasi-judicial process or public hearing ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164 may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights~~.

~~(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the~~

~~schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

~~(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

(h) ~~(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316.~~; or~~

2. The Everglades Protection Area, as defined in s. 373.4592(2).

3. A military installation or range identified in s. 163.3175(2).

Section 2. Subsection (4) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that, as of January 1, 2025:

(a) Are ~~Is~~ owned or controlled by a single person or entity;

(b) Have ~~Has~~ been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before ~~prior to~~ the date of any comprehensive plan amendment or development application;

(c)1. Are ~~Is~~ surrounded on at least 75 percent of their ~~its~~ perimeter by:

a.~~1.~~ A parcel or parcels ~~Property~~ that have ~~has~~ existing industrial, commercial, or residential development; ~~or~~

b.~~2.~~ A parcel or parcels ~~Property~~ that the local government has designated, in the local government's ~~comprehensive plan,~~ zoning map~~,~~ and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels ~~property~~ is existing industrial, commercial, or residential development; or

c. A combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line and that the local government has designated in the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes;

2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the

local government has designated on the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line; or

3. Are located within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses;

(d) Have ~~Has~~ public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements; ~~and~~

(e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel or parcels are ~~property is~~ surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, ~~then~~ the area must ~~shall~~ be determined to be urban and the parcel or parcels may not exceed 4,480 acres; and

(f) Are located within a county with a population of 1.75 million or less. For purposes of this subsection, population is determined in accordance with the most recent official estimate pursuant to s. 186.901.

Where a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal.

Section 3. The amendments made by this act to ss. 163.3162(4) and 163.3164(4), Florida Statutes, shall expire January 1, 2028, and the text of those subsections shall revert to that in existence on September 30, 2026, except that any amendment to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendment is not dependent upon the portions of text which expire pursuant to this section.

Section 4. This act shall take effect July 1, 2026.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 830
INTRODUCER:	Senator Leek
SUBJECT:	Public Records/County Administrators and City Managers
DATE:	January 16, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tolmich	Fleming	CA	**Pre-meeting**
2.			GO	
3.			RC	

I. Summary:

SB 830 creates a public records exemption for certain personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers. Specifically, the bill exempts the home addresses, telephone numbers, and dates of birth of these personnel from public disclosure requirements.

Additionally, the bill exempts the following personal information of the spouses and children of such personnel from public disclosure requirements:

- Names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution. The bill creates a new public records exemption; therefore, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect July 1, 2026.

II. Present Situation:

County Administrators

A county administrator is an appointee of the board of county commissioners (board) who serves as the administrative head of the county.[1] The county administrator is responsible for advising the board and does not hold separate governmental power.[2] County administrators are granted a variety of administrative powers to carry out, enforce, and report on the board's directives and policies.[3] Such powers include hiring, suspending, and removing county employees, providing the board with data or information concerning county government, and negotiating leases and contracts.[4] Furthermore, the county administrator prepares and submits annual operating and capital budgets to the board for consideration and adoption, establishes budgetary procedures, and submits annual financial reports and recommendations to the board.[5]

City Managers

City councils or commissions may appoint a city manager to serve as the chief administrative officer of the city.[6] City managers are responsible for overseeing the day-to-day operations and providing direction for all city departments.[7] City managers also prepare annual budgets and submit annual reports on the finances and administrative activities of the city.[8] Other responsibilities of a city manager may include enforcement of rules, regulations, and policies and the management and monitoring of contracts.[9]

Access to Public Records – Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[10] The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.[11]

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in

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[1] Section 125.73, F.S.
[2] Section 125.74(2), F.S.
[3] Section 125.74(1), F.S.
[4] *Id*.
[5] *Id*.
[6] *See e.g.*, City of Brooksville, *City Manager*, available at https://www.cityofbrooksville.us/194/City-Manager (last visited January 14, 2026).
[7] *See e.g.*, City of Fort Myers, *City Manager*, available at https://www.fortmyers.gov/1169/City-Manager (last visited January 14, 2026).
[8] *See e.g.*, Polk City, *City Manager Responsibilities*, available at https://www.mypolkcity.org/city-manager (last visited January 14, 2026).
[9] *See e.g.*, City of Newberry, *City Manager*, available at https://www.newberryfl.gov/cm (last visited January 16, 2026).
[10] Article I, s. 24(a), FLA CONST.
[11] *Id*.

s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.[12] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[13] Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by agencies.

Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.[14]

Section 119.011(12), F.S., defines "public records" to include:

> All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to "perpetuate, communicate, or formalize knowledge of some type."[15]

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.[16] A violation of the Public Records Act may result in civil or criminal liability.[17]

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.[18] The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[19]

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[12] *See* Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rules 14.1 and 14.2, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).
[13] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[14] Section 119.01(1), F.S. Section 119.011(2), F.S., defines "agency" as any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.
[15] *Shevin v. Byron, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).
[16] Section 119.07(1)(a), F.S.
[17] Section 119.10, F.S. Public record laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[18] Article I, s. 24(c), FLA CONST.
[19] *Id*.

General exemptions from public record requirements are contained in the Public Records Act.[20] Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.[21]

When creating a public record exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.[22] Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.[23] Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[24]

Public Record Exemptions for Specified Personnel and their Families (s. 119.071(4)(d), F.S.)

Provisions in s. 119.071(4)(d), F.S., exempt from public disclosure certain personal identification and location information of specified state and local government agency personnel and their spouses and children. Personnel covered by these exemptions include, in part:

- Active or former sworn or civilian law enforcement personnel employed by a law enforcement agency;[25]
- Certain current or former nonsworn investigative personnel of the Department of Financial Services;[26]
- Certain current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations;[27]
- Current or former certified firefighters;[28]
- Current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants;[29]
- Current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors;[30]
- Current or former code enforcement officers;[31]
- Current or former guardians ad litem;[32]
- Current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel;[33]

[20] *See* s. 119.071, F.S.
[21] *See, e.g.*, s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).
[22] *WFTV, Inc. v. The Sch. Bd. Of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
[23] *Id*.
[24] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).
[25] Section 119.071(4)(d)2.a., F.S.
[26] Section 119.071(4)(d)2.b., F.S.
[27] Section 119.071(4)(d)2.c., F.S.
[28] Section 119.071(4)(d)2.d., F.S.
[29] Section 119.071(4)(d)2.e., F.S.
[30] Section 119.071(4)(d)2.f., F.S.
[31] Section 119.071(4)(d)2.i., F.S.
[32] Section 119.071(4)(d)2.j., F.S.
[33] Section 119.071(4)(d)2.l., F.S.

- Current or former investigators or inspectors of the Department of Business and Professional Regulation;[34]
- County tax collectors;[35]
- Current or former certified emergency medical technicians and paramedics;[36]
- Current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility;[37]
- Current or former directors, managers, supervisors, and clinical employees of certain child advocacy centers;[38] and
- Current or former staff of domestic violence centers, including domestic violence advocates.[39]

The specified exempt information for each profession provided in s. 119.071(4)(d), F.S., varies among the professions, however, generally, the home addresses,[40] telephone numbers,[41] and dates of birth of the specified personnel are exempt, as well as identifying information of their spouse and children, including place of employment, school and/or daycare facility. For many of the professions photographs of the employee are exempt,[42] and in some instances, the photographs of the employee's spouse and children are exempt as well.[43]

The employing agency or the employee must assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's information.[44] Further, all of these exemptions have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.[45]

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act[46] (the Act), prescribe a legislative review process for newly created or substantially amended[47] public

[34] Section 119.071(4)(d)2.m., F.S.
[35] Section 119.071(4)(d)2.n., F.S.
[36] Section 119.071(4)(d)2.q., F.S.
[37] Section 119.071(4)(d)2.s., F.S.
[38] Section 119.071(4)(d)2.t., F.S.
[39] Section 119.071(4)(d)2.u., F.S.
[40] Section 119.071(4)(d)1.a., F.S., defines "home addresses" to mean "the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address."
[41] Section 119.071(4)(d)1.c., F.S., defines "telephone numbers" to include "home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices."
[42] *See, e.g.,* s. 119.071(4)(d)2.l, F.S.
[43] *See, e.g.,* s. 119.071(4)(d)2.a., F.S.
[44] Section 119.071(4)(d)3. and 4., F.S.
[45] Section 119.071(4)(d)6., F.S.
[46] Section 119.15, F.S.
[47] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

record or open meeting exemptions, with specified exceptions.[48] The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.[49]

The Act provides that a public record or open meeting exemption may be created and maintained only if it serves an identifiable public purpose and is no broader than is necessary.[50] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;[51]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is kept exempt;[52] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[53]

The Act also requires specified questions to be considered during the review process.[54] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.[55] If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.[56]

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[48] Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.
[49] Section 119.15(3), F.S.
[50] Section 119.15(6)(b), F.S.
[51] Section 119.15(6)(b)1., F.S.
[52] Section 119.15(6)(b)2., F.S.
[53] Section 119.15(6)(b)3., F.S.
[54] Section 119.15(6)(a), F.S. The specified questions are:
- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

[55] *See generally* s. 119.15, F.S.
[56] Section 119.15(7), F.S.

III. Effect of Proposed Changes:

SB 830 creates a public records exemption for certain personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers. Specifically, the bill exempts the home addresses, telephone numbers, and dates of birth of these personnel from public disclosure requirements.

Additionally, the bill exempts the following personal information of the spouses and children of such personnel from public disclosure requirements:

- Names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The bill provides a public necessity statement as required by the State Constitution.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. The bill enacts a new exemption for the personal identifying and location information of current county administrators and city managers and their spouses and children; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public record disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption, which provides that it is necessary to exempt the identifying and location information of current county administrators and city managers and their spouses and children from public disclosure requirements in order to protect such

individuals from becoming victims of fraud and to prevent the release of sensitive personal, financial, medical, or familial information, which could cause great financial or professional harm to the individual. It further provides that current county administrators and city managers may make decisions and determinations that upset members of the public and may incur the ill will of those residents, making such individuals and their spouses and children targets for acts of revenge. Therefore, if such identifying and location information is released, the safety of current county administrators and city managers and their spouses and children could be seriously jeopardized.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption from public record requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the law is to protect the safety and the sensitive personal, financial, medical, or familial information of current county administrators and city managers, as well as their spouses and children. The bill exempts only certain personal identifying information from public disclosure requirements, consistent with other exemptions in current law. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may minimally increase costs for local governments holding records that contain the exempt information because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, local governments may incur costs associated with redacting the exempt information

prior to releasing a record. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Leek

7-00899-26 2026830__

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers, including the names and personal identifying and location information of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; providing for future legislative review and repeal; providing for retroactive application; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood

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name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

c. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties

include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone

numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and of current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division

of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the

children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical

technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this

sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(27).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt

from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

v. The home addresses, telephone numbers, dates of birth, and photographs of current or former inspectors or investigators of the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a

county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; and the names and locations of schools and day care facilities attended by the children of current clerks of the circuit court, deputy

clerks of the circuit court, and clerk of the circuit court personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

z.(I) As used in this sub-subparagraph, the term:

(A) "Congressional member" means a person who is elected to serve as a member of the United States House of Representatives or is elected or appointed to serve as a member of the United States Senate.

(B) "Partial home address" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the partial home address, except for the city and zip code.

(C) "Public officer" means a person who holds one of the following offices: Governor, Lieutenant Governor, Chief Financial Officer, Attorney General, Agriculture Commissioner, state representative, state senator, property appraiser, supervisor of elections, school superintendent, school board member, mayor, city commissioner, or county commissioner.

(II) The following information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(A) The partial home addresses of a current congressional member or public officer and his or her spouse or adult child.

(B) The telephone numbers of a current congressional member

or public officer and his or her spouse or adult child.

(C) The name, home addresses, telephone numbers, and date of birth of a minor child of a current congressional member or public officer and the name and location of the school or day care facility attended by the minor child.

(III) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

aa. The home addresses, telephone numbers, and dates of birth of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; and the names and locations of schools and day care facilities attended by the children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

3.a. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the

officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

b. An agency that is the custodian of information specified in sub-subparagraph 2.z. and that is not the employer of the congressional member, public officer, or other person specified in sub-subparagraph 2.z. must maintain the exempt status of that information only if an individual requests the maintenance of an exemption pursuant to sub-subparagraph 2.z. on the basis of eligibility as a current congressional member or public officer and his or her spouse or child submits, as part of the written and notarized request required by sub-subparagraph a., the date of the congressional member's or public officer's election or appointment to public office, the date on which that office is next subject to election, and, if applicable, the date on which the current congressional member's or public officer's minor child reaches the age of majority. The custodian must maintain an exemption granted pursuant to sub-subparagraph 2.z. until the qualifying conditions for the exemption no longer apply to the person subject to the exemption.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for

maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected

party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, and dates of birth of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; and the names and locations of schools and day care facilities attended by the children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Such identifying and location information can be used as a tool to perpetrate fraud against an individual or to acquire sensitive personal, financial, medical, or familial information, the release of which could cause great financial or professional harm to the individual. In the course of performing their managerial functions, current county administrators, deputy county administrators, assistant county administrators,

city managers, deputy city managers, and assistant city managers may make decisions and determinations that upset members of the public and may incur the ill will of those residents, making current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers and their spouses and children targets for acts of revenge. If such identifying and location information is released, the safety of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers and their spouses and children could be seriously jeopardized. For these reasons, the Legislature finds that it is a public necessity that such information be made exempt from public records requirements.

Section 3. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 15, 2026

I respectfully request that **Senate Bill # 830**, relating to Public Records of County Administrators and City Managers, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 1138
INTRODUCER:	Senator Massullo
SUBJECT:	Qualified Contractors
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Pre-meeting**
2.			JU	
3.			RC	

I. Summary:

SB 1138 mandates that local governments create and maintain a framework of pre-approved private contractors available to perform building plans reviews, permit processing, and plat approval. Under the framework, a person applying to a local government for a permit, plans review, or plat approval may have a qualified contractor undertake a pre-application review, which results in the contractor certifying to the local government that items within the application meet the requirements for approval. The local government may then approve the application without duplicative reviews.

The bill also forbids a local government from creating or establishing any additional regulations or requirements that a platting applicant must meet for the approval of a final plat.

Finally, the bill makes various changes to the expedited building permit process based on preliminary plats, introduced in the 2024 legislative session. The amendments include expansion to planned unit developments, procedures for when a local government fails to create or follow the required process, and clarification of the section's preemption on the process and the limitations on local governments' more stringent procedures.

The bill takes effect July 1, 2026.

II. Present Situation:

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of

development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[1]

Each county and municipality must adopt and enforce land development regulations which are consistent with and implement their adopted comprehensive plan.[2] Local governments are encouraged to use innovative land development regulations[3] and may adopt measures for the purpose of increasing affordable housing using land-use mechanisms.[4] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[5]

Florida Building Code

The Florida Building Codes Act (building code) is found in Part IV of ch. 553, F.S. The purpose and intent of the building code is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The building code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[6]

The Florida Building Commission (commission), housed within the DBPR, implements the building code. The commission reviews several International Codes published by the International Code Council, the National Electric Code, and other nationally adopted model codes to determine if the building code needs to be updated. The commission adopts an updated building code every three years.

Building Code Administrators, Inspectors, and Plans Examiners

Building officials, inspectors, and plans examiners are regulated by the Building Code Administrators and Inspectors Board (the board) within the DBPR. A building code administrator, otherwise known as a building official, is a local government employee, or a person contracted by a local government, who supervises building code activities, including plans review, enforcement, and inspection.[7] A building code inspector (inspector) is a local or state government employee, or a person contracted by a local government, who inspects construction that requires permits to determine compliance with building codes and state accessibility laws.[8]

Residential Plans Inspector

A residential plans inspector (sometimes referred to as residential plans examiner) is "a person who is qualified to inspect and determine that one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory

[1] Section 163.3164, F.S.
[2] Section 163.3202, F.S.
[3] Section 163.3202(3), F.S.
[4] Sections 125.01055 and 166.04151, F.S.
[5] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[6] Section 553.72(1), F.S.
[7] Section 468.603(2), F.S.
[8] Section 468.603(4), F.S.

use structures in connection therewith are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes."[9]

Building Permit

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[10]

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.[11]

To obtain a permit, an applicant must complete an application for the proposed work on the form furnished by the government entity.[12] A local enforcement agency[13] must allow applicants to submit permit applications electronically to the local enforcement agency, which must provide accepted methods of electronic submission. Accepted methods of electronic submission include, but are not limited to, email, fill-in forms available online, or third-party submission software.[14]

If a building official or plans reviewer denies a permit application or revokes a building permit, the building official or plans reviewer must give the permit applicant a reason for denying or revoking the permit. The reason must be based on compliance with the building code or a local ordinance. Failing to provide a reason for denying or revoking a building permit, which is based on compliance with the building code or a local ordinance, is grounds for discipline against the building official or plans reviewer's license.[15]

Private Providers Alternative Plans Review and Inspection

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

"Private provider" means a person licensed as a building official, engineer, or as an architect. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[16]

[9] Section 468.603(5)(h), F.S.
[10] Section 202, Florida Building Code, Seventh Edition.
[11] Sections 125.56(4)(a) and 553.79(1), F.S.
[12] Section 713.135, F.S.
[13] A local enforcement agency is an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the building code. Section 553.71(5), F.S.
[14] Sections 125.56(4)(b) and 553.79(1)(b), F.S.
[15] Section 553.79(1)(a), F.S.
[16] Section 553.791(1)(n) and (3), F.S.

Private providers and their duly authorized representatives[17] are able to approve building plans and perform building code inspections, including single-trade inspections, as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

A local government may establish, for private providers and duly authorized representatives working within the local government's jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.[18]

For plans review, a private provider must review the plans[19] to determine compliance with the applicable codes[20] and prepare an affidavit[21] certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.[22]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.[23] If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and shall be issued on the next business day.[24] If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.[25] The law further specifies the process for a private provider to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.

Platting

In Florida law, a "plat" is a map or delineated representation of the subdivision of lands. It is a complete and exact representation of the subdivision and other information, in compliance with state law and any local ordinances.[26] Generally, platting is required whenever a developer wishes to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets, and parks of a new residential subdivision.[27]

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[17] "Duly authorized representative" means an employee of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building official, inspector, or plans examiner. Section 553.791(1)(f), F.S.
[18] Section 553.791(16)(b), F.S.
[19] "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review. Section 553.791(1)(m), F.S.
[20] "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to ch. 633, F.S. Section 553.791(1)(a), F.S.
[21] The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.
[22] Section 553.791(6), F.S.
[23] Section 553.791(7)(a), F.S.
[24] *Id.*
[25] Section 553.791(7)(b), F.S.
[26] Section 177.031(14), F.S.
[27] Harry W. Carls, Florida Condo & HOA Law Blog, *Why is a Plat so Important?* (May 17, 2018), https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/.

State law establishes consistent minimum requirements for the platting of lands but also authorizes local governments to regulate and control platting.[28] Prior to local government approval, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper employed by the local government.[29]

Local governments must review, process, and approve plats or replat submittals without action or approval by the governing body through an administrative authority and official designated by ordinance.[30] The administrative authority must be a department, division, or other agency of the local government, and includes an administrative officer or employee which may be a county or city administrator or manager, or assistant or deputy thereto, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the local government's land development, housing, utilities, or public works programs.

Unless the applicant requests an extension, the authority must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. A denial must be accompanied by an explanation of why the submittal was denied, specifically citing unmet requirements. The authority or local government may not request or require an extension of time.[31]

Jurisdiction over plat review and approval is as follows:

- When the plat to be submitted for approval is located entirely within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When the plat lies entirely within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When the plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its own boundaries, unless both governing bodies having jurisdiction agree that one plat is acceptable.[32]

Expedited Approval of Residential Building Permits Prior to Plat Approval

In the 2024 legislative session, the Legislature required certain local governments[33] to create a process to expedite the issuance of building permits based on a preliminary plat and to issue the number or percentage of building permits requested by an applicant, under certain circumstances, by October 1, 2024.[34] A local government must update its expedited building permit program with certain increased percentages by December 31, 2027.

The application to expedite the issuance of building permits or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits

[28] Section 177.011, F.S.
[29] Section 177.081(1), F.S.
[30] Section 177.071(1), F.S.
[31] Section 177.071(3), F.S.
[32] *Id.*
[33] Counties with more than 75,000 residents and municipalities with more than 10,000 residents.
[34] Chapter 2024-210, Laws of Fla., creating s. 177.073, F.S.

requested, as long as the request for the permits does not exceed 50 percent of the homes in the subdivision or planned community or the number of building permits.[35]

The statute also requires all local governments to create a master building permit process.[36]

An applicant for a building permit may not obtain a temporary or final certificate of occupancy for each residential structure or building until the final plat is approved by the governing body and recorded in the public records; an applicant may, however, contract to sell, but not transfer ownership of, a residential structure or building located in the preliminary plat before the final plat is approved by the local government.[37]

Qualified Contractors

The statute allows an applicant to use a private provider to expedite the application process for building permits after a preliminary plat is approved.

To formalize this process, local governments are required to establish a registry of "qualified contractors" whom the local government can use for help processing and expediting the review of applications for preliminary plats.[38] Each local government is required to maintain at least three qualified contractors whom the governing body may use to supplement staff resources for processing and expediting the review of an application for a preliminary plat or any plans related to such application.

A qualified contractor on the registry who is hired to review an application may not have a conflict of interest with the applicant.[39]

III. Effect of Proposed Changes:

Qualified Contractors in Local Planning Decisions

Section 1 creates s. 163.3169, F.S., instituting a framework for the use of qualified, preapproved private professionals from a local government-maintained registry to perform preapplication review of permit applications, plan reviews, and plat approvals before submission to the local government for final approval.

Under the framework, which a local government is required to create and implement under the bill, a person applying to a local government for a permit, plans review, or plat approval may have a qualified contractor undertake a pre-application review, which results in the contractor certifying to the local government that the items within the application the contractor is properly licensed to review meet the requirements for approval. The local government may then approve the application having saved the time and resources required to conduct the reviews handled by the qualified contractor.

[35] Section 177.073(2), F.S.
[36] Section 177.073(3), F.S.
[37] Section 177.073(7), F.S.
[38] Section 177.073(4), F.S.
[39] As defined by s. 112.312, F.S., "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Program Requirements

By October 1, 2026, each local governing body must adopt a program enabling applicants to use qualified contractors[40] for preapplication reviews. The program must specify:

- How contracts with qualified contractors are made.
- Minimum qualifications for being listed as a qualified contractor (e.g., valid professional credentials, no adverse licensing actions). A local government may not consider as criteria the contractor's years of experience, geographic location, or prior or existing work for or with the local government.
- Minimum and maximum hourly rates aligned with market norms.
- Other procedural elements (intake, payment, records, notice), not to conflict with the law's purpose.

The program must provide that when the applicant submits an application with an affidavit from a qualified contractor showing compliance, the local government must approve it within mandated statutory timeframes, and the development services office[41] may not conduct additional review unless expressly authorized by law.

Registry

Each local development services office must establish and maintain a registry of qualified contractors:

- At least six for most local governments, or at least three for those serving populations under 10,000.
- The local government does not have the discretion to add a qualified contractor who meets the requirements of the local government's registry program and requests to be included in the registry.
- If fewer contractors are available after reasonable effort, all willing and qualified individuals must be listed.
- Local governments may contract with a neighboring locality's qualified public employees, but cannot list their own employees on the registry.

Applicants participating in the program have an unconditional right to choose any qualified contractor who meets the minimum qualifications, regardless of registry status, if the local government failed to establish the program or registry by the deadline, or the registry lacks the required number of contractors. Local governments must accept and process such applications without undue conditioning, denial, or delay, unless there is a substantiated conflict of interest as defined by state law.

Contract Terms, Uniformity, and Insurance Requirements

The bill sets out how contracts between a local government and a qualified contractor must be structured and places limits on what local governments may require. The bill requires that contracts with qualified contractors may only include terms that are authorized by the statute;

[40] An individual or firm licensed or certified in relevant disciplines (e.g., engineer, surveyor, architect, landscape architect, planner) who is on a local government's registry to conduct preapplication reviews.
[41] The department and person responsible for reviewing applications for compliance with local land development regulations.

local governments may not add provisions that expand, modify, reduce, or limit the rights, processes, responsibilities, or procedures established herein.

Local governments must ensure that the material terms[42] of contracts with qualified contractors are the same as the terms applied in similar contracts with private sector contractors providing comparable services. Local governments may not require any additional criteria or qualifications for a qualified contractor beyond what the bill expressly allows.

The bill also provides that contracts may require qualified contractors to carry appropriate insurance coverage that is commensurate with the estimated value, scope, and risk profile of the services to be performed under the contract, and must align with commercially reasonable standards for similar services.

Payment, Fees, and Review

While applicants may select from the registry which qualified contractor to use, payment is made through the local government as part of the application. The bill specifies timelines and fee structures for the use of qualified contractors.

If an applicant opts not to use a qualified contractor, and the local government fails to process the application within statutory timelines, an applicant may utilize a qualified contractor from the registry at the local government's expense.

The timelines cited, ss. 125.022 and 166.033, F.S., refer to development permits and orders, which consider that some approvals do require a quasi-judicial determination meriting 180 days before adjudication. It is unclear, in these cases, what the time saved by utilizing a qualified contractor can be expected to amount to, and whether the timelines are intended to begin upon application despite the pre-application review process having been undertaken.

A qualified contractor may only conduct preapplication review for applications relating to the disciplines covered by the contractor's licensure.

Preapplication Review Affidavit and Approval Process

The end result of the preapplication review process is an affidavit certifying to the local government that the application satisfies relevant requirements. The bill specifies the required contents for such affidavit.

Upon receipt of an application with the qualified contractor's affidavit the local government reviews and either approves or denies the application. A denial must include written notice specifically identifying aspects not in compliance with law, regulations, ordinances, and codes, and the reasons the application was denied.

Oversight Provisions

A local government may establish a complementary system for verifying whether a qualified contractor is in compliance with applicable licensure and insurance requirements related to their

[42] Such as performance expectations, payment terms, timelines, oversight and reporting procedures

professional license. Beyond that, a local government is preempted from actions and policies inconsistent with or more stringent than the provisions of the bill.

When performing a preapplication review, a qualified contractor is subject to the disciplinary guidelines of the applicable professional board over the contractor's license or certification.

A local government may not audit the preapplication review of a qualified contractor prior to creating the standard auditing procedures for internal review staff. The bill specifies that such procedures must specify the purpose, scope, and criteria used for the audit, a framework of procedures for the contractor to file an objection to an audit's findings, and a framework for documenting findings of areas of noncompliance. Audit results must be made publicly available and must be updated at least every 6 months. A qualified contractor may not be audited more than four times in a year unless the local government determines that a condition of an application constitutes an immediate threat to public safety and welfare.

The local government and building officials are held immune from liability to any person or party for any action or inaction by an applicant or qualified contractor in connection with a preapplication review. A qualified contractor is considered an agent of the local government in determining state insurance coverage and sovereign immunity protection.

Finally, the section provides for attorney fees and costs to be awarded to a prevailing plaintiff applicant who brings civil action against a local government for violating the bill's provisions.

Platting Approval

Section 2 of the bill amends s. 177.071(1), F.S., to forbid a local government from creating or establishing any additional regulations or requirements that a platting applicant must meet for the approval of a final plat. Under the bill, local governments requiring infrastructure assurances in connection with a final plat approval shall designate the same authority as the platting administrator to receive and approve the surety instrument, which may be any commonly used form of surety instrument, such as performance bonds, letters of credit, or escrow agreements.

Section 3 amends s. 177.073, F.S., to expand the expedited building permit process from residential subdivisions or planned communities to include planned unit developments and one or more phases of a community or subdivision.

The section also provides that if a governing body fails to adopt the required expedited permit program, an applicant shall have an unconditional right to utilize a qualified contractor of the applicant's choosing to obtain up to 75 percent of the building permits for the applicable development, and the building official may not condition, delay, limit, or deny the applicant's use of a qualified contractor, or require such contractor to use a local government registry, rotation, shortlist, or other selection process. The qualified contractor may perform all services within their licensure, and the local building official shall accept such submissions when prepared and sealed, and shall review and issue permits in accordance with law.

The section also requires the application program to function for the adoption of stabilized access roads in addition to preliminary platting.

The section permits an applicant to retain a private provider of its choosing if the governing body fails to establish or maintain the required qualified contractor registry.

The section provides that, notwithstanding any ordinance, resolution, or policy, a local government may not condition the issuance of building permits under the expedited approval process on the actual or substantial completion of infrastructure or improvements identified in the preliminary plat, or the submission, acceptance, or approval of any certification of completion, record drawings, pressure or compaction test results, utility acceptance letters, or similar confirmation of finished construction or readiness for service.

The section concludes by providing that the expedited building permit approval process is an express and exclusive preemption of the regulation of the activities governed by the section; a local government may not create, adopt, enact, or implement the processes in a manner inconsistent with or more stringent than the statute. Additionally, a local government may not apply an ordinance or policy related to environmental protection or natural resources that is substantially similar to, duplicative of, or more stringent than a state regulatory program.

Section 4 provides that the bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments will be required to create and implement a new local planning and permitting process. Potential costs related to this requirement are unknown at this time.

The mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately $2.4 million. [43,44,45]

If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

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[43] FLA. CONST. art. VII, s. 18(d).

[44] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), *available at* http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Jan. 15, 2026).

[45] Based on the Florida Demographic Estimating Conference's population forecast for 2026. The conference packet is *available at*: https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Jan.15, 2026).

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:

Developers may benefit economically from greater efficiency and private options for various stages of development approval.

C. Government Sector Impact:

Local governments may see a negative impact in creating the required registry program and amending processes to incorporate registered qualified contractors for certain functions, and may in the long term benefit from some amount of workload reduction due to the use of private contractors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The applications the bill covers include permits, plans reviews, and plat approvals. The bill defines permit to include "an authorization, approval, or grant by a local governing body or development services office that permits the development of land, including any zoning permit, subdivision approval, rezoning, special exception, variance, or any other application, as necessary," while "plans" includes "site engineering plans or site plans." However, application is specified to include an application for any permit, but specifically does not include plans or permits as reviewed under s. 553.791, F.S., which include building permits (the general usage meaning of "permit" in this context) and building plans, site engineering plans, or site plans, contradicting the inclusions. Later the bill refers to statutory approval timelines specific to development permits and orders under ss. 125.022 and 166.033, F.S. The exact sorts of applications the bill's registry covers should be clarified to either include or exclude each of those development stages found in statute.

VIII. Statutes Affected:

This bill substantially amends sections 177.071 and 177.073 of the Florida Statutes.
This bill creates section 163.3169 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 Massullo

11-00975-26 20261138__

A bill to be entitled

An act relating to qualified contractors; creating s. 163.3169, F.S.; providing legislative findings; defining terms; requiring the governing body of a local government, by a specified date, to create a program that authorizes an applicant to use a qualified contractor to conduct preapplication review of an application; requiring the governing body to establish certain processes; providing specifications for such program; providing that the program must require a local government to approve an application upon the applicant's submittal of the application with an affidavit verifying certain information; requiring the local government to approve the application in a specified timeframe; prohibiting the development services office of a local government from conducting any additional review of certain documents that were subject to preapplication review; providing an exception; prohibiting a local government from enacting certain requirements that would regulate an applicant's ability to use and otherwise interact with a qualified contractor pursuant to the program; providing an exception; requiring the development services office of a local government to establish a registry of a specified number of qualified contractors to be used to conduct preapplication reviews; prohibiting the development services office from adding a qualified contractor or a firm to the registry upon such entity's request under certain

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conditions; authorizing the development services office of a local government to register less than the specified number of qualified contractors under certain circumstances; authorizing a local government to enter into an agreement with a neighboring local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; authorizing an applicant to use a qualified contractor of his or her choosing to perform the preapplication review under certain circumstances; requiring the governing body of the local government receiving such application to accept and process the application without undue conditioning, denial, or delay; providing an exception; specifying requirements for contracts between a local government and a qualified contractor pursuant to this act; requiring a local government to apply the same material terms for certain contract provisions to contracts with qualified contractors as it does in materially similar contracts; requiring local government contracts with qualified contractors to be as favorable and as stringent as contracts with private contractors performing comparable services; prohibiting a local government from enforcing any additional criteria for qualified contractors beyond what is authorized by the act; nullifying any such criteria; specifying requirements for contracts entered into with qualified contractors; specifying minimum insurance requirements for qualified contractors; providing construction;

providing severability; authorizing an applicant to select a qualified contractor or firm from the registry; prohibiting the applicant from directly paying the qualified contractor; requiring such payments be made to the local government; requiring the local government to pay the qualified contractor within a specified timeframe; requiring a local government to reduce an application fee under certain circumstances; specifying requirements for the calculation of such fee reduction; prohibiting a local government from imposing a surcharge, but authorizing the charge of an administrative fee for the use of a qualified contractor to conduct preapplication review; specifying requirements for such administrative fee; requiring any fee collected to be based on costs actually incurred pursuant to preapplication review; requiring the development services office of a local government to provide a qualified contractor with equal access to resources; requiring the development services office to protect against the disclosure of confidential records; requiring a local government to process an application in a specified timeframe if an applicant does not use a qualified contractor for preapplication review; authorizing an applicant to use a qualified contractor at the sole expense of the local government under certain circumstances; providing for the automatic approval of applications under certain circumstances; requiring a qualified contractor to conduct a preapplication review for only

the disciplines the qualified contractor is licensed or certified; prohibiting a qualified contractor from conducting preapplication review under certain circumstances; requiring a qualified contractor to determine whether the application is in compliance with certain regulations and to work with the applicant to resolve deficiencies; requiring a qualified contractor to submit an affidavit to the development services offices certifying certain information upon a determination that the application complies with certain provisions; specifying requirements for such affidavit; requiring the development services office to approve or deny an application upon receipt; specifying requirements for the development services office if an application is denied; providing construction; prohibiting a development services office or local government from authorizing any law or provision that has the effect of modifying, impairing, or nullifying the act; prohibiting a local government from relying on any law or provision that regulates this act; authorizing a local government to establish a registration system to verify whether a qualified contractor or related entity is in compliance with certain requirements; providing preemption; providing that qualified contractors are subject to certain disciplinary guidelines; requiring that any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review be conducted by a

certain professional board; prohibiting a development services office or local government from auditing a qualified contractor's preapplication review until such entity creates standard auditing procedures; specifying requirements for such procedures; requiring that such audit procedures be publicly accessible; requiring that the results of such audit be made publicly available and updated on a specified basis; providing a limit on audit frequency; providing an exception; providing immunity for specified entities; authorizing local governments, school districts, or independent special districts to use qualified contractors for preapplication review for certain projects; authorizing applicants to bring civil actions under certain circumstances; defining the term "prevailing party"; providing for the award of attorney fees, costs, and damages; providing exceptions; amending s. 177.071, F.S.; prohibiting local governments from creating or establishing additional regulations for the approval of a final plat; requiring a local government to designate a certain administrative authority to take certain actions relating to the approval of infrastructure assurances; requiring a local government to accept certain forms of surety instruments; amending s. 177.073, F.S.; revising the definition of the term "applicant"; requiring the governing body of certain local governments and counties to create a program to expedite the process for building permits for planned

unit developments or phases of a community or subdivision; specifying requirements for applicants, qualified contractors, and the governing body of a local government in the event that the local government fails to update or modify a certain program by a specified date; providing construction; requiring a governing body to create a two-step application process under certain circumstances; revising requirements for such application process; authorizing an applicant to use a qualified contractor for land use approvals under certain circumstances; authorizing an applicant to retain a private provider or qualified contractor to process, review, and expedite an application for a preliminary plat or related plans under certain circumstances; defining "conflict of interest"; requiring an applicant to replace a qualified contractor or private provider if a conflict of interest is discovered; prohibiting a governing body from restricting an applicant's use of a private provider or qualified contractor under certain circumstances; requiring a governing body to treat documents submitted by a private provider or an applicant in the same manner as they treat other documents submitted by certain individuals; authorizing a governing body to take certain actions; prohibiting a governing body from imposing certain requirements; requiring an applicant to be responsible for certain fees and costs; voiding and preempting conflicting provisions; defining the term "approved

plans"; providing construction; prohibiting a local government from conditioning, delaying, withholding, or denying the issuance of any permit under certain circumstances; authorizing a local government to waive certain bonding requirements under certain circumstances; revising the circumstances under which an applicant has a vested right in a preliminary plat; providing for preemption; prohibiting any unit of government from taking certain actions or otherwise regulating any processes, approvals, permits, plans, or activities related to land development in a more stringent manner than is required by the act; prohibiting a local government from imposing any measure that would have the effect of conflicting with the act; voiding and preempting conflicting provisions; prohibiting a local government from enacting any law or rule related to building permits which is more strict than those enacted by a state agency governing the same activity and resource; providing that such requirement does not apply to certain floodplain management ordinances; providing an effective date.

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

Section 1. Section 163.3169, Florida Statutes, is created to read:

163.3169 Using qualified contractors in local planning and permitting decisions.—

(1) LEGISLATIVE FINDINGS.—

(a) The Legislature recognizes the need for continued growth throughout the state, and the need for an efficient permitting process to accommodate such growth, while balancing the role of local governments in community planning.

(b) The Legislature further recognizes that numerous local governments implement innovative planning and development strategies by using the private sector to supplement the needs of government and to keep pace with increasing populations, unmet demands for housing, and continuing budget constraints. To continue meeting future growth demands, all local governments shall use all available resources to ensure that private property owners seeking to build or develop the next generation of this state's housing supply are not burdened by limited local government workforces and can by right use a qualified contractor from the private sector to responsibly review applications as submitted and authorized under this section.

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

(a) "Applicant" means a developer, homebuilder, or property owner who files an application with a development services office of the governing jurisdiction, which may be submitted and authorized by a qualified contractor, pursuant to this section.

(b) "Application" means a properly completed and submitted request for a permit, plans review, or plat approval, including final or preliminary plats, or other types of approvals as deemed necessary by the land development regulations from a development services office. The request includes an affidavit from a qualified contractor attesting that such permit application, request for plans review, or plat approval complies

with the land development regulation and any applicable fee. The term does not include plans or permits as reviewed under s. 553.791.

(c) "Audit" means a limited, post-submittal verification process conducted solely to confirm that a qualified contractor's preapplication review supports the findings in the required affidavit, demonstrates that the review was performed in accordance with the normal and customary professional practices for the applicable discipline, and that the affidavit's findings are supported by competent and substantial evidence. An audit under this section may not replicate, redo, or substitute for the preapplication review performed by the qualified contractor, and may not go beyond the scope of verifying performance, customary practice, and evidentiary support, unless expressly authorized by this section.

(d) "Development services office" means the entity, office, division, or department of a local government responsible for reviewing applications for compliance with the local government's land development regulations and other applicable federal, state, and local requirements. This office may be substantively identical to or housed within the local government's planning and zoning department.

(e) "Development services official" means the individual in the development services office of the governing jurisdiction responsible for the direct regulatory administration or supervision of the review and approval process required to indicate compliance with applicable land development regulations. The term includes any duly authorized designee of such person. This individual may be the executive director of

the governing body of a local government or the division director of the local government's planning and zoning department.

(f) "Final plat" has the same meaning as in s. 177.073.

(g) "Governing body" has the same meaning as in s. 163.3164.

(h) "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations, or any other regulations controlling the development of land.

(i) "Local government" means a county, a municipality, or a district created pursuant to chapter 189 or chapter 190.

(j) "Permit" means an authorization, approval, or grant by a local governing body or development services office that permits the development of land, including any zoning permit, subdivision approval, rezoning, special exception, variance, or any other application, as necessary.

(k) "Plans" means site engineering plans or site plans, or their functional equivalent, submitted by an applicant to a qualified contractor or duly authorized representative for review.

(l) "Preapplication review" means the analysis conducted by a qualified contractor of the permits, plans, or plats, including final or preliminary plats, to ensure compliance with the applicable land development regulations, and which is part of the application as authorized under this section.

(m) "Preliminary plat" means a map or delineated representation of the subdivision of lands which is a complete

and exact representation of the residential subdivision or planned community, and contains any additional information needed to comply with the requirements of chapter 177.

(n) "Qualified contractor" means the individual or firm contracted with a development services office or local government to conduct a preapplication review, and who is included in the registry as required by this section. The term includes, but is not limited to, any of the following:

1. An engineer or engineering firm licensed under chapter 471.

2. A surveyor or mapper, or a surveyor's or mapper's firm licensed under chapter 472.

3. An architect or architecture firm licensed under part I of chapter 481.

4. A landscape architect or a landscape architecture firm registered under part II of chapter 481.

5. A planner certified by the American Institute of Certified Planners.

6. A local government employee.

(o) "Single-trade review" means any review focused on a single component of an application, such as engineering, surveying, planning, or architectural.

(3) REQUIREMENTS.—

(a) By October 1, 2026, the governing body of a local government shall create a program by which a development services office authorizes an applicant to use a qualified contractor to conduct a preapplication review of any plans, permits, or plats submitted in an application. The governing body must establish the processes by which an applicant may

submit an application for approval to the local government, following a preapplication review conducted by a qualified contractor. The program must specify at least all of the following:

1. The manner in which the development services office enters into a contract with a qualified contractor.

2. Minimum requirements for selection as a qualified contractor for the program, including verification of current licensure or certification status and review of any adverse actions, discipline, or restrictions imposed by the applicable professional licensing board. A local government may not consider or require as criteria for selection or qualification the contractor's years of experience, geographic location, or any prior or existing work for or with the local government.

3. The minimum and maximum hourly rates that a qualified contractor may charge an applicant, comparable to market averages.

4. Other necessary and indispensable procedural requirements to implement this section, such as requirements relating to intake, payment, recordkeeping, and notice processes. Additional requirements may not conflict with or impair the intent of this section; may not add to, modify, limit, or condition the rights, duties, standards, scope, qualifications, or effects established by this section; and may not impose any substantive review criteria, terms, or conditions on applicants or qualified contractors.

(b) The program must require a local government to approve an application upon the submission of such application with an affidavit verifying that the application, as submitted to the

qualified contractor for preapplication review, complies with the applicable land development regulations. The program may not impose additional terms, conditions, or duplicative review processes. The application must be approved by the local government within the specified timeframes under ss. 125.022 and 166.033. The development services office shall not conduct any additional review of the permits, plans, or plats, including final or preliminary plats, subject to the preapplication review, except as expressly authorized by this section. A local government may not enact any requirement to the program that would complicate or impair the applicant's ability to use a qualified contractor pursuant to the program, or otherwise regulate the selection, scope, timing, methods, or fees of a qualified contractor's preapplication review, except as expressly authorized by this section.

(4) REGISTRY.—

(a) The development services office of a local government shall establish a registry of at least six qualified contractors, or, for local governments serving populations of less than 10,000, a registry including no less than three qualified contractors, whom the local government shall use to conduct preapplication reviews pursuant to the program. If the minimum requirements for the qualified contractor specified in subparagraph (3)(a)2. are met, the development services office does not have discretion to add a qualified contractor or qualified contractor firm to the registry upon such entity's request to be added to the registry.

(b) If, after making reasonable efforts, less than six qualified contractors are available, or if less than three

qualified contractors are available for local governments serving populations of less than 10,000, the development services office shall register any willing available qualified contractors that meet the requirements of subparagraph (3)(a)2.

(c) The local government may enter into an agreement with a neighboring local government for the purpose of using public employees who meet the requirements for a qualified contractor to complete the preapplication review. A local government may not add its own employees to the registry.

(5) SELECTION OF A QUALIFIED CONTRACTOR OF APPLICANT'S CHOICE.—

(a) If any of the following conditions exist, an applicant who elects to participate in the program must have the unconditional right to use a qualified contractor of his or her choice, as long as the qualified contractor satisfies the minimum requirements in subparagraph (3)(a)2. for preapplication review:

1. The governing body of a local government fails to create the program established pursuant to subsection (3) before October 1, 2026.

2. The development services office of the local government fails to create the registry as required pursuant to subsection (4).

3. The registry created pursuant to subsection (4) does not consist of the requisite number of qualified contractors.

(b) The local government must approve such application pursuant to this subsection and may not condition, deny, delay, or otherwise contest the applicant's selection or use of the qualified contractor, except upon a written determination

supported by competent substantial evidence that the qualified contractor has a conflict of interest with the applicant, as defined in s. 112.312, or under any stricter conflict of interest standards applicable to the contractor's professional license.

(6) CONTRACT TERMS; UNIFORMITY; INSURANCE.—

(a) A contract entered into by a local government with a qualified contractor under this section must contain terms and conditions that are consistent with, and as strict as, the requirements of this section. A local government may not include any contractual term, condition, policy, procedure, or specification that has the effect of expanding, modifying, or restricting the rights, obligations, or processes established by this section.

(b) A local government shall apply the same material terms governing payment, performance standards, deliverables, timelines, notices, curing, and oversight to contracts with qualified contractors, as it applies to materially similar contracts for services procured from private contractors for comparable scope and complexity. A local government may not impose different or more burdensome payment terms, performance obligations, audit or reporting requirements, or oversight mechanisms on qualified contractors than those applied to private contractors providing comparable services. If the local government uses substantially similar contracts for private contractors performing comparable services, the contracts governing qualified contractors must be no less favorable than the contracts applied to private contractors, and may not be more stringent than the terms that would apply to a similarly

situated private contractor.

(c) A local government may not, by contract or otherwise, establish, apply, or enforce any additional criteria, qualifications, prerequisites, certifications, rating systems, experience thresholds, or approval conditions for qualified contractors beyond those expressly authorized by this section and applicable state professional licensure requirements. Any term or condition that purports to create additional criteria or qualifications beyond those authorized by this section is void.

(d) A local government shall adopt and use standard contract terms and conditions for agreements with qualified contractors which are substantially similar in form and substance to the local government's standard professional services agreements used for materially similar engagements with private sector providers. The standard contract shall, at a minimum, address scope of services, compensation, invoicing, delivery schedules, termination, dispute resolution, audits limited to compliance with this section, records retention consistent with public records laws, and professional responsibility. A local government may not draft or apply standard terms in a manner that undermines or frustrates the purpose and operation of this section.

(e) Insurance requirements for qualified contractors must be commensurate with the estimated value, scope, and risk profile of the services to be performed under the contract and must align with commercially reasonable standards for similarly situated professional services within the jurisdiction. A local government may not impose insurance requirements that exceed what is reasonably necessary for the specific engagement, that

exceed the minimum coverage required under applicable state professional licensing laws absent a documented, project-specific risk determination, or that operate as a barrier to registration or participation by an otherwise qualified contractor. Any insurance requirement must be stated with specificity, including types and limits of coverage, and shall allow the use of customary insurance instruments and endorsements available in the admitted or surplus lines markets.

(f) A local government may not, through any contractual provision, administrative interpretation, or implementation practice, impose obligations on a qualified contractor which frustrate, impair, or defeat the legislative intent or requirements of this section, including by replicating preapplication reviews, imposing duplicative performance standards, or conditioning payment on approvals or reviews not authorized by this section. Any contractual provision that conflicts with this section or frustrates its purpose is void and unenforceable.

(g) This subsection shall be liberally construed to effectuate the uniform treatment of qualified contractors consistent with private sector contracting practices within the jurisdiction, and to prohibit the indirect circumvention of this section through contract terms. If any provision of this subsection or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subsection which can be given effect without the invalid provision or application, and to this end the provisions of this subsection are severable.

(7) PAYMENT, FEES, AND PREAPPLICATION REVIEW.—

(a) The applicant shall have sole discretion to choose a qualified contractor or firm from the established registry under subsection (4) to conduct a preapplication review. The applicant may not pay the qualified contractor directly. Such payment must be made to the local government as part of the application. The local government shall ensure the qualified contractor or the qualified contractor firm is paid within 30 days after completion of services rendered pursuant to the application.

(b) If an applicant uses a qualified contractor for the purposes of conducting a preapplication review, the local government must reduce any application fee by the amount of cost savings realized by the development services office for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a development services office assesses the cost for its application review.

1. A local government may not impose a surcharge for preapplication review if the applicant uses a qualified contractor to conduct a preapplication review; however, the local government may charge a reasonable administrative fee, which must be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local government or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.

2. Any fee collected must be based on costs actually incurred pursuant to the preapplication review of an application submitted pursuant to this section.

(c) If an applicant uses a qualified contractor to conduct

a preapplication review, the development services office must provide the qualified contractor with equal access to the data, resources, documents, reports, and other information reasonably necessary to perform that review. Such access must be provided only by means that prevent the disclosure of records that are confidential or exempt from public inspection or copying under chapter 119, or any other applicable provision of law protecting private or exempt records, including, but not limited to, secure software portals, access controls, or redaction protocols that safeguard exempt information.

(d) If an applicant does not use a qualified contractor pursuant to this section, the local government must process the application within the specified timeframes under ss. 125.022 and 166.033. The local government shall use all available resources to ensure compliance with such timeframes. If the local government fails to process the application within such timeframes, the applicant may use a qualified contractor at the sole expense of the local government, as long as the qualified contractor does not have a conflict of interest with the applicant, to review the permits, plans, or plats, including final and preliminary, subject to the preapplication review. If the applicant uses a qualified contractor for preapplication review pursuant to this paragraph, such application must be approved automatically when the local government receives an affidavit from the qualified contractor, and subsection (10) does not apply.

(8) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified contractor must conduct preapplication review only for applications relating to the disciplines covered by such

qualified contractor's or qualified contractor firm's licensure or certification granted pursuant to chapter 471, chapter 472, or chapter 481, or as certified by the American Institute of Certified Planners, including single-trade review. A qualified contractor may not conduct a preapplication review pursuant to this section if the qualified contractor or the qualified contractor firm is used by the applicant for the same project that is the subject of the application.

(9) AFFIDAVIT REQUIREMENTS.—

(a) A qualified contractor performing a preapplication review must determine whether the application is in compliance with all applicable land development regulations, comprehensive plan regulations, ordinances, and codes of the governing jurisdiction. The qualified contractor shall work directly with the applicant to resolve any deficiencies. Upon making the determination that the application complies with all relevant land development regulations, comprehensive plan regulations, ordinances, and codes, the qualified contractor shall prepare an affidavit certifying that the following information is true and correct to the best of the qualified contractor's knowledge and belief:

1. The preapplication review was conducted by the affiant, who is duly authorized to perform a preapplication review pursuant to this section and holds the appropriate license or certificate.

2. The permits, plans, or plats, including final and preliminary, reviewed in the application, comply with all applicable land development regulations, comprehensive plan regulations, ordinances, and codes.

(b) Such affidavit must bear a written or electronic signature and must be submitted electronically to the development services office.

(10) AUTHORIZATION AND APPROVAL.—

(a) Upon receipt of an application accompanied by an affidavit of the qualified contractor pursuant to subsection (9), the development services office must review and approve or deny such application.

(b) Upon the denial of such application, the office must provide written notice to the applicant, specifically identifying any aspects of the application which do not comply with this section; applicable land development regulations; comprehensive plan regulations, ordinances, or codes; and the reasons the application was denied, as well as the specific code chapters and sections, within 10 business days after receipt of the application and affidavit. If the development services office does not provide written notice to the permit applicant within 10 business days, the application shall be deemed approved as a matter of law, and the development services office must issue the authorization or approval of the application by the following business day.

(c) The development service office's approval or denial of an application may not be construed as an evaluation of the preapplication review conducted by the qualified contractor.

(11) CONSTRUCTION.—

(a) Notwithstanding any other law, charter provision, ordinance, regulation, policy, practice, or exercise of police or regulatory powers, a development services office or local government may not adopt, interpret, apply, condition, enforce,

or otherwise give effect to any law, rule, ordinance, charter provision, resolution, procedure, policy, guidance, standard, qualification, fee, surcharge, contractual term, or administrative or quasi-judicial practice that, directly or indirectly, imposes any requirement, restriction, delay, review, approval, denial, condition, audit, inspection, or other barrier to an applicant's use of this section, or is more stringent than, augments, supplements, conflicts with, frustrates, circumvents, or has the effect of modifying, impairing, or nullifying the express terms, purposes, or operation of this section.

(b) A local government may not invoke, construe, or rely upon any other provision of general law, special law, home rule authority, comprehensive plan policy, land development regulation; building, zoning, or subdivision requirement; or any public safety, health, welfare, or nuisance authority to expand, supplement, supersede, or diminish the rights, processes, timelines, approvals, or remedies established by this section, nor may any local government condition the acceptance, processing, or approval of an application authorized by this section in compliance with any additional or different requirements not expressly authorized herein.

(c) A development services office or local government may establish a registration system to verify whether a qualified contractor, a qualified contractor firm, or a duly authorized representative working alongside such entities is in compliance with licensure requirements and all applicable insurance requirements for holding the professional license.

(d) Any local provision or action inconsistent with this

subsection is preempted, void, and unenforceable to the extent of the inconsistency, and this section shall control and be given full force and effect over any conflicting or more stringent provision of law, whether general, special, or local, including any charter or home rule provision, without regard to the order or time of enactment.

(12) DISCIPLINARY GUIDANCE.—When performing a preapplication review, a qualified contractor is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 471, chapter 472, or chapter 481. Any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review shall be conducted by the applicable professional board.

(13) AUDIT PROCEDURES.—

(a) A development services office or local government may not audit the preapplication review of a qualified contractor operating within the local government's jurisdiction until the development services office or local government has created standard auditing procedures for its internal inspection and review staff. Such procedures must include, but are not limited to, all of the following:

1. The purpose and scope of the audit.

2. The audit criteria.

3. A framework for audit processes and procedures for a qualified contractor to file an objection to such audit's findings.

4. A framework for documenting detailed findings of areas of noncompliance.

(b) Such audit procedures must be publicly available online, and a printed version must be readily accessible in the development services office or local government buildings.

(c) The results of such audits must be made publicly available and must be updated at least every 6 months. The office's audit processes must adhere to the office's posted standard audit procedures. A qualified contractor or qualified contractor firm may not be audited more than four times a year, unless the development services office determines a condition of an application constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the qualified contractor or qualified contractor firm.

(14) IMMUNITY.—The development services office, development services officials, and the local government shall be immune from liability to any person or party for any action or inaction by an applicant, a qualified contractor, or a qualified contractor firm or its duly authorized representative, in connection with a preapplication review as authorized in this act. Any qualified contractor or qualified contractor firm retained by the local government under contract to review any application filed with the local government pursuant to this section shall be considered an agent of the local government in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

(15) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a qualified contractor to provide preapplication or application reviews for a public works project by the county, municipality,

school district, or independent special district.

(16) CIVIL ACTIONS AUTHORIZED.—

(a) An applicant may bring a civil action for declaratory or injunctive relief against a county or municipality for a violation of this section. In any such action, the court shall award the applicant its reasonable attorney fees and costs, including reasonable appellate attorney fees and costs, if the court determines that the applicant is the prevailing party. For purposes of this paragraph, the term "prevailing party" means the party that obtains an enforceable judgment, order, or comparable court-sanctioned relief on the merits which materially alter the legal relationship of the parties in that party's favor, including the granting of declaratory or injunctive relief or the dismissal with prejudice of the opposing party's claims. The term does not include a party whose objectives are achieved solely by the voluntary cessation of challenged conduct absent a judicial determination or other relief bearing the court's imprimatur. If neither party prevails on the significant issues, or if both parties prevail in part, the court may determine that no party is the prevailing party and may equitably apportion fees and costs.

(b) Attorney fees and costs and damages may not be awarded pursuant to this subsection if:

1. The applicant provides the governing body of the county or municipality written notice that it is in violation of this section; and

2. The governing body of the county or municipality complies with this section within 14 days or issues the authorization or approval request within 14 days.

Section 2. Paragraph (c) is added to subsection (1) of section 177.071, Florida Statutes, to read:

177.071 Administrative approval of plats or replats by designated county or municipal official.—

(1)

(c) The local government may not create or establish any additional regulations or requirements that the applicant must meet for the approval of a final plat. Local governments requiring infrastructure assurances in connection with a final plat approval shall designate the same administrative authority as designated in paragraph (a) to receive and administratively approve or accept the surety instrument. The local government shall accept all commonly used forms of surety instruments or alternative forms of financial assurances, including, but not limited to, performance bonds, letters of credit, escrow agreements, or cash escrow with the county.

Section 3. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), paragraph (a) of subsection (3), subsection (4), paragraphs (b) and (c) of subsection (6), and subsection (8) of section 177.073, Florida Statutes, are amended, paragraph (d) is added to subsection (2), and subsection (11) is added to that section, to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

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

(a) "Applicant" means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes~~,~~ or the number of building permits, that the local governing body must issue for a residential

subdivision, planned unit development, or one or more phases in a multi-phased planned community, subdivision, or planned community.

(2)(a) By October 1, 2024, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government's comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall create a program to expedite the process for issuing building permits for residential subdivisions, planned unit developments, one or more phases of a community or subdivision, or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, ~~not to exceed 50 percent of the residential subdivision or~~ a planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. The application or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested, so long as the request does not exceed 50 percent of the planned homes of the residential subdivision or planned community or the number of building permits. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(b) Subject to the requirements under subsection (6)(b), a governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update its ~~their~~ program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision, planned unit development, or planned community in order to comply with this section. This paragraph does not restrict a governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(d) If a governing body fails to adopt a program under paragraph (2)(a) or paragraph (2)(c), or fails to update or modify an existing program as required under paragraph (2)(b) by the applicable statutory deadline, the following will apply without further action or approval by the governing body and notwithstanding any conflicting local requirement:

1. The applicant shall have an unconditional, self-executing right to use a qualified contractor of the applicant's choosing to obtain up to 75 percent of the building permits for the residential subdivision, planned unit development, or planned community, including one or more phases thereof, before the final plat is recorded, provided the qualified contractor does not have a conflict of interest with the applicant. For the purpose of this paragraph, "conflict of interest" has the same meaning as in s. 112.312.

2. The governing body, local building official, and any local government staff may not condition, delay, limit, restrict, obstruct, or deny the applicant's use of a qualified

contractor under this paragraph, including by imposing any application, review, approval, staffing, procurement, qualification, preapproval, or selection requirements on the qualified contractor other than those expressly required by state law and the Florida Building Code. Any ordinance, resolution, policy, practice, contract, or requirement to the contrary is preempted and void to the extent of the conflict with this paragraph.

3. The qualified contractor may perform all services within the scope of his or her licensure and qualifications which are necessary or incidental to obtaining such building permits, including preparing, reviewing, and submitting permit applications and supporting plans, specifications, and documents, and providing signed and sealed documents when required by law. The local building official shall accept such submissions when prepared and sealed by the qualified contractor as meeting any local requirement that the submission be prepared or reviewed by local government staff, and shall review and issue the permits in accordance with the Florida Building Code and applicable state law.

4. The governing body and the local building official may not require the applicant or the qualified contractor to use a local government registry, rotation, shortlist, or any other selection or vetting process, and may not require any written agreement, indemnification, fees, or other conditions specific to the use of a qualified contractor under this paragraph, except for standard building permit fees otherwise applicable to all building permit applications, and any fees expressly authorized by state law.

5. The unconditional right provided by this paragraph becomes effective immediately upon the governing body's failure to meet the applicable deadlines in paragraphs (a) or (c), continues in effect unless and until the governing body has adopted or updated a program fully compliant with this section, and may not be limited, impaired, or applied retroactively to reduce the number or percentage of building permits the applicant may obtain or is eligible to obtain under this paragraph.

6. This paragraph does not limit or impair the authority of the local building official to enforce the Florida Building Code, the Florida Fire Prevention Code, or other applicable state laws of general application in reviewing and issuing building permits; however, the governing body and the local building official may not impose any additional local procedures, prerequisites, or substantive standards on the applicant or the qualified contractor which have the effect of conditioning, delaying, restricting, or denying the use of a qualified contractor as authorized by this paragraph.

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, and for stabilized access roads that can support emergency vehicles, ~~inclusive of any plans,~~ in order to expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential subdivision, ~~or~~ planned community, planned unit development, or one or more phases of a multi-phased planned community or

subdivision.

(4)(a) An applicant may use a private provider or qualified contractor for land use approvals in the same manner as provided in ~~pursuant to~~ s. 553.791 to expedite the application process for any plans necessary to support the approval of a site plan, preliminary or final plat, or building permits after a preliminary plat is approved under this section.

(b) A governing body shall establish a registry of at least six ~~three~~ qualified contractors whom the governing body may use to supplement staff resources in ways determined by the governing body for processing and expediting the review of an application for a preliminary plat or any plans related to such application. A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312.

(c) If a governing body fails to establish or maintain the registry required under paragraph (b), an applicant may, at its sole discretion, retain a private provider or qualified contractor of the applicant's choosing to process, review, and expedite any application for a preliminary plat, or any plans related to such application, provided that the selected private provider or qualified contractor does not have a conflict of interest with the applicant. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312. If a conflict of interest is identified after selection, the applicant must promptly replace the private

provider or qualified contractor with one who has no conflict of interest, and the governing body must continue processing without delay or prejudice.

(d) The governing body may not condition, delay, or deny the applicant's use of such private provider or qualified contractor, and shall accept, process, and act upon reviews, approvals, recommendations, or certifications submitted by the private provider or qualified contractor in the same manner and within the same timeframes as if performed by the governing body's own staff, or by a contractor on the registry. The governing body may verify credentials, require standard submittal formats, and conduct ministerial compliance checks, but may not impose additional requirements that have the effect of frustrating, negating, or impeding the applicant's right to use a private provider or qualified contractor under this paragraph. The applicant shall be responsible for all fees and costs associated with the private provider or qualified contractor. Any ordinance, resolution, policy, practice, contract, or requirement to the contrary is preempted and void to the extent of conflict with this paragraph.

(6) The governing body must issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities. For purposes of this

paragraph, "approved plans" means plans approved for design and permit review and does not include, and may not be construed to require or imply, any certification, attestation, or confirmation of the completion of construction of any subdivision or planned community infrastructure, or improvements depicted in, referenced by, or required under such plans, except for the construction of the minimum access and roadway improvements required by the Florida Fire Prevention Code for fire department access and operations, such as a stabilized roadway for emergency access. No other subdivision or planned community infrastructure or improvements may be required to be constructed as a condition of permit issuance or approval.

1. A local government may not condition, delay, withhold, or deny the issuance of any building permit authorized under this section on:

a. The actual completion, substantial completion, or physical installation of any subdivision or planned community infrastructure, or improvements identified in the approved preliminary plat or approved plans; or

b. The submission, acceptance, or approval of any certification of completion or similar documentation, including, but not limited to, certificates of completion, substantial completion, engineer's or architect's certifications of completion, as-built or record drawings, pressure or compaction test results, utility acceptance letters, service availability letters, or similar confirmations of finished construction or readiness for service.

2. This prohibition applies notwithstanding any ordinance, resolution, policy, practice, development order, permit

condition, concurrency or proportionate-share requirement, development agreement, interlocal agreement, utility policy or standard, or any other local requirement to the contrary.

3. This paragraph does not prohibit a local government from requiring documentation strictly necessary to demonstrate compliance with the Florida Fire Prevention Code as a condition of issuing building permits; however, such documentation may not require the physical completion of the subdivision or planned community infrastructure, or improvements beyond what is expressly required to satisfy the Florida Fire Prevention Code.

(c) The applicant holds a valid performance bond for up to 130 percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis. For purposes of this section, a local government may waive the bonding requirement in this paragraph through its program or on a case-by-case basis upon request of the applicant.

(8) For purposes of this section, an applicant has a vested right in a preliminary plat that has been approved by a governing body for the earlier of at least 5 years or if all of the following conditions are met:

(a) The applicant relies in good faith on the approved preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

(11)(a) Notwithstanding any other law, this section is an express and exclusive preemption of the regulation of the activities governed by this section to the state. A county, municipality, special district, or other political subdivision may not create, adopt, enact, amend, interpret, implement, condition, deny, delay, or otherwise regulate any aspect of the processes, approvals, permits, plans, or activities authorized by or arising under this section in any manner that is inconsistent with, more stringent than, or in addition to the requirements established by this section or an applicant's rights and approvals under this section. A local government may not impose, as a condition of any approval or permit authorized by this section, any requirement, standard, study, report, review, timing or sequencing condition, development order condition, performance measure, level-of-service or concurrency determination, exaction, conformity or consistency determination, or other obligation derived from or contained in the local government's charter, ordinances, codes, policies, procedures, resolutions, administrative practices, comprehensive plan, future land use map, land development regulations, or any related manual, guideline, or technical standard, if such requirement would alter, restrict, delay, add to, or otherwise conflict with the provisions of this section or the approvals contemplated herein. Any ordinance, resolution, policy, practice, procedure, plan provision, development order condition, or other local requirement that purports to regulate matters preempted by this subsection, or that is inconsistent with or more stringent than this section, is expressly preempted, superseded, and void to the extent of the conflict.

(b) Notwithstanding any other law, in reviewing, processing, or acting on any application for a building permit under this section, a local government, including its development services office and local building official, may not use, enforce, or apply any local ordinance, regulation, policy, condition, practice, or criterion relating to environmental protection or natural resources that is substantially similar to, duplicative of, or more stringent than a state regulatory program adopted, implemented, or enforced by a state agency governing the same activity or resource, and shall instead rely upon the applicable state program's standards, approvals, permits, and conditions as determinative of compliance for such environmental or natural resource matters. This paragraph does not apply to local floodplain management ordinances adopted to comply with or participate in the National Flood Insurance Program, nor does it prohibit a local government from doing any of the following:

1. Enforcing the Florida Building Code, Florida Fire Prevention Code, or other state preempted life-safety standards.

2. Implementing a state environmental or natural resource program pursuant to an express delegation, interlocal agreement, or contract that requires local implementation of state standards without imposing requirements more stringent than the delegated state program.

3. Applying neutral, generally applicable administrative procedures, timelines, and submittal requirements necessary to process building permits which do not establish substantive environmental or natural resource standards in addition to or more stringent than those of the state program. Any conflicting

local provision is preempted and of no force or effect to the extent of the conflict.

Section 4. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 14, 2026

I respectfully request that **Senate Bill #1138**, relating to Qualified Contractors, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Ralph E. Massullo, Jr.
Florida Senate, District 11

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 1234
INTRODUCER:	Senator DiCeglie
SUBJECT:	Building Permits and Inspections
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Pre-meeting**
2.			RI	
3.			RC	

I. Summary:

SB 1234 amends provisions related to the Florida Building Code and local building permit requirements and requirements related to private providers, including:

- Providing that building permits for single-family dwellings expire after the latter of the issuance of the permit or the effective date of the next edition of the Building Code;
- Exempting residential hurricane and flood protection walls or barriers meeting certain requirements or certain work valued at $7,500 or less from permitting requirements and providing that permits may not be required for retaining walls on single- or two-family dwellings or townhouses.
- Limiting inspection fees from exceeding actual costs by the local enforcement agency and prohibiting them from being based on the total cost of the project.
- Requiring the Florida Building Commission to develop a uniform building permit application.
- Adding a deadline of 5 days for local governments to respond to permit applications for work valued less than $15,000.
- Deeming building permits approved for construction or renovation of single-family dwellings subject to a state of emergency within the previous 24 months and requiring issuance of permits for such projects within 2 days.
- Prohibiting homeowner associations from requiring the issuance of a building permit as a prerequisite for review of construction on a parcel.
- Substantially revising requirements related to private provider services, including:
  - Limitations on local government authority related to supervision; audits; and application reviews when private providers are used.
  - Requirements related to notifications related to applications and corrective actions.
  - Revisions of the calculation of fees charged by local governments when private provider services are used.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[1]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[2] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[3]

Part IV of chapter 553, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[4]

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.[5] The Commission reviews several International Codes published by the International Code Council,[6] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[7] Additionally, the Commission is required to adopt updates necessary to maintain eligibility for federal funding and discounts under the National Flood Insurance Program, the Federal

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[1] FLA. DEPT. OF CMTY AFFAIRS, THE FLORIDA BUILDING COMMISSION REPORT TO THE 2006 LEGISLATURE 4 (Jan 2006), http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 14, 2026).
[2] *Id.*
[3] FLA. DEPT. OF BUS. & PRO. REGUL., *Florida Building Codes*, https://floridabuilding.org/bc/bc_default.aspx (last visited Jan. 14, 2026).
[4] Section 553.72(1), F.S.
[5] Sections 553.73 and 553.74, F.S.
[6] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. INT'L CODE COUNCIL, *Who We Are*, https://www.iccsafe.org/about/who-we-are/ (last visited Jan. 14, 2026).
[7] Section 553.73(7)(a), F.S.

Emergency Management Agency, and the United States Department of Housing and Urban Development.[8]

Amendments to the Building Code

The Commission and local governments may adopt technical and administrative amendments to the Building Code.[9] The Commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.[10]

Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government's jurisdiction.[11] Amendments by local governments expire upon the adoption of the newest edition of the Building Code, and, thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Building Code.[12]

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[13] Every local government must enforce the Building Code and issue building permits.[14]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specified activity.[15] It is unlawful for a person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a building permit from the appropriate enforcing agency or from such persons as may, by resolution or regulation, be delegated authority to issue such permit.[16]

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website.[17] The Act prescribes the information and format for applications for fire alarm permit applications.[18] The minimum application information and format requirements for other building permits issued by local governments are prescribed by s. 713.135, F.S.

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code.[19] The Building Code requires certain building,

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[8] *Id.*
[9] Section 553.73, F.S.
[10] Section 553.73(9), F.S.
[11] Section 553.73(4), F.S.
[12] Section 553.73(4)(e), F.S.
[13] Section 553.72(2), F.S.
[14] Section 553.80(1), F.S. *See also* ss. 125.01(1)(bb) and 125.56(1), F.S.
[15] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 220 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1_Ch02_Sec202 (last visited Jan. 14, 2026).
[16] Section 553.79(1), F.S. *See also* s. 125.56(4)(a).
[17] Section 553.79(1), F.S.
[18] *See* s. 553.7921, F.S.
[19] *See* s. 533.79(2), F.S.

electrical, plumbing, mechanical, and gas inspections.[20] Construction work may not be done beyond a certain point until it passes an inspection.[21] Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.[22]

Exemptions from Permitting Requirements

A limited set of exemptions from the Building Code are specified in statute and the Building Code. The Act specifies the following buildings, structures, and facilities are exempt:[23]

- Installation, replacement, removal, or metering of any load management control device[24].
- Federally regulated buildings and structures.
- Railroads and ancillary facilities.
- Nonresidential farm buildings on farms.
- Temporary buildings or sheds used exclusively for construction purposes.
- Mobile or modular structures used as temporary offices, except for accessibility by persons with disabilities requirements.
- Electric utility structures or facilities directly involved in electricity generation, transmission, or distribution.
- Temporary sets, assemblies, structures, or sound-recording equipment used in commercial motion picture or television production.
- Storage sheds not designed for human habitation with a floor area of 720 square feet or less are exempt from Building Code wind-borne-debris-impact standards. Such sheds that are 400 square feet or less used in conjunction with one- and two-family residences are exempt from Building Code door height and width requirements.
- Chickees constructed by the Miccosukee Tribe or the Seminole Tribe of Florida.
- Family mausoleums less than 250 square feet in area which are prefabricated or preassembled and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- Hunting buildings or structures less than 1,000 square feet and which are repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the they are not rented or leased or used as a principal residence; not located in the 100-year floodplain; and not connected to electric or water supply.
- A drone port.
- Any system or equipment, whether affixed or movable, located on spaceport territory property and used for the activities related to space launch vehicles, payloads, or spacecraft.

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[20] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110.3 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110 (last visited Jan. 14, 2026).
[21] *Id*. at s. 110.6
[22] Section 553.79(16), F.S.
[23] Section 553.79(1) and (10), F.S.
[24] Load management control device" means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility's system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission. S. 553.71(4), F.S.

The Building Code provides that certain types of work do not require permits, though such exemption "shall not be deemed to grant authorization for any work to be done in any manner in violation of the" Building Code.[25] The Building Code does not require permits for work related to:[26]

- Gas:
  - Portable heating appliance.
  - Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- Mechanical:
  - Portable heating appliance.
  - Portable ventilation equipment.
  - Portable cooling unit.
  - Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
  - Replacement of any part that does not alter its approval or make it unsafe.
  - Portable evaporative cooler.
  - Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
  - The installation, replacement, removal or metering of any load management control device.
- Plumbing:
  - The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
  - The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

The Building Code allows for "ordinary minor repairs" to be made without a permit, but such repairs may not violate the technical code provisions of the Building Code.[27] Additionally, minor repairs may not include the cutting away of a wall or partition; the removal or cutting of a structural beam or load-bearing support; the removal, change, or rearrangement of parts of a structure affecting egress; the addition to, alteration of, replacement, or relocation of standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety.[28]

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[25] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 105.2 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec105.2 (last visited Jan. 15, 2026).
[26] *Id.*
[27] *Id.* at s. 105.2.2.
[28] *Id.*

Required Information in Building Permit Application

The minimum contents and format of building permit applications for every municipality and county that issues building permits for construction are specified s. 713.135, F.S. The form must include the following information:[29]

- The name and address of the owner of the property;
- The name and address of the contractor;
- A description sufficient to identify the property to be improved;
- The name and address of the bonding company, if any;
- The name and address of the architect/engineer, if any;
- The name and address of the mortgage company, if any; and
- The number or identifying symbol assigned to the building permit by the issuing authority.

The section also requires that the information must substantially be in the statutorily prescribed format.[30] In addition to the information that must be in the application, a government entity may require any additional information be included in the application.[31]

Building Code Fees

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.[32] Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.[33] Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, enforcement action related to unlicensed contractors, review of building plans, building inspections, reinspections, building permit processing, and fire inspections associated with new construction.[34] Local governments must post all building permit and inspection fee schedules on their websites.[35]

When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.[36]

Building Permit Application Review

Current law requires local governments to review certain building permit applications within a specific time-period of receiving the applications.[37] When a local government receives an

[29] Sections 713.135(5) and (7), F.S.
[30] Section 713.135(7), F.S., specifies the format for applications.
[31] Section 713.135(7), F.S.
[32] Section 553.80(7)(a), F.S.
[33] *Id.*
[34] Section 553.80(7)(a)1., F.S.
[35] Sections 125.56(4)(c) and 166.222(2), F.S.
[36] Section 553.80(7)(a), F.S.
[37] Section 553.792, F.S.

application for a building permit, it must inform the applicant within 5 days of receiving the application, what information, if any, is needed to complete the application.[38] The application is automatically deemed completed and accepted if the local government does not provide written notice within 5 days that an application has not been properly completed.[39] The local government must approve, approve with conditions, or deny the application within the following timeframes:[40]

- Within **30 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures of 7,500 square feet or greater: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings less than 25,000 square feet.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.
- Within **12 business days** after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794, F.S., to obtain a site-specific building permit.
- Within **10 business days** after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Building Code or the enforcing agency's laws or ordinances.

A local government may set more stringent timeframes by local ordinance.[41] If a local government fails to meet the timeframes above without an agreement for an extension of time, or unless there is a delay caused by the applicant or is attributable to a force majeure, a local government must reduce the building permit fee by 10 percent for each business day that a local government fails to meet the deadline.[42]

[38] Section 553.792(1)(c), F.S.
[39] *Id.*
[40] Section 553.792(1)(a), F.S.
[41] Section 553.792(1)(b), F.S.
[42] Section 553.792(1)(e), F.S.

Permit Expiration

Section 105 of the Florida Building Code provides certain activity-related characterizations of building permits, although it does not explicitly define open permits. An application for a building permit is deemed *abandoned* 180 days after the filing of the permit application unless the application has been pursued in good faith, a permit has been issued, or an extension has been granted by the local building department.[43] In addition, a permit becomes *invalid* if no work starts within six months after issuance of the permit or if work on the project ceases for a period of six months after work has commenced on the project.[44] A new permit is required if a permit is revoked after work has commenced, becomes *null and void*, or *expires* because of a lack of progress on or abandonment of the project.[45] If a new permit is not obtained within 180 days from the date the permit becomes null and void, the building official may require the removal of all work that has been performed on the project.[46] Work shall be considered to be in *active progress* when the permit has received an approved inspection within 180 days.[47]

Private Providers

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code administrators, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.[48] "Private provider" means a person licensed as a building code administrator, engineer, or as an architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[49]

Private providers and their duly authorized representatives[50] are able to approve building plans and perform building code inspections, including single-trade inspections, as long as the plans' approval and building inspections are within the scope of the provider's or representative's license.[51] All private provider services must be subject to a written contract between the private provider or their firm and the owner or the owner's contractor.[52] Counties, municipalities, school districts, or independent special districts are authorized to use private providers for building code inspection services.[53]

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[43] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 105.3.2 (2023) *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec105 (last visited Jan. 14, 2026).
[44] *Id.* at s. 105.4.1.
[45] *Id.* at s. 105.4.1.1.
[46] *Id.* at s. 105.4.1.2.
[47] *Id.* at s. 105.4.1.3.
[48] Ch. 2002-293, Laws of Fla.
[49] Section 553.791(1)(n), F.S.
[50] "Duly authorized representative" means an agent of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building code administrator, inspector, or plans examiner. Section 553.791(1)(f), F.S.
[51] Section 553.791(3), F.S.
[52] Section 553.791(2)(a), F.S.
[53] Section 553.791(22), F.S.

A local government may establish, for private providers and duly authorized representatives working within the local government's jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.[54]

If an owner or contractor opts to use a private provider for purposes of plans review or building inspection services, the local government must calculate the cost savings to its building department for not having to perform such services and reduce the building permit fees accordingly.[55] The reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a building department assesses the cost for its plans review or inspection services.[56] Additionally, a local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee for the clerical and supervisory assistance required.[57]

A local government that provides access to permitting and inspection documents and reports using a software that protects exempt documents from disclosure must provide equal access to private providers, owners, and contractors if a private provider is retained.[58]

An owner or contractor must notify the local government that a private provider has been contracted to perform building code inspection services, in writing on a form specifying the services to be provided, contact and licensure information, qualification statements or resumes, and an acknowledgement form from the owner or contractor. Such notice must be provided at the time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.[59] After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, the owner or contractor may elect to use a private provider to provide inspection services by notifying the local building official by 2 p.m., two days before the next schedule inspection.[60]

A private provider performing required inspections must inspect each phase of construction as required by the applicable codes, and such inspection may be performed in person or virtually. A duly authorized representative of the private provider may perform the inspections, but the representative must be an employee of the private provider and entitled to receive reemployment assistance benefits.[61]

Private providers are required to notify a building department of the approximate date and time of the inspection.[62] However, private providers may perform emergency inspections of equipment replacements and repairs in emergency situations without notifying the local building official.[63] Local building officials are prohibited from prohibiting private providers from

[54] Section 553.791(17)(b), F.S.
[55] Section 553.791(2)(b), F.S.
[56] Section 553.791(2)(b), F.S.
[57] Section 553.791(2)(b), F.S.
[58] Section 553.791(2)(c), F.S.
[59] Section 553.791(4), F.S.
[60] Section 553.791(5), F.S.
[61] Section 553.791(8), F.S.
[62] Section 553.791(9), F.S.
[63] Section 553.791(11), F.S.

performing inspections outside of the local building official's normal operating hours. The local building official is allowed to visit a building site as often as necessary to verify a private provider's performance of required inspections.[64]

For plans review, a private provider must review the plans to determine compliance with the applicable codes and prepare an affidavit certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.[65] The affidavit may bear a written or electronic signature and be submitted electronically.[66] For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance.[67]

Upon completion of the required inspections, a private provider is required to record the inspections on a form acceptable to the local building official which bears the provider's or their duly authorized representative's signature. The private provider must post and provide the inspection, indicating pass or fail to the local building official within 2 business days. The private provider may waive the requirements if the record is posted electronically or at the project site and all inspection records are submitted with the certificate of compliance. Unless the inspection records are posted electronically, they must be maintained at the building site and made available for review by the local building official.[68]

The private provider must also prepare a certificate of compliance on a form acceptable to the local building official upon completion of the required inspections which summarizes the inspections and represents that the inspections were performed and the construction complies with the approved plans and codes.[69]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days, or 5 days if the permit application is related to single-trade plans review for a single- or two-family dwelling, to issue the permit or provide written notice of the plan features that do not comply with the codes.[70] If the local building official does not provide written notice of plan deficiencies within the prescribed time period, the permit application must be deemed approved and the permit must be issued on the next business day.[71] If the building official provides a written notice of plan deficiencies, the time period is tolled pending resolution of the matter.[72]

Deficiency notices must be posted by the private provider, their duly authorized representative, or the building department. Local governments may not charge reinspection or reaudit fees resulting from the local government audit that occurs before a private provider performs their inspection, or for any other administrative matter involving the detection of Building Code or

[64] Section 553.791(9), F.S.
[65] Section 553.791(6), F.S.
[66] Section 553.791(6), F.S.
[67] Section 553.791(6), F.S.
[68] Section 553.791(12), F.S.
[69] Section 553.791 (13), F.S.
[70] Section 553.791(7)(a), F.S.
[71] Section 553.791(7)(a), F.S.
[72] Section 553.791(7)(b), F.S.

permit requirement violations.[73] The law further specifies the process for a private provider to submit revisions to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.[74]

Upon receipt of a request for a certificate of occupancy or certificate of completion and approval of all governmental approvals, a building official has 10 business days, or 2 business days if the permit application is related to single-family or two-family dwellings, to issue the certificate of occupancy or certificate of completion or provide notice to the applicant identifying the specific deficiencies. If the local building official does not provide notice of the deficiencies within the required time period, the request is automatically granted the next business day, and the local building official must provide the written certificate of occupancy or certificate of completion within 10 days thereafter. Applicants are authorized to dispute an identified deficiencies or submit a corrected request.[75]

Local building officials are authorized to deny permits or requests for certificates of occupancy or certificates or completion if he or she determines the construction or plans do not comply with applicable codes, subject to conditions to work with the private provider to resolve the dispute.[76] Section 553.791, F.S., does not limit the authority of local building officials to issue stop-work orders for any building project or portion thereof, if the official determines that a condition onsite constitutes an immediate threat to public safety and welfare.[77]

A building department may audit private provider inspection services within its jurisdiction only after creating standard operating private provider audit procedures for internal staff, The same private provider or firm may not be audited more than four times per year unless the local building official determines the condition of a building is an immediate threat to public safety and welfare. Work may not be delayed for an audit by a building department.[78]

All notices provided for under the law related to the regulation of private providers may be transmitted electronically and have the same legal effect as if physically posted or mailed.[79]

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.[80] The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.[81] Participation in the NFIP by

[73] Section 553.791(9), F.S.
[74] Section 553.791, F.S.
[75] Section 553.791(14), F.S.
[76] Section 553.791(15), F.S.
[77] Section 553.791(17), F.S.
[78] Section 553.791(20), F.S.
[79] Section 553.791(1)(h), F.S.
[80] The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). *See also* FEMA, *Laws and Regulations*, https://www.fema.gov/flood-insurance/rules-legislation/laws (last visited Jan. 15, 2026).
[81] *See* FEMA, *Flood Insurance*, https://www.fema.gov/flood-insurance (last visited Jan. 15, 2026).

a community is voluntary.[82] To join, a community must complete an application; adopt a resolution of intent to participate and cooperate with the FEMA; and adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.[83]

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.[84] An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).[85] The SFHA is intended to distinguish the flood risk zones where properties have a risk of 1 percent or greater risk of flooding every year[86] and at least a 26 percent chance of flooding over the course of a 30-year mortgage.[87] In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.[88]

Community Floodplain Management

Key conditions of the NFIP minimum floodplain management standards include, among things, that communities:

- Require permits for development in the SFHA;
- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the base flood elevation (BFE);[89]
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.[90]

The NFIP regulations for floodplain management generally require permits for all proposed construction or other development in the community "so that it may determine whether such construction or other development is proposed within flood-prone areas."[91] Once a regulatory floodway has been designated, the community must prohibit encroachments, including fill, new construction, substantial improvements, and other development within the floodway unless data demonstrates that the encroachment would not result in flood levels in the community during a base flood discharge.[92] Once coastal high hazard areas or flood protection restoration areas have

[82] FEMA, *Participation in the NFIP*, https://www.fema.gov/about/glossary/participation-nfip (last visited Jan. 15, 2026).
[83] *Id.*
[84] *See* Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Jan. 15, 2026).
[85] *Id.*
[86] *Id.*
[87] FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, *available at* https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf (last visited Jan. 15, 2026).
[88] Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Jan. 15, 2026). Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation or the Office of the Comptroller of the Currency. *Id.* at 10.
[89] The "base flood elevation" is the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. See FEMA, *Base Flood Elevation (BFE)*, (Mar. 5, 2020), https://www.fema.gov/about/glossary/base-flood-elevation-bfe (last visited Jan. 15, 2026).
[90] Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Jan. 15, 2026).
[91] *See* 44 C.F.R. s. 60.3(a).
[92] 44 C.F.S. s. 60.3(d)(3).

been identified, the community must ensure that all new construction in certain zones are landward of the mean high tide.[93]

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.[94] Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.[95] Premium discounts range from 5 to 45 percent based on a community's CRS credit points.[96] Communities earn credit points by implementing a variety of activities that fall into one of four categories: public information activities, mapping and regulations, flood damage reduction activities, and warning and response.[97] To receive credit, the activities must meet the criteria specified for each project.[98] A prerequisite for participation in the CRS is that communities obtain, review, correct, and maintain all floodplain-related construction certifications, make them available to the public, and have written procedures for such processes.[99]

Homeowners Associations and Architectural Control Covenants

Chapter 720, F.S., provides statutory recognition to corporations that operate residential communities in Florida as well as procedures for operating homeowners' associations. A "homeowners' association" is defined as a:[100]

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

The governing documents of a homeowners' association are the recorded declaration of covenants and the articles of incorporation and association bylaws:[101] If the declaration of covenants allow, a homeowners' association or its architectural, construction improvement, or other similar committee may require review and approval of plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel before a parcel owner makes such improvement or enforce standards for the external appearance of any structure or improvement located on a parcel.[102]

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[93] 44 C.F.R. s. 60.3(e)(3) and (f)(1).
[94] FEMA, *Community Rating System*, https://www.fema.gov/floodplain-management/community-rating-system (last visited Jan. 15, 2026).
[95] *Id.*
[96] *Id.*
[97] Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, (Nov. 26, 2024) 19, *available* at https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf (last visited Jan. 15, 2026).
[98] *See* FEMA, *Coordinator's Manual* (2025), *available at* https://www.fema.gov/sites/default/files/documents/fema_crs_coordinators-manual_082025.pdf (last visited Jan. 15, 2025).
[99] *Id.*at 300-3.
[100] Section 720.301(9), F.S.
[101] Section 720.301(8), F.S.
[102] Section 720.3035(1), F.S.

III. Effect of Proposed Changes:

Florida Building Code and Building Permits

Section 1 amends s. 125.56, F.S., to provide that building permits for single family dwellings issued by a county expire 180 days after the latter of the issuance of the permit or the effective date of the next edition of the Building Code.

Section 2 makes a conforming change to s. 489.129, F.S., to reflect the exemption of certain projects from the requirements to obtain building permits.

Section 3 amends s. 553.73, F.S., to direct the Commission to modify the Building Code to exempt the installation of residential hurricane and flood protection walls or barriers from building permit requirements. To be exempt, the wall or barrier must be nonhabitable and nonload-bearing; be installed on residential property of single- or two-family dwellings or townhouses; be constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property; be installed by a licensed contractor; and comply with local zoning, drainage, easement, and setback requirements. The Commission is authorized to adopt rules to incorporate standards to implement the exemption.

The Commission must also modify the Building Code to not require permits for each lot or parcel for retaining walls installed on residential property of single- or two family dwellings or townhouses.

Section 4 adds several provisions to s. 553.79, F.S. It makes a conforming change to reflect the exemption of certain projects from the requirements to obtain building permits.

It also provides that building permits for single family dwellings issued by a local government expire 180 days after the latter of the issuance of the permit or the effective date of the next edition of the Building Code.

Under the bill, inspection fees are prohibited from being based on the total cost of the project and from exceeding the actual inspection costs incurred by the local enforcement agency.

The bill prohibits local governments from requiring owners of single-family dwellings to obtain permits on work valued at $7,500 or less on such a dwelling's lot. Local governments may still require permits for electrical, plumbing, or structural work, except for the repair or replacement of exterior doors or windows, regardless of the value. Contractors performing such exempted work must keep written records of the work, the property address, and the value of such work as proof.

Section 6 amends provisions in s. 553.792, F.S., related to the local government building permit application process.

The bill requires the Commission to develop a uniform building permit application which must include a checklist by project type for permitted work.

The bill adds a deadline for a local government to approve, approve with conditions, or deny a building permit application applicable to applications for permits for existing single-family residential dwellings, if the work is valued less than $15,000. When such applications are for structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing work, the local government must respond within 5 days.

The bill provides that applications for building permits are deemed approved if they are for the construction or renovation of a single-family dwelling in a jurisdiction for which a state of emergency was declared within the 24 months before the submission of the application and include an attestation of compliance from a licensed architect or engineer. For such applications, the local government must issue the permit within 2 days.

Section 7 amends 720.3035, F.S., to prohibit homeowner associations or their architectural, construction improvement, or other similar committees from requiring issuance of a building permit as a prerequisite for review by the association or committee concerning construction of structures or improvements on a parcel.

Private Providers

Section 5 substantially amends requirements related to the services of private providers in s. 553.791, F.S. These amendments:

- Revise local government audit of private provider services requirements to strictly limit them to ensuring affidavits have been properly completed and submitted and that inspections have been performed and properly recorded. Site visits by local building officials related to audits are only allowed under the bill when the official has actual knowledge that forms and documents submitted by private providers are incomplete or incorrect, and if the official provides notice of such to the private provider.
- Specify e-mail or any other form of electronic communication used to transmit information are examples of "deliveries".
- No longer provide that all notices provided for under the section may be transmitted electronically and have the same legal effect as physically posted or mailed notices.
- Allow permit applications to include site plans reviewed by licensed reviewers and requires them to be allowed to be submitted electronically.
- Allow private providers to provide services by persons, rather than by licensees.
- Require all applications related to requests for certificate of occupancies or certificates of completion to be able to be submitted electronically.
- Define the term "system of registration" to mean the system used to verify compliance with the licensure and insurance requirements for a private provider firm under ch. 553, F.S.
- Allow owners or their contractors to choose at any time to use private providers. When owners or contractors choose to use private providers, only agreements are required; written authorizations and contracts are no longer required. Further, the agreement is not required to be submitted as a condition of the permit, and local building officials and local governments are prohibited from requesting the agreement or consent form as a condition for a permit.
- Require local government fee reductions for private provider plans review or inspection services to be based on the cost incurred by the local government, including labor cost of personnel providing such services and clerical and supervisory assistance. Local

governments are prohibited from charging additional fees for inspections or plans review and punitive administrative fees, and may no longer charge reasonable administrative fees, for the use of a private provider.

- Require local governments to immediately provide access to private providers, owners, and contractors for permitting and inspection documents when such access is provided by software that protects exempt records from disclosure.
- Prohibit local governments from requiring additional forms at the time of registration beyond the notice requirements for owners or contractors when using private providers. The bill requires such notice be on the exact form adopted by the Commission, which form may not be altered by local governments. A private provider's qualification statements or resumes are no longer required to be sent with the notice.
- When owners or contractors use private providers after construction has commenced, no longer allows private providers to be used when a local building official be unable to provide inspection services in a timely manner or that the owners or contactors notify local building officials by a certain time. Owners or contractors will still have to notify before the next scheduled inspection.
- Require private provider affidavits certifying plan reviews and compliance to have the ability to be submitted electronically.
- Revise restrictions and requirements related to local building officials after review by private providers. The bill prohibits local building officials from reviewing plans, construction drawings, or other related documents determined to be compliant by a private provider. Local building officials are limited to reviewing other forms and documents for completeness and any notification requirements related to deficiencies are revised to conform to this change. The bill standardizes notice and applicant corrective action requirements to require local building officials to notify all applicants, regardless of the type of review provided by the private provider, of an incomplete form or documents within 10 days. The permit is deemed approved and the local building official is required to issue the permit the next day if notice is not provided within the time period.
- Allow duly authorized representatives of private providers to be supervised by employees of the private provider in addition to the current requirement that they be employees.
- Revise provisions related to the timing of inspections by private providers to no longer require notice of the timing to local building officials. Local officials are no longer authorized to visit building sites to verify private provider performance of inspections.
- Expand the prohibition on local government fees related to reinspection when noncomplying items are found to include any fees related to the reinspection or any related administrative matter.
- Provide that local building officials are not responsible for regulatory administration or supervision of private providers and may not verify compliance of or store information relating to a private provider's licensure and insurance.
- No longer allow private providers to perform emergency inspection services of equipment replacement and repairs without first notifying local building officials.
- Revise private provider inspection form requirements to require the form be provided by the Commission and be posted and provided to the local building official within 4 business days. Local building officials are prohibited from failing inspections for not having records at the job site if the records are transmitted within 4 business days.

- Revise certificate of compliance requirements to require they be prepared on a form by the Commission. Any qualified individual employed by the private provider under whose authority an inspection was completed may sign a certificate of compliance.
- Allow local building officials to inspect construction deemed compliant by a private provider only if the official has actual knowledge that the private provider did not perform the inspections. In such case, the official must provide notice to the private provider of the facts and circumstances of such knowledge.
- Revise provisions related to local private provider systems of registration to no longer allow them to register duly authorized representatives and prohibit administrative fee charges.
- Revise the authority of local governments to issue stop-work orders related to immediate threats to safety or welfare to require that such orders strictly comply with notice requirements that otherwise apply to private providers when noncomplying items are found.
- Prohibit local enforcement agencies, local building officials, and local governments from prohibiting or limiting private providers from using virtual inspections.
- Require local governments to give notice to private providers of their firms 5 business days before audits.
- Prohibit local enforcement agencies, local building officials, and local governments from prohibiting or discouraging the use or private providers.
- Clarify that private provider firms, in addition to private providers, may also provide inspection services to counties, municipalities, school districts, or independent special districts.

Section 8 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

Section 18(b) of Article VII of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,[103,104] which is $2.4 million or less for Fiscal Year 2026-2027.[105]

[103] FLA. CONST. art. VII, s. 18(d).
[104] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Jan. 15, 2026).
[105] Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf (last visited Jan. 15, 2026).

The REC has not yet reviewed SB 1234 and the bill is likely to have a negative fiscal impact due to revisions related to the calculation of fees that local governments may charge when property owners use private providers and exemptions of certain projects from building permit requirements. If SB 1234 reduces the authority for counties and municipalities to raise revenue in an amount that exceeds the threshold for an insignificant impact, the mandates provision of section 18 of Article VII of the Florida Constitution may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because of the revisions related to the calculation of fees that local governments may charge when property owners use private providers and the exemption of certain projects from building permit requirements, those going through the building permitting process may enjoy cost savings.

C. Government Sector Impact:

Local governments may receive reduced revenues from building permit fees due to the revisions related to the calculation of fees that local governments may charge when property owners use private providers and the exemption of certain projects from building permit requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The exemption of the installation of residential hurricane and flood protection walls or barriers; retaining walls on a parcel basis; and work with a value of less than $7,500 could conflict with the general requirement for communities wishing to participate in the NFIP that they implement floodplain management standards, including that they require permits for new construction and development. Additionally, these exemptions could impact flood insurance discounts communities receive under the CRS, depending on the standards and activities participating communities have implemented.

VIII. Statutes Affected:

This bill substantially amends sections 125.56, 489.129, 553.73, 553.79, 553.791, 553.792, and 720.3035 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 DiCeglie

18-00603A-26 20261234__

A bill to be entitled

An act relating to building permits and inspections; amending s. 125.56, F.S.; providing for expiration of certain building permits issued by a county; amending s. 489.129, F.S.; providing that certain persons are not subject to discipline for performing a job without applicable permits and inspections if otherwise authorized by law; amending s. 553.73, F.S.; requiring the Florida Building Commission to modify the Florida Building Code to exempt from building permit requirements the installation of certain walls or barriers; requiring the commission to modify the Florida Building Code to state that a permit is not required for each lot or parcel for installation of certain retaining walls; amending s. 553.79, F.S.; providing for expiration of certain building permits issued by a local government; providing limits for inspection fees; prohibiting a local government from requiring building permits for certain projects; providing an exception; requiring certain contractors to maintain certain records; amending s. 553.791, F.S.; revising definitions and defining terms; requiring certain services to be subject to an agreement, rather than a written contract; providing that such agreement is not required to be submitted as part of a permit application; prohibiting a local building official or local government entity from requesting such agreement or consent form as a condition for issuing a permit; providing requirements

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for reduced permit fees; prohibiting a local jurisdiction from charging certain administrative fees or other additional fees; prohibiting local governmental entities and local building officials from requiring additional forms in certain circumstances; prohibiting local governmental entities and local building officials from altering a form adopted by the commission; deleting a requirement that a private provider's qualification statements or resumes be included in a certain notice; deleting time restrictions for electing to use a private provider; requiring that a certain affidavit may be submitted electronically; specifying which forms and documents a local building official may and may not review; requiring that written notice of incomplete forms be given to an applicant within a specified timeframe; revising the timeframes in which certain notices must be sent; providing that certain permits are deemed approved; providing requirements for a private provider's duly authorized representatives; deleting provisions requiring a private provider to provide notice to the local building official to perform inspections; providing that local building officials are not responsible for the administration or supervision of services performed by a private provider; prohibiting local building officials from failing certain inspections under certain circumstances; revising the timeframe in which certain records must be provided; authorizing certain persons

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

to sign certificates of compliance; providing requirements for local building officials who have actual knowledge that a private provider failed to perform an inspection; requiring certain entities to establish a system of registration; prohibiting a local building official from charging certain administrative fees; providing that certain virtual inspections may not be prohibited or limited; requiring certain notice before an audit; prohibiting certain entities from discouraging the use of private providers; amending s. 553.792, F.S.; requiring the commission to develop a uniform building permit application; requiring that the application include certain information; requiring a local government to make certain decisions relating to certain building permits within a specified timeframe; specifying that certain permit applications are deemed approved and must be issued within a certain timeframe; amending s. 720.3035, F.S.; prohibiting an association or certain committees from requiring a building permit as a prerequisite for a certain review; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees;

inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 180 days after the issuance of the permit or the effective date of the next edition of the Florida Building Code, whichever is later.

Section 2. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed $10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable

local building department permits and inspections, unless otherwise provided by law.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

Section 3. Paragraphs (h) and (i) are added to subsection (7) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(7)

(h)1. The commission shall modify the Florida Building Code to exempt from building permit requirements the installation of residential hurricane and flood protection walls or barriers that meet all of the following conditions:

a. The wall or barrier is nonhabitable and nonload-bearing.

b. The wall or barrier is installed on the residential property of a single-family or two-family dwelling or townhouse.

c. The wall or barrier is constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property.

d. The wall or barrier is installed by a contractor

licensed under part I of chapter 489.

e. The wall or barrier complies with applicable local zoning, drainage, easement, and setback requirements.

2. The commission may adopt rules under s. 120.54 to incorporate necessary standards to implement this paragraph.

(i) The commission shall modify the Florida Building Code to state that building permits for retaining walls installed on the residential property of a single-family or two-family dwelling or a townhouse are not required for each lot or parcel.

Section 4. Paragraphs (a), (c), and (d) of subsection (1) of section 553.79, Florida Statutes, are amended, and paragraph (g) is added to that subsection, to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) Unless otherwise provided by law, after the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this

section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government for a single-family dwelling expires 180 days after the issuance of the permit or the effective date of the next edition of the Florida Building Code, whichever is later.

(d) A local enforcement agency must allow requests for

inspections to be submitted electronically to the local enforcement agency's appropriate building department. Acceptable methods of electronic submission include, but are not limited to, e-mail or fill-in forms available on the website of the building department or through a third-party submission management software or application that can be downloaded on a mobile device. Requests for inspections may be submitted in a nonelectronic format, at the discretion of the building official. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

(g)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform any work that is valued at less than $7,500 on the single-family dwelling's lot. However, a local government may require a building permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows, performed on a lot containing a single-family dwelling regardless of the value of the work.

2. A contractor who performs work that does not require a building permit under this paragraph must keep a written record of the work performed, the property address at which the work was performed, and the value of such work as proof that such work complies with subparagraph 1.

Section 5. Section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

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

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, which is strictly limited to ~~including~~ ensuring that the required affidavit for the plan review has been properly completed and submitted with the permit documents and that the minimum mandatory inspections required under the Florida Building Code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider. The local building official may perform a site visit in connection with the audit only when the local building official has actual knowledge that the forms and documents submitted by the private provider are incomplete or incorrect, in which case the local building official must provide written notice to the private provider of the specific forms and documents that are incomplete or incorrect before performing a site visit~~, unless expressly authorized by this section~~.

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their

functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) "Deliver" or "delivery" means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions such as e-mail or any other form of electronic communication used to transmit information.

(f) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

(g) "Electronic signature" means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(h) "Electronic transmission" or "submitted electronically" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. ~~All~~

~~notices provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.~~

(i) "Electronically posted" means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

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

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

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

3. Any applicable fees.

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

All permit applications must be able to be submitted electronically.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 2,500 ~~1,000~~ square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(o) "Private provider firm" means a business organization,

including a corporation, partnership, business trust, or other legal entity, which offers services under this chapter to the public through persons ~~licensees~~ who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, an engineer under chapter 471, or an architect under chapter 481 may act as a private provider for an agent, employee, or officer of the private provider firm.

(p) "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (14) ~~(13)~~.

3. Any applicable fees.

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

All applications must be able to be submitted electronically.

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

alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(r) "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(s) "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(t) "System of registration" means the system used to verify compliance with the licensure and insurance requirements for a private provider firm under this chapter.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon ~~written~~ authorization from the fee owner, may choose at any time to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of an agreement ~~a written contract~~ between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon ~~written~~ authorization of the fee owner. The agreement is not required to be submitted as part of the permit application or as a condition for issuing a permit, and a local building official or local government entity may not request such agreement or consent form as a condition for issuing a

permit. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) If a fee ~~an~~ owner or the fee owner's contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The reduced permit fee must be based on the cost incurred by the local jurisdiction, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with this section. The local jurisdiction may not charge any additional fees for building inspections or plans review if the fee owner or the fee owner's contractor hires a private provider to perform such services, and the local jurisdiction may not charge punitive administrative fees for working with a private provider~~;~~ ~~however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable~~

~~to the local jurisdiction for the clerical and supervisory assistance required, or both~~.

(c) If a fee ~~an~~ owner or the fee owner's ~~a~~ contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must immediately provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor if such access is provided by software that protects exempt records from disclosure.

(d) A local governmental entity or local building official may not require additional forms beyond those required at registration, except for the written notice required under subsection (4), if a fee owner or the fee owner's contractor uses a private provider.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that a private

provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on the exact ~~a~~ form ~~to be~~ adopted by the commission. Such form may not be altered by any local governmental entity or local building official. This notice must ~~shall~~ include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail address of each private provider who is performing or will perform such services, his or her professional license or certification number, ~~qualification statements or resumes,~~ and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner or the fee owner's contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required

building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(5) After construction has commenced and if ~~either the local building official is unable to provide inspection services~~

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

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

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

(b) The plans comply with the applicable codes.

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

(7)(a) The local building official may not review plans, construction drawings, or any other related documents determined

by a private provider to be compliant with the applicable codes.

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit applicant of any incomplete forms or documents required under this section no later than 10 days after receipt of a permit application and an affidavit from the private provider as required in subsection (6). The written notice must state with specificity which forms or documents are incomplete.

~~(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections.~~ If the local building official does not provide such ~~a~~ written notice ~~of the plan deficiencies~~ within 10 days ~~the prescribed time period~~, the permit ~~application~~ must be deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.

(c) ~~(b)~~ If the local building official provides a written notice ~~of plan deficiencies~~ to the permit applicant of any incomplete forms or documents required under this section at the time of plan submission within the 10-day ~~prescribed~~ time period, such ~~the~~ time period is tolled pending resolution of the matter. To resolve the issues raised in the notice ~~plan~~

~~deficiencies~~, the permit applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit revisions to correct the issues ~~deficiencies~~.

(d)~~(c)~~ If the permit applicant submits revisions, the local building official has the remainder of the tolled 10-day time period plus 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~. Any subsequent review by the local building official is limited to the issues ~~deficiencies~~ cited in the original written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(e)~~(d)~~ If the local building official provides a second written notice ~~of plan deficiencies~~ to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the issues raised in the second notice ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit additional revisions to correct the issues ~~deficiencies~~. For all revisions submitted after the first revision, the local building official has an additional 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete. If the local building official does not provide the

notice within the prescribed time period, the permit shall be deemed approved as a matter of law, and the local building official must issue the permit on the next business day ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~.

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

(9) ~~A private provider performing required inspections under this section shall provide notice to the local building official of the approximate date and time of any such inspection. The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections.~~ A deficiency notice must be posted by the private provider or~~,~~ the

duly authorized representative of the private provider~~, or the building department~~ whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or his or her representative before being concealed. ~~Reinspection or reaudit fees shall not be charged by~~ The local jurisdiction may not charge any fees related to the reinspection or any administrative matter related to the reinspection.

(10) A local building official is not responsible for the regulatory administration or supervision of building code inspection services performed by a private provider hired by a fee owner or the fee owner's contractor. Verification of licensure and insurance requirements for a private provider firm's duly authorized representative is the responsibility of the private provider firm's management, and the local building official may not verify compliance or store information relating to such verification ~~as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement~~.

(11)~~(10)~~ If the private provider is a person licensed as an engineer under chapter 471 or an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (6), the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not

comply with the applicable codes, as well as the specific code chapters and sections, within 10 business days after receipt of the permit application and affidavit. In such written notice, the local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated. If the local building official does not provide specific written notice to the permit applicant within the prescribed 10-day period, the permit application is deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(12)~~(11)~~ If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services ~~without first notifying the local building official pursuant to subsection (9)~~. A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is completed.

(13)~~(12)~~ Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form provided by the commission ~~acceptable to the local building official~~. The form must bear the written or electronic signature of the private provider or the private provider's duly authorized representative. These inspection records must ~~shall~~ reflect those inspections required by the applicable codes of each phase of construction for which

permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection, shall post each completed inspection record, indicating pass or fail, and provide the record to the local building official within 4 ~~2~~ business days. Such inspection record may be electronically posted by the private provider, or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building official may not fail any inspection that is performed by a private provider for not having the inspection records at the job site if the inspection records are transmitted within 4 business days. The local building official may waive the requirement to provide a record of each inspection within 4 ~~2~~ business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted and transmitted, records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

(14)~~(13)~~ Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form provided by the commission ~~acceptable to the local building official~~, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private

provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The certificate of compliance may be signed by any qualified individual employed by the private provider under whose authority the inspection was completed. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

> To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(15)(a)~~(14)(a)~~ The local building official may perform building inspections of construction that a private provider has determined to be compliant with the applicable codes only if the local building official has actual knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of the facts and circumstances upon which the local building official relied for such actual knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the permit is related to single-family or two-family dwellings then no more than 2

business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of completion or provide ~~a~~ notice to the applicant of any incomplete forms or documents required under this section ~~identifying the specific deficiencies, as well as the specific code chapters and sections~~.

(b) If the local building official does not provide notice of any incomplete forms or documents ~~the deficiencies~~ within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 2 ~~10~~ days after it is automatically granted and issued. To resolve any identified issues ~~deficiencies~~, the applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(16)~~(15)~~ If the local building official determines that any forms or documents required under this section are incomplete ~~the building construction or plans do not comply with the applicable codes~~, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, if the official

determines that the noncompliance poses an immediate threat to public safety and welfare, subject to the following:

(a) The local building official shall be available to meet with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter, which shall consider the matter at the commission's next scheduled meeting.

(17)~~(16)~~ For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the permit application or revised permit application, or, if no e-

mail address is stated, when actually received by that person or entity.

(18)(a) ~~(17)(a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government must ~~may~~ establish, for private providers and~~,~~ private provider firms~~, and duly authorized representatives~~ working within that jurisdiction, a system of registration to verify compliance with the ~~licensure~~ requirements of paragraph (1)(n) and the insurance requirements of subsection (19) ~~(18)~~. The local building official may not charge administrative fees for the registration process for a private provider, or for any updates to a private provider registration.

(c) This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare, provided such orders are in strict compliance with the deficiency notice provisions of subsection (9).

(d) A local enforcement agency, local building official, or local government may not prohibit or limit the use of virtual inspections by private providers and private provider firms for any type of construction such providers or firms have a license to inspect.

(19) ~~(18)~~ A private provider may perform building code inspection services on a building project under this section

only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of $1 million per occurrence and $2 million in the aggregate for any project with a construction cost of $5 million or less and $2 million per occurrence and $4 million in the aggregate for any project with a construction cost of over $5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years after ~~subsequent to~~ the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(20) ~~(19)~~ When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a

private provider's performance of building code inspection services shall be conducted by the applicable professional board.

(21)~~(20)~~ A local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating ~~private provider audit~~ procedures for the agency's internal inspection and review staff, which includes, at a minimum, the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of areas of noncompliance. Such private provider audit procedures must be publicly available online, and a printed version must be readily accessible in agency buildings. The private provider audit results of staff for the prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures. The same private provider or private provider firm may not be audited more than four times in a year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the private provider or private provider firm. The private provider or private provider firm must be given notice of each audit to be performed at least 5 business days before the audit. Work on a building or structure may proceed after inspection and approval by a private provider. The work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

(22)~~(21)~~ The local government, the local building official, and their building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act. The local government, local building official, and building code enforcement personnel may not prohibit or discourage the use of a private provider or a private provider firm.

(23)~~(22)~~ Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider or a private provider firm to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 6. Section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1) The Florida Building Commission shall develop a uniform building permit application for mandatory use by local governments. The application must include a checklist by project type for permitted work.

(2)(a)~~(1)(a)~~ A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 5 business days after receiving a complete and

sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for an existing single-family residential dwelling if the value of the work is less than $15,000: structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

2.~~1.~~ Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3.~~2.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

4.~~3.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

5.~~4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local

government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

6.~~5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

7.~~6.~~ Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

(b) A signed and sealed permit application and an attestation by an architect licensed under chapter 481 or an engineer licensed under chapter 471 that the plans in the permit application comply with the Florida Building Code for the construction or renovation of a single-family dwelling located in a jurisdiction for which a state of emergency was issued within the 24 months before the submission of the application is deemed approved. The local government shall issue such permit within 2 days after approval.

(c) ~~(b)~~ A local government must meet the timeframes set forth in this section for reviewing building permit applications unless the timeframes set by local ordinance are more stringent than those prescribed in this section.

(d) ~~(c)~~ After an applicant submits an application to the local government, the local government must provide written notice to the applicant within 5 business days after receipt of the application advising the applicant what information, if any, is needed to deem or determine that the application is properly completed in compliance with the filing requirements published by the local government. If the local government does not provide timely written notice that the applicant has not submitted the properly completed application, the application is automatically deemed or determined to be properly completed and accepted.

(e) ~~(d)~~ A local government shall maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

(f) ~~(e)~~ If a local government fails to meet a deadline under this subsection, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline, unless the parties agree in writing to a reasonable extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstances. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time.

(g) ~~(f)~~ A local enforcement agency does not have to reduce

the building permit fee if it provides written notice to the applicant by e-mail or United States Postal Service within the respective timeframes in paragraph (a) which specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

(h) ~~(g)~~ If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for each business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing.

(3) ~~(2)~~ If any building permit fees are refunded under this section, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.

Section 7. Paragraph (c) is added to subsection (1) of section 720.3035, Florida Statutes, to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.—

(1)

(c) An association or any architectural, construction improvement, or other such similar committee of an association may not require a building permit to be issued by a governmental authority to a parcel owner as a prerequisite for review by the association or committee concerning the construction of structures or improvements on the parcel.

Section 8. This act shall take effect July 1, 2026.

THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

January 13th, 2026

Dear Chair McClain,

I respectfully request that **SB 1234: Building Permits and Inspections** be placed on the agenda of the Committee on Community Affairs. 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,

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development, Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~ Appropriations Committee on Agriculture, Environment, and General Government ~ Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~ Joint Select Committee on Collective Bargaining