

Tab 1	CS/SB 48 by ATD, Gaetz (CO-INTRODUCERS) Osgood, Pizzo, Arrington ; Similar to CS/H 00313 Housing					
257354	A	S	RCS	RC, Gaetz	Delete L.50 - 68:	01/27 01:46 PM
327374	A	S	RCS	RC, Gaetz	btw L.92 - 93:	01/27 01:46 PM
Tab 2	CS/SB 62 by EE, Arrington (CO-INTRODUCERS) Osgood, Berman, Hooper ; Identical to CS/H 00091 Candidate Qualification					
Tab 3	CS/SB 156 by ACJ, Leek ; Similar to CS/H 00017 Criminal Offenses Against Law Enforcement Officers and Other Personnel					
Tab 4	SB 168 by Truenow ; Similar to CS/H 00481 Public Nuisances					
Tab 5	SB 288 by Rodriguez ; Identical to H 00379 Rural Electric Cooperatives					
Tab 6	CS/CS/SB 290 by FP, AG, Truenow ; Similar to CS/H 00433 Department of Agriculture and Consumer Services					
975150	A	S	WD	RC, Martin	Delete L.810 - 825:	01/27 10:03 AM
667770	A	S		RC, Truenow	Delete L.1039 - 1075:	01/26 06:07 PM
678736	A	S	WD	RC, Truenow	Delete L.1072 - 1073:	01/26 06:08 PM
203322	A	S		RC, Truenow	Delete L.1743 - 1747:	01/23 03:12 PM
789224	A	S		RC, Truenow	btw L.1825 - 1826:	01/23 03:11 PM
Tab 7	SB 292 by Rouson ; Similar to H 00179 Public Records/Appellate Court Clerks					
Tab 8	CS/SB 296 by CJ, Berman (CO-INTRODUCERS) Smith, Sharief, Davis, Harrell ; Compare to H 00269 Victims of Domestic Violence and Dating Violence					
Tab 9	CS/SB 298 by CJ, Berman (CO-INTRODUCERS) Sharief, Davis ; Compare to H 00269 Public Records/Victims of Domestic and Dating Violence					
Tab 10	CS/SB 364 by RI, Gruters (CO-INTRODUCERS) Rodriguez, Boyd ; Similar to H 00333 Public Accountancy					
Tab 11	SB 386 by Trumbull ; Similar to CS/H 00637 Farm Equipment					
Tab 12	SB 624 by Yarborough (CO-INTRODUCERS) Harrell ; Similar to H 00491 Batterers' Intervention Program Activities					
Tab 13	CS/SB 7000 by GO, MS ; Identical to H 07005 OGSR/Persons Provided Public Emergency Shelter					
Tab 14	CS/SB 7002 by GO, MS ; Identical to H 07019 OGSR/Department of Military Affairs/United States Department of Defense					
Tab 15	SB 7004 by CJ ; Identical to H 07003 OGSR/Conviction Integrity Unit Reinvestigation Information					
Tab 16	SB 7006 by RI ; Identical to H 07009 OGSR/Florida Public Service Commission					

Tab 17	SB 7008 by RI ; Identical to H 07001 OGSR/Florida Gaming Control Commission
Tab 18	CS/SB 7012 by GO, TR ; Identical to H 07013 OGSR/Department of Highway Safety and Motor Vehicles
Tab 19	CS/SB 7014 by GO, CM ; Identical to H 07015 OGSR/Social Media Platform Investigations
Tab 20	SB 7016 by CM ; Identical to H 07007 OGSR/Administration of Small Business Loan Programs Held by an Economic Development Agency
Tab 21	HB 167 by McClure, Gentry ; Former Phosphate Mining Lands

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES

Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, January 27, 2026
TIME: 9:00—11:30 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 48 Appropriations Committee on Transportation, Tourism, and Economic Development / Gaetz (Similar CS/H 313)	Housing; Defining the terms "by right" and "primary dwelling unit"; requiring, rather than authorizing, local governments to adopt, by a specified date, an ordinance to allow accessory dwelling units by right in certain areas; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance and the potential of tiny homes for specified purposes, etc. CA 11/04/2025 Favorable ATD 01/14/2026 Fav/CS RC 01/27/2026 Fav/CS	Fav/CS Yeas 22 Nays 0
2	CS/SB 62 Ethics and Elections / Arrington (Identical CS/H 91)	Candidate Qualification; Specifying that a person seeking to qualify for office as a candidate must be a registered member of a political party, or registered without any party affiliation, for 365 consecutive days preceding the beginning of qualifying for an election; authorizing qualified candidates or certain political parties to challenge compliance with specified provisions by filing suit in a specified circuit court; prohibiting a person from being qualified as a candidate for nomination or election and appearing on the ballot under specified circumstances, etc. EE 11/19/2025 Fav/CS JU 12/02/2025 Favorable RC 01/27/2026 Favorable	Favorable Yeas 21 Nays 0
3	CS/SB 156 Appropriations Committee on Criminal and Civil Justice / Leek (Similar CS/H 17)	Criminal Offenses Against Law Enforcement Officers and Other Personnel; Citing this act as the "Officer Jason Raynor Act"; revising a prohibition on the use or threatened use of force to resist arrest or detention; providing for enhanced punishment for manslaughter when committed against specified officers; revising provisions concerning assault or battery upon specified officers and other personnel; revising a provision concerning resisting, obstructing, or opposing specified officers or legally authorized persons, etc. CJ 11/18/2025 Temporarily Postponed CJ 12/09/2025 Favorable ACJ 01/14/2026 Fav/CS RC 01/27/2026 Favorable	Favorable Yeas 19 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, January 27, 2026, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 168 Truenow (Similar CS/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 Favorable RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0
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 Favorable RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0
6	CS/CS/SB 290 Fiscal Policy / Agriculture / Truenow (Similar CS/H 433, Compare CS/H 607)	Department of Agriculture and Consumer Services; Prohibiting counties from enacting or enforcing any law that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment or that distinguishes such equipment from any other equipment under certain circumstances; prohibiting an application for a development on an ecologically significant parcel in a low-density municipality from being administratively approved without an attestation provided by the developer; establishing the Florida Food Animal Veterinary Medicine Loan Repayment Program; revising the Florida Forest Service's powers, authority, and duties, etc. AG 12/02/2025 Fav/CS FP 01/14/2026 Fav/CS RC 01/27/2026 Temporarily Postponed	Temporarily Postponed
7	SB 292 Rouson (Similar H 179)	Public Records/Appellate Court Clerks; Defining the term "appellate court clerk"; providing an exemption from public records requirements for the personal identifying and location information of current appellate court clerks and the spouses and children of such appellate court clerks; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. JU 12/02/2025 Favorable RC 01/27/2026 Favorable	Favorable Yeas 20 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, January 27, 2026, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	CS/SB 296 Criminal Justice / Berman (Compare H 269, Linked CS/S 298)	Victims of Domestic Violence and Dating Violence; Requiring the Division of Telecommunications within the Department of Management Services to consult with certain entities to conduct a feasibility study regarding a specified alert system; providing requirements for such alert system; authorizing victims of dating violence to apply to participate in the Attorney General's address confidentiality program; requiring the Attorney General to designate certain entities to assist victims of dating violence applying to be address confidentiality program participants, etc. CJ 12/09/2025 Fav/CS ACJ 01/14/2026 Favorable RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0
9	CS/SB 298 Criminal Justice / Berman (Compare H 269, Linked CS/S 296)	Public Records/Victims of Domestic and Dating Violence; Providing that certain identifying information of victims of dating violence who participate in the Address Confidentiality Program for Victims of Domestic and Dating Violence which are held by the Office of the Attorney General or contained in voter registration or voting records held by the supervisor of elections or the Department of State are exempt from public records requirements; providing for retroactive application; providing for future legislative review and repeal; providing statements of public necessity, etc. CJ 12/09/2025 Fav/CS ACJ 01/14/2026 Favorable RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0
10	CS/SB 364 Regulated Industries / Gruters (Similar H 333, Compare CS/H 607)	Public Accountancy; Authorizing the Board of Accountancy to competitively procure contracted services with certain corporations not for profit for the performance of certain duties assigned to the Division of Certified Public Accounting of the Department of Business and Professional Regulation; revising the education and work experience requirements for a certified public accountant license; directing the board to prescribe specified coursework for licensure; revising requirements for the approval of providers who administer continuing education on ethics for certified public accountants, etc. RI 12/09/2025 Fav/CS RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, January 27, 2026, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 386 Trumbull (Similar CS/H 637)	Farm Equipment; Authorizing a consumer to report farm equipment that is defective and does not conform to specified warranties to the manufacturer or its authorized service agent during a specified timeframe to allow the manufacturer or its authorized agent to conform such farm equipment to such warranty; requiring the manufacturer or its authorized agent to make such repairs to conform the farm equipment to the warranty upon receipt of such report, etc. AG 12/02/2025 Favorable CM 01/13/2026 Favorable RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0
12	SB 624 Yarborough (Similar H 491)	Batterers' Intervention Program Activities; Authorizing batterers' intervention programs to offer supplemental faith-based activities, etc. CF 01/12/2026 Favorable JU 01/20/2026 Favorable RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0
13	CS/SB 7000 Governmental Oversight and Accountability / Military and Veterans Affairs, Space, and Domestic Security (Identical H 7005)	OGSR/Persons Provided Public Emergency Shelter; Amending a provision which provides an exemption from public records requirements for the addresses and telephone numbers of persons provided public emergency shelter and held by the agency that provided the emergency shelter; deleting the scheduled repeal of the exemption, etc. GO 01/12/2026 Fav/CS RC 01/27/2026 Favorable	Favorable Yeas 21 Nays 1
14	CS/SB 7002 Governmental Oversight and Accountability / Military and Veterans Affairs, Space, and Domestic Security (Identical H 7019)	OGSR/Department of Military Affairs/United States Department of Defense; Amending a provision which provides an exemption from public records requirements for certain information held by the Department of Military Affairs stored in a United States Department of Defense system of records, transmitted using a United States Department of Defense network or communications device, or pertaining to the United States Department of Defense; extending the scheduled repeal date of the exemption, etc. GO 01/12/2026 Fav/CS RC 01/27/2026 Favorable	Favorable Yeas 21 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, January 27, 2026, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	SB 7004 Criminal Justice (Identical H 7003)	OGSR/Conviction Integrity Unit Reinvestigation Information; Amending a provision which provides an exemption from public records requirements for certain conviction integrity unit reinvestigation information; abrogating the scheduled repeal of such exemption, etc. GO 01/12/2026 Favorable RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0
16	SB 7006 Regulated Industries (Identical H 7009)	OGSR/Florida Public Service Commission; Deleting the scheduled repeal of an exemption from public meeting requirements for portions of a hearing before the Florida Public Service Commission wherein certain proprietary confidential business information is discussed, etc. GO 01/12/2026 Favorable RC 01/27/2026 Favorable	Favorable Yeas 19 Nays 3
17	SB 7008 Regulated Industries (Identical H 7001)	OGSR/Florida Gaming Control Commission; Amending a provision which provides an exemption from public records and public meeting requirements for exempt or confidential and exempt information obtained by the Florida Gaming Control Commission; deleting the scheduled repeal of the exemption, etc. GO 01/12/2026 Favorable RC 01/27/2026 Favorable	Favorable Yeas 21 Nays 1
18	CS/SB 7012 Governmental Oversight and Accountability / Transportation (Identical H 7013)	OGSR/Department of Highway Safety and Motor Vehicles; Amending a provision which provides an exemption from public records requirements for information received by the Department of Highway Safety and Motor Vehicles as a result of an investigation or examination of a department-authorized private rebuilt inspection provider; amending provisions which provide exemptions from public records requirements for information received by the department as a result of an investigation or examination of a person suspected of having violated certain laws, rules, or orders; removing the scheduled repeal of such exemptions, etc. GO 01/12/2026 Fav/CS RC 01/27/2026 Favorable	Favorable Yeas 21 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, January 27, 2026, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
19	CS/SB 7014 Governmental Oversight and Accountability / Commerce and Tourism (Identical H 7015)	OGSR/Social Media Platform Investigations; Amending a provision which provides an exemption from public records requirements for certain information received in investigations by the Attorney General or a law enforcement agency into social media platform activities; extending the scheduled repeal date of the exemption; amending a provision which provides an exemption from public records requirements for certain information received in investigations by the Department of Legal Affairs or a law enforcement agency into violations by certain social media platforms; extending the scheduled repeal date of the exemption, etc. GO 01/12/2026 Fav/CS RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0
20	SB 7016 Commerce and Tourism (Identical H 7007)	OGSR/Administration of Small Business Loan Programs Held by an Economic Development Agency; Amending a provision which provides an exemption from public records requirements for certain information relating to the administration of small business loan programs held by an economic development agency; deleting the scheduled repeal of the exemption, etc. GO 01/12/2026 Favorable RC 01/27/2026 Favorable	Favorable Yeas 21 Nays 0
21	HB 167 McClure / Gentry	Former Phosphate Mining Lands; Provides conditions for cause of action against certain former phosphate mine sites; authorizes landowners to record certain notice of former phosphate mines; specifies requirements for such notice; requires DOH to conduct gamma radiation surveys of former phosphate land parcels upon petition; requires that specified documentation of radiation levels be submitted in certain civil actions related to phosphate mining. RC 01/27/2026 Favorable	Favorable Yeas 22 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 48

INTRODUCER: Rules Committee; Appropriations Committee on Transportation, Tourism, and Economic Development Committee; Senator Gaetz and others

SUBJECT: Housing

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Favorable</u>
2.	<u>Griffin</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	<u>Hackett</u>	<u>Kruse</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 48 contains provisions related to accessory dwelling units, and density bonus incentives for land donation.

The bill requires each county and municipality to enact an ordinance, by December 1, 2026, to allow accessory dwelling units (ADUs) in all single-family residential areas. Under current law, local governments are authorized, but not required, to enact such ordinance. The bill expressly allows local governments to regulate the permitting, construction, and use of ADUs, with specified exceptions.

The bill also allows certain land donated to a local government for affordable housing to be used to provide affordable housing to military families receiving the basic allowance for housing, and directs the Office of Program Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance, or second position short-term debt, to stimulate the construction of owner-occupied affordable housing, and evaluate potential for tiny homes to meet affordable housing needs.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Accessory Dwelling Units

Accessory dwelling units, or ADUs, have been proposed as a way to add housing stock to address the country's housing crisis.¹ ADUs are independent living spaces, outfitted with their own kitchen, bathroom, and sleeping area, and located on the same lot as a primary dwelling, but are smaller in size.² Florida Statutes defines ADU as “an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing either within the same structure, or on the same lot, as the primary dwelling unit.”³

ADUs go by many different names, including accessory apartments, secondary suites, and granny flats.⁴ ADUs can be converted portions of existing homes (i.e., interior ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).⁵ The graphic below illustrates the various options for the construction or conversion of ADUs.



Source: AARP, ADUs Come in Many Shapes and Sizes⁶

Section 163.31771, F.S., finds that encouraging local governments to permit ADUs to increase the availability of affordable rentals serves a public purpose.⁷ Current law expressly authorizes a local government to adopt an ordinance allowing ADUs in any area zoned for single-family residential use.⁸ Further, an application for a building permit to construct an ADU must include

¹ Joint Center for Housing Studies of Harvard University, *How Nonprofits Are Using Accessory Dwelling Units as an Affordable Housing Strategy*, Sept. 26, 2024, available at: <https://www.jchs.harvard.edu/blog/how-nonprofits-are-using-accessory-dwelling-units-affordable-housing-strategy> (last visited January 7, 2026).

² *Id.*

³ Section 163.31771(2)(a), F.S.

⁴ American Planning Association, *Accessory Dwelling Units*, available at: <https://www.planning.org/knowledgebase/accessorydwelling/> (last visited January 7, 2026). ADUs are sometimes referred to as “granny flats” to denote their use in accommodating the housing needs of aging parents.

⁵ *Id.*

⁶ AARP, *AARP Livable Communities: ADUs Come in Many Shapes and Sizes*, available at: <https://www.aarp.org/livable-communities/housing/info-2019/adus-come-in-many-shapes-and-styles.html> (last visited January 7, 2026).

⁷ Section 163.31771(1), F.S.

⁸ Section 163.31771(3), F.S.

an affidavit which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.⁹

The Florida Housing Coalition studied the extent to which local governments recognized ADUs in their land development regulations and found the following:

- Of Florida’s 67 counties, 16 did not address any ADU in their land development codes; and
- Of the 15 most populous cities in Florida, 11 of them explicitly allow ADUs in single-family districts.¹⁰

Homestead Exemptions

The Florida Constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person’s primary residence, with an exemption from taxes.¹¹ Second, the homestead provisions protect the homestead from forced sale by creditors.¹² Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.¹³

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹⁴ An additional exemption applies to homestead property value between \$50,000 and \$75,000. This exemption is adjusted annually for inflation from the 2024 value of \$25,000 and does not apply to ad valorem taxes levied by school districts.¹⁵

Commercial Use of Homestead Property

Section 196.012(13), F.S., provides that “ ‘[r]eal estate used and owned as a homestead’ means real property to the extent provided in s. 6(a), Art. VII of the State Constitution, but less any portion thereof used for commercial purposes, with the title of such property being recorded in the official records of the county in which the property is located. Property rented for more than 6 months is presumed to be used for commercial purposes.”¹⁶

⁹ Section 163.31771(4), F.S. The parameters defining the various income designations are specified in s 420.0004, F.S.

¹⁰ See Florida Housing Coalition, *Accessory Dwelling Unit Guidebook*, April 2024, available at <https://www.flhousing.org/wp-content/uploads/2019/08/ADU-Guidebook.pdf> (last visited January 7, 2026).

¹¹ FLA. CONST. art. VII, s. 6.

¹² FLA. CONST. art. X, s. 4.

¹³ *Id.* at (c).

¹⁴ FLA. CONST. art VII, s. 6(a).

¹⁵ *Id.* The percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100 is used to adjust the exemption, if such percent change is positive. *Id.* For the 2025 tax year, the exemption amount is \$25,722. See Volusia County Property Appraiser, Homestead Exemption, <https://vcpa.vcgov.org/exemption/homestead> (last visited January 7, 2026).

¹⁶ See also Florida Administrative Code Rule 12D-7.013(5): “Property used as a residence and also used by the owner as a place of business does not lose its homestead character. The two uses should be separated with that portion used as a residence being granted the exemption and the remainder being taxed.”

Abandonment of Homestead Property

The homestead property tax exemption may be lost by a property owner that abandons homestead property. Failure to maintain a homestead property as a permanent residence may constitute abandonment under certain circumstances.¹⁷ Section 196.061(1), F.S., describes when renting a homestead property constitutes abandonment:

“The rental of all or substantially all of a dwelling previously claimed to be a homestead for tax purposes shall constitute the abandonment of such dwelling as a homestead, and the abandonment continues until the dwelling is physically occupied by the owner. However, such abandonment of the homestead after January 1 of any year does not affect the homestead exemption for tax purposes for that particular year unless the property is rented for more than 30 days per calendar year for 2 consecutive years.”

Density Bonus Incentives for Land Donation

A common tool in boosting affordable housing supply is the use of density bonuses for affordable housing. Typically, a density bonus allows developers to exceed a project’s zoning limitations, such as height or density restrictions, in exchange for including a certain number of affordable units in their development. As an affordable housing incentive, a jurisdiction may increase the maximum units allowable if a builder develops affordable housing units in exchange. The presence of bonus units will allow a developer to sell more homes or rent more apartments and thus help meet various financial feasibility criteria.¹⁸

Section 420.615, F.S., expressly authorizes local governments to provide density bonus incentives to landowners who voluntarily donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing.¹⁹ The density bonus may be applied to any land within the local government’s jurisdiction provided that residential use is an allowable use on the receiving land.²⁰ The local government may transfer all or a portion of the donated land to a nonprofit housing organization, such as a community land trust, housing authority, or community redevelopment agency, to be used for the production and preservation of permanently affordable housing. The donated land must be subject to deed restrictions to ensure that the property will be used for affordable housing.²¹

¹⁷ See ss. 196.031 and 193.155, F.S.

¹⁸ Florida Housing Coalition, *Affordable Housing Incentive Strategies: A Guidebook for Affordable Housing Advisory Committee Members and Local Government Staff*, 2021, p. 49, available at: <https://www.flhousing.org/wp-content/uploads/2021/08/8-4-21-AHAC-Guide-UPDATE.pdf> (last visited January 7, 2026).

¹⁹ For purposes of this section, the terms “affordable,” “extremely-low-income persons,” “low-income persons,” “moderate-income persons,” and “very-low-income persons” have the same meaning as in s. 420.0004, F.S.

²⁰ Section 420.615(3), F.S.

²¹ Section 420.615(6), F.S.

III. Effect of Proposed Changes:

Accessory Dwelling Units

Section 1 amends s. 163.31771, F.S., to require counties and municipalities to adopt an ordinance by December 1, 2026, to allow ADUs without requiring a public hearing; a variance, conditional use permit, or special exception; or other discretionary action other than a determination that a site plan conforms with applicable zoning regulations, in any area zoned for single-family residential use. Such ordinance applies prospectively to ADUs permitted or constructed after adoption of the ordinance. Local governments may regulate the construction, permitting, and use of ADUs, except that local governments may not:

- Prohibit the owner of an ADU from offering the ADU for rent, except for terms of less than 1 month, notwithstanding s. 509.032(7)(b).²²
- Require an ADU owner to reside in the primary dwelling unit.²³
- Increase parking requirements on any parcel that can accommodate an additional motor vehicle on a driveway without impeding access to the primary dwelling unit.
- Require replacement parking if a garage, carport, or covered parking structure is converted to create an accessory dwelling unit.
- Impose discretionary review or hearing standards, such as requiring a conditional use approval or special exception to construct an accessory dwelling unit, or other review standards that do not apply generally to other housing in the same district or zone.

Local governments otherwise required by state law to limit the number of new residential dwellings approved in their jurisdictions are excluded from the requirement to enact such an ordinance, but may do so.

The section reaffirms current law by stating that the owner of a property with an ADU may not be denied a homestead exemption for those portions of property on which the owner maintains a permanent residence solely on the basis of the property containing an ADU. However, if the ADU is rented to another person, the ADU must be assessed separately from the homestead property and taxed according to its use.

The section removes the requirement for property owners seeking to construct an ADU to attest that the unit will be rented at an affordable rate to a low-income person or persons. However, the bill maintains the provision allowing affordable ADUs to apply toward satisfying affordable housing goals in the local government's comprehensive plan.

Section 2 amends s. 420.615, F.S., to expand the express authorization for local governments to grant density bonuses to landowners that donate land to the local government for the purpose of providing affordable housing, to specify that affordable housing includes housing for military families receiving the basic allowance for housing.

²² This section reads "A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011." The effect of the bill is to permit local governments to forbid short term rentals in ADUs.

²³ The bill defines "primary dwelling unit" as the existing or proposed single-family dwelling on the property where a proposed accessory dwelling unit would be located.

Section 3 directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate the efficacy of using mezzanine finance,²⁴ or second position short-term debt, to stimulate the construction of owner-occupied affordable housing. OPPAGA must also evaluate the potential of tiny homes to meet affordable housing needs in this state. OPPAGA must consult with the FHFC and the Shimberg Center for Housing Studies at the University of Florida and submit a report of its finding to the Legislature by December 31, 2027. The report must include recommendations for the structuring of a model mezzanine finance program.

Section 4 provides that the bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides, in part, that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. The bill may require counties and municipalities to expend funds associated with the requirement to enact an ordinance authorizing the use of ADUs. However, the mandate requirement does not apply to laws having an insignificant impact,²⁵ which for Fiscal Year 2026-2027 is forecast at approximately \$2.4 million.²⁶ The aggregate cost for local governments to implement this provision is likely insignificant.

However, if the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁴ A mezzanine loan is a debt-equity instrument that sits in a middle, or “mezzanine” position in the capital stack: below the mortgage, but above the equity. Because it is subordinate to direct loans and other types of senior debts, it’s paid after these other debts in the event of insolvency. Mezzanine loans are associated with higher risk because they are typically unsecured, or only have a junior lien on assets as collateral, and as such can command higher interest rates than traditional loans. However, mezzanine loans may provide more flexibility than direct loans, including flexible repayment terms, where the lender may agree to interest-only payments for initial periods. See Center for Public Enterprise. *Smoothing the Housing Investment Cycle. Part I.* July 2024. Available at: <https://publicenterprise.org/wp-content/uploads/Smoothing-the-Housing-Investment-Cycle-Part-1.pdf> (last visited January 7, 2026).

²⁵ FLA. CONST. art. VII, s. 18(d).

²⁶ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See FLA. SENATE COMM. ON CMTY. AFFAIRS, Interim Report 2012-115: Insignificant Impact (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited January 7, 2026).

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:

Upon enactment of local ADU ordinances across the state, individuals may benefit from greater access to affordable rentals and single-family property owners may benefit from the resulting ADU rental income. Additionally, there may be opportunities to increase the supply of housing that is affordable for military families due to density bonus incentives.

C. Government Sector Impact:

Counties and municipalities will likely incur administrative expenses associated with the development and noticing of the ADU ordinance as required in section 1 of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 163.31771 and 420.615 of the Florida Statutes.

This bill creates an undesignated section of law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS/CS by Rules Committee on January 27, 2026:

The committee substitute excludes local governments otherwise bound by state law to limit the number of new dwelling units, such as under hurricane evacuation time requirements, from the requirement to adopt an accessory dwelling unit, and removes the definition of "by right," instead incorporating its meaning into the substantive text.

CS by Appropriations Committee on Transportation, Tourism, and Economic Development on January 14, 2026:

The committee substitute removes provisions related to reusable tenant screening reports, defines the term “by right,” and requires local governments to adopt an ordinance to allow accessory dwelling units by right in certain areas. The ordinance would apply prospectively and may regulate specified actions.

B. Amendments:

None.



257354

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2026	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 50 - 68

and insert:

(d)~~(e)~~ "Local government" means a county or municipality.

(e)~~(d)~~ "Low-income persons" has the same meaning as in s.
420.0004(11).

(f)~~(e)~~ "Moderate-income persons" has the same meaning as in
s. 420.0004(12).

(g) "Primary dwelling unit" means an existing or proposed
single-family dwelling on the property where a proposed



257354

12 accessory dwelling unit would be located.

13 (h)~~(f)~~ "Very-low-income persons" has the same meaning as in
14 s. 420.0004(17).

15 (c)~~(g)~~ "Extremely-low-income persons" has the same meaning
16 as in s. 420.0004(9).

17 (3) By December 1, 2026, a local government shall ~~may~~ adopt
18 an ordinance to allow accessory dwelling units to be approved
19 without requiring a public hearing; a variance, conditional use
20 permit, special permit, or special exception; or other
21 discretionary action, other than a determination that a site
22 plan conforms with applicable zoning regulations, in any

23

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

25 And the title is amended as follows:

26 Delete lines 3 - 6

27 and insert:

28 F.S.; defining the term "primary dwelling unit";
29 requiring local governments to adopt, by a specified
30 date, an ordinance to allow accessory dwelling units
31 to be approved



327374

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2026	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Between lines 92 and 93
insert:

A local government that is required by state law to limit the number of new dwelling units within the local government's jurisdiction is not required to adopt an ordinance in accordance with this subsection, but may adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use.



327374

12
13
14
15
16
17
18
19

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

And the title is amended as follows:

Delete line 11

and insert:

ordinances; providing an exception to the requirement
that local governments adopt such ordinances; deleting
a requirement that an application

By the Appropriations Committee on Transportation, Tourism, and Economic Development; and Senators Gaetz, Osgood, and Pizzo

606-01942-26

202648c1

1 A bill to be entitled
2 An act relating to housing; amending s. 163.31771,
3 F.S.; defining the terms "by right" and "primary
4 dwelling unit"; requiring, rather than authorizing,
5 local governments to adopt, by a specified date, an
6 ordinance to allow accessory dwelling units by right
7 in certain areas; requiring that such ordinances apply
8 prospectively; providing that such ordinances may
9 regulate specified actions; prohibiting the inclusion
10 of certain requirements or prohibitions in such
11 ordinances; deleting a requirement that an application
12 for a building permit to construct an accessory
13 dwelling unit include a certain affidavit; revising
14 the accessory dwelling units that apply toward
15 satisfying a certain component of a local government's
16 comprehensive plan; prohibiting the denial of a
17 homestead exemption for certain portions of property
18 on a specified basis; requiring that a rented
19 accessory dwelling unit be assessed separately from
20 the homestead property and taxed according to its use;
21 amending s. 420.615, F.S.; authorizing a local
22 government to provide a density bonus incentive to
23 landowners who make certain real property donations to
24 assist in the provision of affordable housing for
25 military families; requiring the Office of Program
26 Policy Analysis and Government Accountability to
27 evaluate the efficacy of using mezzanine finance and
28 the potential of tiny homes for specified purposes;
29 requiring the office to consult with certain entities;

606-01942-26

202648c1

30 requiring the office to submit a certain report to the
31 Legislature by a specified date; providing an
32 effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Subsections (2) through (5) of section
37 163.31771, Florida Statutes, are amended, and a new subsection
38 (5) is added to that section, to read:

39 163.31771 Accessory dwelling units.—

40 (2) As used in this section, the term:

41 (a) "Accessory dwelling unit" means an ancillary or
42 secondary living unit, that has a separate kitchen, bathroom,
43 and sleeping area, existing either within the same structure, or
44 on the same lot, as the primary dwelling unit.

45 (b) "Affordable rental" means that monthly rent and
46 utilities do not exceed 30 percent of that amount which
47 represents the percentage of the median adjusted gross annual
48 income for extremely-low-income, very-low-income, low-income, or
49 moderate-income persons.

50 (c) "By right" means the ability to be approved without
51 requiring a public hearing; a variance, conditional use permit,
52 special permit, or special exception; or other discretionary
53 action, other than a determination that a site plan conforms
54 with applicable zoning regulations.

55 (e)~~(e)~~ "Local government" means a county or municipality.

56 (f)~~(d)~~ "Low-income persons" has the same meaning as in s.
57 420.0004(11).

58 (g)~~(e)~~ "Moderate-income persons" has the same meaning as in

606-01942-26

202648c1

59 s. 420.0004(12).

60 (h) "Primary dwelling unit" means an existing or proposed
61 single-family dwelling on the property where a proposed
62 accessory dwelling unit would be located.

63 (i)~~(f)~~ "Very-low-income persons" has the same meaning as in
64 s. 420.0004(17).

65 (d)~~(g)~~ "Extremely-low-income persons" has the same meaning
66 as in s. 420.0004(9).

67 (3) By December 1, 2026, a local government shall ~~may~~ adopt
68 an ordinance to allow accessory dwelling units by right in any
69 area zoned for single-family residential use. Such ordinance
70 must apply prospectively to accessory dwelling units approved
71 after the date the ordinance is adopted. Such ordinance may
72 regulate the permitting, construction, and use of an accessory
73 dwelling unit but may not do any of the following:

74 (a) Prohibit the renting or leasing of an accessory
75 dwelling unit, except to prohibit the renting or leasing of an
76 accessory dwelling unit approved after the effective date of the
77 ordinance for a term of less than 1 month, notwithstanding s.
78 509.032(7)(b).

79 (b) Require that the owner of a parcel on which an
80 accessory dwelling unit is constructed reside in the primary
81 dwelling unit.

82 (c) Increase parking requirements on any parcel that can
83 accommodate an additional motor vehicle on a driveway without
84 impeding access to the primary dwelling unit.

85 (d) Require replacement parking if a garage, carport, or
86 covered parking structure is converted to create an accessory
87 dwelling unit.

606-01942-26

202648c1

88 (e) Impose discretionary review or hearing standards, such
89 as requiring a conditional use approval or special exception to
90 construct an accessory dwelling unit, or other review standards
91 that do not apply generally to other housing in the same
92 district or zone.

93 ~~(4) An application for a building permit to construct an~~
94 ~~accessory dwelling unit must include an affidavit from the~~
95 ~~applicant which attests that the unit will be rented at an~~
96 ~~affordable rate to an extremely low income, very low income,~~
97 ~~low income, or moderate income person or persons.~~

98 ~~(5)~~ Each accessory dwelling unit allowed by an ordinance
99 adopted under this section which provides affordable rental
100 housing shall apply toward satisfying the affordable housing
101 component of the housing element in the local government's
102 comprehensive plan under s. 163.3177(6) (f).

103 (5) The owner of a property with an accessory dwelling unit
104 may not be denied a homestead exemption for those portions of
105 property on which the owner maintains a permanent residence
106 solely on the basis of the property containing an accessory
107 dwelling unit that is or may be rented to another person.
108 However, if the accessory dwelling unit is rented to another
109 person, the accessory dwelling unit must be assessed separately
110 from the homestead property and taxed according to its use.

111 Section 2. Subsection (1) of section 420.615, Florida
112 Statutes, is amended to read:

113 420.615 Affordable housing land donation density bonus
114 incentives.—

115 (1) A local government may provide density bonus incentives
116 pursuant to ~~the provisions of~~ this section to any landowner who

606-01942-26

202648c1

117 voluntarily donates fee simple interest in real property to the
118 local government for the purpose of assisting the local
119 government in providing affordable housing, including housing
120 that is affordable for military families receiving the basic
121 allowance for housing. Donated real property must be determined
122 by the local government to be appropriate for use as affordable
123 housing and must be subject to deed restrictions to ensure that
124 the property will be used for affordable housing.

125 Section 3. The Office of Program Policy Analysis and
126 Government Accountability (OPPAGA) shall evaluate the efficacy
127 of using mezzanine finance, or second-position short-term debt,
128 to stimulate the construction of owner-occupied housing that is
129 affordable as defined in s. 420.0004(3), Florida Statutes, in
130 this state. OPPAGA shall also evaluate the potential of tiny
131 homes in meeting the need for affordable housing in this state.
132 OPPAGA shall consult with the Florida Housing Finance
133 Corporation and the Shimberg Center for Housing Studies at the
134 University of Florida in conducting its evaluation. By December
135 31, 2027, OPPAGA shall submit a report of its findings to the
136 President of the Senate and the Speaker of the House of
137 Representatives. Such report must include recommendations for
138 the structuring of a model mezzanine finance program.

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 14, 2026

I respectfully request that **Senate Bill #48**, relating to Housing, be placed on the:

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

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

Senator Don Gaetz
Florida Senate, District 1

The Florida Senate

APPEARANCE RECORD

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

SB 0048

Bill Number or Topic

1/27/26

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name Samantha Padgett

Phone (950) 224-2250

Address 231 S. Adams Street

Email Spadgett@FLA.org

Tallahassee FL 32301

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

Florida restaurant & lodging ACSOL.

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-27-26

Meeting Date

SB 48

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Matt Herndon

Phone 941-704-2793

Address 113 E College Ave
Street

Email matt@teamrsa.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

United Way of Florida
Tampa Bay Partnership

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Jan 27, 2026

Meeting Date

0048

Bill Number or Topic

Rules

Committee

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

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 727 512 2469

Address 1319 Thomaswood Dr

Email bburke@FLBA.com

Street

Tallahassee FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Florida Homebuilders Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/20

Meeting Date

48

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Colton Madill

Phone 850-766-7983

Address 136 S. Bronough St.

Street

Email cmadill@flchamber.com

Tallahassee FL 32301

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

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

Florida Chamber of Commerce

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

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

S-001 (08/10/2021)

1/27/2026

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 48

Bill Number or Topic

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

Rules

Committee

Amendment Barcode (if applicable)

Name **Murphy Kennedy Giering**

Phone **407 232 3820**

Address **200 S Monroe St**
Street

Email **murphykg@floridarealtors.org**

Tallahassee

FL

32312

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Realtors

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 48

1/27/20

Meeting Date

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Doug Wheeler

Phone

850-386-3131

Address

110 N. Duval St

Email

Dwheeler@jamesmadison.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

The James Madison Institute

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

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

01/27/2026

APPEARANCE RECORD

SB-048

Meeting Date

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

Bill Number or Topic

RULES

Committee

Amendment Barcode (if applicable)

Name Ivonne Fernandez - AARP

Phone 954-850-7262

Address 215 S Monroe Street / Suite 603

Email ifernandez@aarp.org

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AARP

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

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

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

1-27-26

The Florida Senate APPEARANCE RECORD

SB 48

Meeting Date

Rules

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Daniel Martinez

Phone

305-240-2917

Address

107 E College Ave

Email

DMartinez@AFPHQ.org

Street

TLH

FL

~~32301~~ 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Americans for Prosperity

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

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

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

S-001 (08/10/2021)

**Following card received
after public testimony**

The Florida Senate
APPEARANCE RECORD

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

1/27/24

Meeting Date

SB 48

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Marc Wigder

Phone 561 334 9709

Address 201 W Palmetto Park Rd

Email mwigder@myboca.us

Street

Boca Raton

FL

33431

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 62

INTRODUCER: Ethics and Elections Committee and Senator Arrington and others

SUBJECT: Candidate Qualification

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	Fav/CS
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	<u>Biehl</u>	<u>Kruse</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 62 provides that a competing candidate for office, or a competing political party, may have a person disqualified and thus removed from the ballot if the person falsely states in the qualifying papers that he or she:

- Has been a registered member of the political party for which the person is seeking nomination as a candidate for at least 365 consecutive days before the beginning of the qualifying period preceding the general election for which the person seeks to qualify; or
- Has been registered without any party affiliation and has not been a registered member of any political party for at least 365 consecutive days before the beginning of the qualifying period preceding the general election for which the person seeks to qualify.

Current law includes the requirement that a person seeking to qualify as candidate for office make these statements, but does not appear to have a mechanism to enforce the requirements if the person makes a false statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Elections – Qualifying for Office and Placement on the Ballot

Each candidate for an elected office in Florida must take and subscribe to an oath or affirmation in writing.¹ Current law specifies oath formats for a candidate for federal office,² a candidate for a non-federal office other than a judicial office,³ and a candidate for a state judicial office.⁴

Generally, the oath or affirmation must, in substance:

- Provide the name of the office for which the candidate is running;
- Affirm that the candidate is a qualified elector of the county or court jurisdiction, as applicable;
- Affirm that the candidate is qualified under the State Constitution and laws of Florida to hold the office for which he or she is running;
- Affirm that the candidate has not qualified for any other public office in the state for which the term runs concurrently and that he or she has resigned from any office from which he or she is required to resign;⁵ and
- Affirm that the candidate will support the constitutions of the United States and the State of Florida.⁶

In addition, any person seeking to qualify for nomination as a candidate of any political party must, at the time of subscribing to the oath or affirmation, also state in writing certain information about his or her party affiliation. The writing must specifically state:

- The party of which the person is a member;
- That the person has been a registered member of the political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify; and
- That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member.⁷

Similarly, a person seeking to qualify for office as a candidate with *no* party affiliation must state in writing that he or she:

- Is registered without a party affiliation; and
- Has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.⁸

¹ Sections 99.021(1)(a) and 105.031(4), F.S.

² Section 99.021(1)(a)2., F.S.

³ Section 99.021(1)(a)1., F.S.

⁴ Section 105.031(4)(b), F.S.

⁵ Section 99.012(3)(a), F.S., states, “No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds.”

⁶ Sections 99.021(1)(a)1. and 105.031(4), F.S.

⁷ Section 99.021(1)(b), F.S.

⁸ Section 99.021(c), F.S.

Elections – Effect of Noncompliance with Qualifying Statement Requirements

Although current law requires candidates to provide the information required, there does not appear to be a mechanism by which the provision can be enforced if the person seeking to qualify did not actually comply with the requirement.⁹ Therefore, a person who complies with the facial requirement of completing and filing the written statement cannot be disqualified from placement on the ballot, even if his or her statement is untrue.

III. Effect of Proposed Changes:

The bill specifies that the statutorily required statements regarding political party affiliation or lack thereof constitute substantive requirements. Accordingly, a candidate must make the statements and the statements must be accurate. Therefore, as part of qualifying as a candidate:

- A person seeking to qualify for nomination as a candidate of any political party must be a registered member of that party for at least 365 consecutive days preceding the beginning of the qualifying period.
- A person seeking to qualify for office as a candidate with no party affiliation must be registered without any party affiliation and may not have been a registered member of any political party for at least 365 consecutive days preceding the beginning of the qualifying period.

The bill also creates a civil cause of action to allow for enforcement. Specifically, a qualified candidate or a political party having qualified candidates in the same race may file an action in the circuit court for the county in which the qualifying officer is headquartered. If a final court order determines that the challenged person did not meet the requirements relating to party affiliation, that person may not be qualified as a candidate and his or her name may not appear on the ballot.¹⁰

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁹ See *Jones v. Schiller*, 345 So.3d 406 (Fla. 1st DCA 2020), holding that the requirements regarding statement of party affiliation do not have an implied disqualification mechanism. Similarly, *Torres v. Shaw*, 345 So.3d 970 (Fla. 1st DCA 2022), held that voters and a political party had no private right of action to challenge the qualifications of a congressional candidate under the candidate oath requirement.

¹⁰ A final court order refers to a court order that has been entered by a trial court and for which no further remedy can be entered by an appellate court.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The creation of the new cause of action may have a fiscal impact in the form of legal fees for persons who file or defend against such lawsuits.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 99.021, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Ethics and Elections on November 19, 2025:

The committee substitute changes the bill’s effective date from July 1, 2026, to “upon becoming a law,” which may allow the bill’s provisions to be in effect for the 2026 qualifying periods.

B. Amendments:

None.

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

By the Committee on Ethics and Elections; and Senators
Arrington, Osgood, and Berman

582-01308-26

202662c1

1 A bill to be entitled
2 An act relating to candidate qualification; amending
3 s. 99.021, F.S.; specifying that a person seeking to
4 qualify for office as a candidate must be a registered
5 member of a political party, or registered without any
6 party affiliation, for 365 consecutive days preceding
7 the beginning of qualifying for an election; providing
8 that compliance with specified requirements is
9 mandatory; providing construction; authorizing
10 qualified candidates or certain political parties to
11 challenge compliance with specified provisions by
12 filing suit in a specified circuit court; prohibiting
13 a person from being qualified as a candidate for
14 nomination or election and appearing on the ballot
15 under specified circumstances; providing an effective
16 date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraphs (b) and (c) of subsection (1) of
21 section 99.021, Florida Statutes, are amended, and paragraph (f)
22 is added to that subsection, to read:

23 99.021 Form of candidate oath.—

24 (1)

25 (b) In addition, any person seeking to qualify for
26 nomination as a candidate of any political party shall, at the
27 time of subscribing to the oath or affirmation, state in
28 writing:

29 1. The party of which the person is a member.

582-01308-26

202662c1

30 2. That the person has been a registered member of the
31 political party for which he or she is seeking nomination as a
32 candidate for at least 365 consecutive days preceding ~~before~~ the
33 beginning of qualifying before ~~preceding~~ the general election
34 for which the person seeks to qualify.

35 3. That the person has paid the assessment levied against
36 him or her, if any, as a candidate for said office by the
37 executive committee of the party of which he or she is a member.

38 (c) In addition, any person seeking to qualify for office
39 as a candidate with no party affiliation shall, at the time of
40 subscribing to the oath or affirmation, state in writing that he
41 or she is registered without any party affiliation and that he
42 or she has not been a registered member of any political party
43 for at least 365 consecutive days preceding ~~before~~ the beginning
44 of qualifying before ~~preceding~~ the general election for which
45 the person seeks to qualify.

46 (f) The statements in subparagraph (b)2. and paragraph (c)
47 constitute substantive requirements for the person completing
48 the statement, and compliance with those requirements is
49 mandatory. The sole method to enforce compliance with such
50 requirements is contained in this paragraph. Compliance with
51 subparagraph (b)2. and paragraph (c) may be challenged by a
52 qualified candidate or a political party with qualified
53 candidates in the same race by filing an action in the circuit
54 court for the county in which the qualifying officer is
55 headquartered. A person may not be qualified as a candidate for
56 nomination or election and his or her name may not appear on the
57 ballot if in an order that has become final, the court
58 determines that:

582-01308-26

202662c1

59 1. The person seeking to qualify for nomination as a
60 candidate of any political party has not been a registered
61 member of that party for the 365-day period preceding the
62 beginning of qualifying; or

63 2. The person seeking to qualify for office as a candidate
64 with no party affiliation has not been registered without party
65 affiliation for, or has been a registered member of any
66 political party during, the 365-day period preceding the
67 beginning of qualifying.

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



Florida Senate

Kristen Arrington

Senator, District 25

District Office:

3 Courthouse Square
Room 219
Kissimmee, FL, 34741
(407) 846-5187

Tallahassee Office:

210 Senate Building
404 S. Monroe St.
Tallahassee, FL 32399-
1300
(850) 487-5025

Staff:

Zoe Karabenick
Senior Legislative Aide

Monica Smith
Legislative Aide

Ana Villalobos
District Legislative
Aide

Francis Briones
District Legislative
Aide

Committees:

Commerce & Tourism
Vice Chair

Agriculture,
Environment, and
General Government
Appropriations

Transportation,
Tourism, and Economic
Development
Appropriations

Environment and
Natural Resources

Fiscal Policy

Governmental
Oversight and
Accountability

Transportation

December 12, 2025

The Honorable Kathleen Passidomo, Chair
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Passidomo,

I am respectfully requesting that you place CS/SB 62, Candidate Qualification, on the agenda for the next Rules Committee meeting at your earliest opportunity.

CS/SB 62 would establish clear and fair eligibility requirements for individuals seeking to qualify as candidates for election, whether as members of a political party or as candidates with no party affiliation. This bill ensures that only those who have demonstrated a committed and consistent affiliation with their chosen party or have been unaffiliated for a sufficient period are eligible to qualify for nomination.

By implementing a 365-day registration requirement, CS/SB 62 helps to safeguard the integrity of the election process, ensuring that candidates have a genuine and long-term connection to their political party or are truly independent. This legislation promotes transparency and fairness in the election process, giving voters confidence that candidates are committed to their values and principles.

CS/SB 62 provides a mechanism for political parties and other entities to seek legal recourse if a candidate is found to have violated these eligibility requirements, which ensures accountability and protects the democratic process. By clarifying and enforcing these qualifications, CS/SB 62 works to maintain a level playing field for all candidates, contributing to a more robust and trustworthy electoral system.

If you have any questions, please do not hesitate to reach me at (407) 973-4070. Thank you for your consideration in placing CS/SB 62 on the next committee agenda.

Respectfully,

Senator Kristen Arrington

CC: The Honorable Shevrin Jones, Vice Chair
Shasta Kruse, Staff Director

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 156

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Leek

SUBJECT: Criminal Offenses Against Law Enforcement Officers and Other Personnel

DATE: January 26, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u>Vaughan</u>	<u>Kruse</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 156 amends s. 776.051, F.S., to revise language to expand law enforcement officers' protection from citizens' use or threatened use of force during an arrest or detention. The bill prohibits a person from using or threatening to use force to resist *any arrest or detention*, or to resist an officer *engaged in the performance of his or her official duties as described in s. 943.10(1)*, F.S., if the officer was acting in good faith and is known, or reasonably appears, to be a law enforcement officer.

“Acting in good faith” means to make sincere and reasonable efforts to comply with legal requirements, even if the arrest, detention, or other act is later found to have been unlawful.

The bill removes language which specifies a law enforcement officer is not justified in using force if an arrest or execution of a legal duty is unlawful and known by the officer to be unlawful.

The bill amends s. 782.065, F.S., to add manslaughter to the list of crimes that a person must be sentenced to life imprisonment without the eligibility of release upon conviction, if such offense was committed against specified officers *who were engaged in the performance of their official duties as described in s. 943.10, F.S.*

The bill also amends s. 784.07(2), F.S., relating to assault or battery on an officer, to specify that such *officer is engaged in the performance of his or her official duties*. The bill clarifies language

requiring the officer be engaged in the lawful performance of his or her official duties. The 3rd degree felony of battery on a law enforcement officer, firefighter, and other specified personnel, is ranked as a level 5 in the Offense Severity Ranking Chart (OSRC).

Additionally, the bill provides the duties and responsibilities of such positions are described in s. 943.10, F.S.

The bill amends s. 843.01(1), F.S., relating to resisting, obstructing, or opposing an officer with violence, to specify that such officer is *engaged in the performance of his or her official duties as described in s. 943.10, F.S.*

The bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect upon becoming law.

II. Present Situation:

Officer Jason Raynor was a dedicated member of the Daytona Beach Police Office who was shot by Othal Wallace during questioning on June 23, 2021, and succumbed to his injuries on August 21, 2021.¹ Officer Raynor joined the Daytona Beach Police Department in February 2019 after previously serving with the Port Orange Police Department. While employed at the Port Orange Police Department, he received an award of achievement in December 2018 for heroically rescuing a citizen attempting to jump from a bridge.²

A “Law enforcement officer” is any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.³

Use of Force or Threatened Use of Force

A person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other’s imminent use of unlawful force. A person

¹ The Daytona Beach News-Journal, *Daytona Beach Police Officer Jason Raynor dies 55 days after he was shot while on patrol*, Frank Fernandez, August 19, 2021, available at <https://www.news-journalonline.com/story/news/2021/08/17/daytona-beach-police-officer-jayson-raynor-dies-othal-wallace/8174227002/> (last visited November 10, 2025).

² WFTV9, *Heart of gold: Who is Jason Raynor, the Daytona Beach police officer shot in the head?*, available at <https://www.wftv.com/news/local/volusia-county/heart-gold-who-is-jason-raynor-daytona-beach-police-officer-shot-head/XUDRYZFUDBDCBFVLNZR4SAYD24/> (last visited November 10, 2025).

³ Section 943.10(1), F.S.

who uses or threatens to use force does not have a duty to retreat before using or threatening to use such force.⁴

Additionally, a person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.⁵

A person is not justified in the use or threatened use of force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.⁶

A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by him or her to be unlawful.⁷

Courts have found that ss. 776.012 and 776.051, F.S. (1974), as described above, were both enacted as a part of the same act.⁸ Statutes that are a part of a single act must be read in *pari materia*.⁹ The effect of reading these statutes in *pari materia* is to permit an individual to defend himself against unlawful or excessive force, even when being arrested.¹⁰ This view is consistent with the position taken by other jurisdictions that have been confronted with questions relating to statutes similar to ss. 776.012, 776.051 and 843.01, F.S.¹¹

Chapter 776, Florida Statutes, recognizes principles set forth in the case law of other jurisdictions in that the right of self-defense against the use of excessive force by a police officer is a concept entirely different from resistance to an arrest, lawful or unlawful, by methods of self-help. [citations omitted] The former concept is grounded on the view that a citizen should be able to exercise reasonable resistance to protect life and limb; which cannot be repaired in the courtroom. The latter view is based on the principle that a self-help form of resistance promotes intolerable disorder. Any damage done by an improper arrest can be repaired through the legal processes.

Therefore, self-defense is not “irrelevant” to a prosecution for resisting arrest with violence.¹²

⁴ Section 776.012(1), F.S.

⁵ Section 776.012(2), F.S.

⁶ Section 776.051(1), F.S.

⁷ Section 776.051(2), F.S.

⁸ See ch. 74-383 L.O.F.

⁹ *Ivester v. State*, 398 So. 2d 926 (Fla. 1st DCA 1981), citing *Major v. State*, 180 So.2d 335, 337 (Fla.1965).

¹⁰ *Ivester v. State*, 398 So.2d 926 (Fla. 1981).

¹¹ *Id.*

¹² *Id.*

Assault or Battery on Law Enforcement

A person charged with an assault or battery, or the attempt to commit such offense upon a law enforcement officer, or other specified persons, must have the offense reclassified as follows:

- In the case of assault, from a second degree misdemeanor¹³ to a first degree misdemeanor.¹⁴
- In the case of battery, from a first degree misdemeanor to a third degree felony. A person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01, F.S., must be sentenced to a minimum term of imprisonment of 6 months.
- In the case of aggravated assault, from a third degree felony¹⁵ to a second degree felony. Any person convicted of aggravated assault upon a law enforcement officer must be sentenced to a minimum term of imprisonment of three years.
- In the case of aggravated battery, from a second degree felony¹⁶ to a first degree felony. Any person convicted of aggravated battery of a law enforcement officer must be sentenced to a minimum term of imprisonment of five years.¹⁷

The Florida Bar's Florida Standard Criminal Jury Instructions for Assault, Battery, Stalking, Culpable Negligence, And Violation of Injunctions include specific instructions for assault on a law enforcement officer and battery on a law enforcement officer or other specified personnel. The instructions require the *victim* to have been engaged in the lawful performance of his or her duty.¹⁸

Resisting Arrest with Violence

A person who knowingly and willfully resists, obstructs, or opposes specified officers or other persons legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits a third degree felony.¹⁹

Specified officers include:

- Law enforcement officer, correctional officer, correctional probation officer, part-time law enforcement officer, part-time correctional officer or auxiliary law enforcement officer;²⁰
- Members of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission;
- Parole and probation supervisors;
- County probation officers; or
- Personnel or representatives of the Department of Law Enforcement.²¹

¹³ A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days, as provided in s. 775.082 or s. 775.083, F.S.

¹⁴ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year. Sections 775.082 and 775.083, F.S.

¹⁵ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

¹⁶ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine; A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

¹⁷ Section 784.07(2), F.S.

¹⁸ Florida Standard Jury Instruction 8.10 and 8.11 (Crim).

¹⁹ Section 843.01, F.S.

²⁰ Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

²¹ Section 843.01, F.S.

Murder of a Law Enforcement Officer, Correctional Officer, or Probation Officer

A person convicted of a murder offense upon a law enforcement officer²² engaged in the performance of a legal duty, must be sentenced to life imprisonment without eligibility for release. Such murder offenses include:

- Murder in the first degree in violation of s. 782.04(1), F.S., when a death sentence was not imposed;
- Murder in the second or third degree in violation of s. 782.04(2), (3), or (4), F.S.;
- Attempted murder in the first or second degree in violation of s. 782.04(1)(a)1. or (2), F.S.; or
- Attempted felony murder in violation of s. 782.051, F.S.²³

The Florida Bar's Florida Standard Criminal Jury Instructions for Obstruction of Justice, resisting an officer with violence, provides that a special instruction incorporating s. 776.051(1), F.S., should be given when the defendant is charged with resisting an arrest by a law enforcement officer or with resisting a law enforcement officer and the defense claims the officer was acting unlawfully.²⁴ A special instruction for juries incorporating instructions for justifiable use of deadly force should be given when the defense claims that the defendant was justified in using or threatening to use deadly force if he or she reasonably believed that such force was necessary to prevent imminent death or bodily harm.²⁵

Manslaughter

Manslaughter is the killing of a person by the act, procurement, or culpable negligence of another, without lawful justification and is a second degree felony.^{26,27} However, under s. 782.07(4), F.S., manslaughter is a first degree felony²⁸ if a person causes the death, through culpable negligence, of a law enforcement officer or other specified personnel who is performing duties that are within the course of his or her employment.

The first degree felony of manslaughter of an officer, under s. 782.07(4), F.S., may only be committed through culpable negligence, whereas manslaughter under s. 782.07(1), F.S., may be committed by an *act, procurement, or culpable negligence*.

“Culpable negligence” is a course of conduct showing reckless disregard of human life or a grossly careless disregard for the safety and welfare of the public. The negligent act or omission must have been committed with an utter disregard for the safety of another. Culpable negligence

²² Section 782.065(2), F.S., includes a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-time correctional probation officer, or auxiliary correctional probation officer, as those terms are defined in s. 943.10, F.S., engaged in the lawful performance of a legal duty.

²³ Section 782.065, F.S.

²⁴ Florida Standard Jury Instruction 8.13 (Crim).

²⁵ Florida Standard Jury Instruction 3.6f (Crim).

²⁶ Section 782.07, F.S.

²⁷ A second degree felony is generally punishable by not more than 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

²⁸ A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. Sections 775.082, 775.083, or 775.084, F.S.

is consciously doing an act or following a course of conduct that the defendant knew or reasonably should have known was likely to cause death or great bodily injury.²⁹

III. Effect of Proposed Changes:

Section 1 provides that the bill may be cited as the “Officer Jason Raynor Act,” after Officer Jason Raynor of the Daytona Beach Police Department who was shot during a confrontation in 2021 and later succumbed to his injuries.

Section 2 amends s. 776.051, F.S., to revise language to expand law enforcement officers’ protection from citizens’ use or threatened use of force during an arrest or detention. The bill prohibits a person from using or threatening to use force to resist *any arrest or detention*, or to resist an officer *engaged in the performance of his or her legal duties as described in s. 943.10(1)*, F.S., if the officer was acting in good faith and is known, or reasonably appears, to be a law enforcement officer.

Under the bill, the term “acting in good faith” is defined to mean to make sincere and reasonable efforts to comply with legal requirements, even if the arrest, detention, or other act is later found to have been unlawful.

The bill removes language that specifies a law enforcement officer is not justified in using force if an arrest or execution of a legal duty is unlawful and known by the officer to be unlawful.

Section 3 amends s. 782.065, F.S., to add manslaughter to the list of crimes that a person must be sentenced to life imprisonment without the eligibility of release upon conviction, if such offense was committed against specified officers³⁰ *who were engaged in the performance of their official duties as described in s. 943.10, F.S.*

Sections 4 and 6 amend ss. 784.07(2), F.S. and 921.0022, F.S., relating to assault or battery on an officer or other personnel and the Offense Severity Ranking Chart (OSRC), respectively, to specify that such *officer is engaged in the performance of his or her official duties*. The bill clarifies language requiring the officer be engaged in the lawful performance of his or her official duties. The 3rd degree felony of battery on a law enforcement officer, firefighter, and other specified personnel, is raised from a Level 4 to a Level 5 offense on the OSRC.

Additionally, the bill provides the duties and responsibilities of such positions are described in s. 943.10, F.S.

Section 5 amends s. 843.01(1), F.S., relating to resisting, obstructing, or opposing an officer with violence, to specify that such officer is *engaged in the performance of his or her official duties as described in s. 943.10, F.S.*

²⁹ Florida Standard Jury Instructions 7.7(a) (Crim).

³⁰ Specified officers include law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, correctional officers, part-time correctional officers, auxiliary correctional officers, correctional probation officers, part-time correctional probation officers, or auxiliary correctional probation officers, as those terms are defined in ss. 782.065 and 943.10, F.S.

The bill takes effect upon becoming a law.

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 Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections (DOC). The EDR provided the following additional information regarding its estimate:

- Per the DOC, in FY 24-25, there were two new commitments to prison under s. 782.065, F.S., 381 new commitments to prison under s. 784.07, F.S., and 179 new commitments to prison under s. 843.01, F.S. Of the 381 new commitments under s. 784.07, F.S., 242 would be potentially impacted by the increase in felony level. However, it is unknown how this change would increase the number of future new

commitments with both Level 4 and Level 5, 3rd degree felonies hovering around a 20% incarceration rate over the last two fiscal years. There was one new commitment to prison for manslaughter of law enforcement officers, correctional officers, correctional probation officers, or other first responders (s. 782.07, F.S.). Both s. 782.07, F.S. and s. 784.07, F.S. include other specified personnel, so it is not known how many of these offenses involve the respective positions listed under s. 943.10, F.S. Furthermore, it is not known how the definition of “acting in good faith” and other changes to the statutory language, such as the inclusion of “detention” for when someone is not justified in resisting or removing that a law enforcement officer’s use of force is not permitted during a knowingly unlawful arrest, would impact the pool of potential offenders.³¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill language specifies that the duties of a law enforcement officer are provided in s. 943.10, F.S., however that reference may not be inclusive of all duties. The bill language references manslaughter in violation of s. 782.07(1), F.S., to provide for an enhanced penalty if manslaughter is committed against specified officers; however, the language does not include s. 782.07(4), F.S., relating to manslaughter of an officer, in the enhancement statute under s. 782.065, F.S.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 776.051, 782.065, 784.07, 843.01, and 921.0022.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Appropriations Committee on Criminal and Civil Justice on January 14, 2026:

The committee substitute changes the requirement for a law enforcement officer or other specified personnel to be *acting* in the performance of his or her official duties, to instead be *engaged* in the performance of his or her official duties throughout the bill.

B. Amendments:

None.

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

³¹ Office of Economic and Demographic Research, *SB 156 - Criminal Offenses Against Law Enforcement Officers and Other Personnel* (on file with the Senate Committee on Criminal Justice)

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Leek

604-01947-26

2026156c1

1 A bill to be entitled
2 An act relating to criminal offenses against law
3 enforcement officers and other personnel; providing a
4 short title; amending s. 776.051, F.S.; revising a
5 prohibition on the use or threatened use of force to
6 resist arrest or detention; defining the term "acting
7 in good faith"; amending s. 782.065, F.S.; providing
8 for enhanced punishment for manslaughter when
9 committed against specified officers; revising
10 applicability; amending s. 784.07, F.S.; revising the
11 definition of the term "law enforcement officer";
12 revising provisions concerning assault or battery upon
13 specified officers and other personnel; amending s.
14 843.01, F.S.; revising a provision concerning
15 resisting, obstructing, or opposing specified officers
16 or legally authorized persons; amending s. 921.0022,
17 F.S.; increasing the level on the offense severity
18 ranking chart for committing battery on law
19 enforcement officers and other specified personnel;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. This act may be cited as the "Officer Jason
25 Raynor Act."

26 Section 2. Section 776.051, Florida Statutes, is amended to
27 read:

28 776.051 Use or threatened use of force in resisting arrest
29 or detention ~~making an arrest or in the execution of a legal~~

604-01947-26

2026156c1

30 ~~duty~~; prohibition.-

31 ~~(1)~~ A person is not justified in the use or threatened use
 32 of force to resist any an arrest or detention by a law
 33 enforcement officer, or to resist a law enforcement officer who
 34 is engaged in the performance of his or her official duties as
 35 described in s. 943.10(1) execution of a legal duty, if the law
 36 enforcement officer was acting in good faith and he or she is
 37 known, or reasonably appears, to be a law enforcement officer.
 38 As used in this section, the term "acting in good faith" means
 39 to make sincere and reasonable efforts to comply with legal
 40 requirements, even if the arrest, detention, or other act is
 41 later found to have been unlawful

42 ~~(2)~~ A law enforcement officer, or any person whom the
 43 officer has summoned or directed to assist him or her, is not
 44 justified in the use of force if the arrest or execution of a
 45 legal duty is unlawful and known by him or her to be unlawful.

46 Section 3. Section 782.065, Florida Statutes, is amended to
 47 read:

48 782.065 Murder; law enforcement officer, correctional
 49 officer, correctional probation officer.—Notwithstanding ss.
 50 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
 51 must shall be sentenced to life imprisonment without eligibility
 52 for release upon findings by the trier of fact that, beyond a
 53 reasonable doubt:

54 (1) The defendant committed murder in the first degree in
 55 violation of s. 782.04(1) and a death sentence was not imposed;
 56 murder in the second or third degree in violation of s.
 57 782.04(2), (3), or (4); attempted murder in the first or second
 58 degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted

604-01947-26

2026156c1

59 felony murder in violation of s. 782.051; or manslaughter in
60 violation of s. 782.07(1); and

61 (2) The victim of any offense described in subsection (1)
62 was a law enforcement officer, part-time law enforcement
63 officer, auxiliary law enforcement officer, correctional
64 officer, part-time correctional officer, auxiliary correctional
65 officer, correctional probation officer, part-time correctional
66 probation officer, or auxiliary correctional probation officer,
67 as those terms are defined in s. 943.10, who was engaged in the
68 performance of his or her official duties as described in s.
69 943.10 ~~lawful performance of a legal duty.~~

70 Section 4. Paragraph (e) of subsection (1) and subsection
71 (2) of section 784.07, Florida Statutes, are amended to read:

72 784.07 Assault or battery of law enforcement officers and
73 other specified personnel; reclassification of offenses; minimum
74 sentences.—

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

76 (e) "Law enforcement officer" includes a law enforcement
77 officer, a correctional officer, a correctional probation
78 officer, a part-time law enforcement officer, a part-time
79 correctional officer, an auxiliary law enforcement officer, and
80 an auxiliary correctional officer, as those terms are
81 respectively defined in s. 943.10, and any county probation
82 officer; an employee or agent of the Department of Corrections
83 who supervises or provides services to inmates; an officer of
84 the Florida Commission on Offender Review; a federal law
85 enforcement officer as defined in s. 901.1505; and law
86 enforcement personnel of the Fish and Wildlife Conservation
87 Commission, the Department of Environmental Protection, or the

604-01947-26

2026156c1

88 Department of Law Enforcement. The duties and responsibilities
89 of these respective positions are described in s. 943.10.

90 (2) Whenever any person is charged with knowingly
91 committing an assault or battery upon a law enforcement officer,
92 a firefighter, an emergency medical care provider, hospital
93 personnel, a railroad special officer, a traffic accident
94 investigation officer as described in s. 316.640, a nonsworn law
95 enforcement agency employee who is certified as an agency
96 inspector, a blood alcohol analyst, or a breath test operator
97 while such employee is in uniform and engaged in processing,
98 testing, evaluating, analyzing, or transporting a person who is
99 detained or under arrest for DUI, a law enforcement explorer, a
100 traffic infraction enforcement officer as described in s.
101 316.640, a parking enforcement specialist as defined in s.
102 316.640, a person licensed as a security officer as defined in
103 s. 493.6101 and wearing a uniform that bears at least one patch
104 or emblem that is visible at all times that clearly identifies
105 the employing agency and that clearly identifies the person as a
106 licensed security officer, a security officer employed by the
107 board of trustees of a community college, or a utility worker
108 engaged in work on critical infrastructure as defined in s.
109 812.141(1), while the officer, firefighter, emergency medical
110 care provider, hospital personnel, railroad special officer,
111 traffic accident investigation officer, traffic infraction
112 enforcement officer, inspector, analyst, operator, law
113 enforcement explorer, parking enforcement specialist, public
114 transit employee or agent, security officer, or utility worker
115 is engaged in the ~~lawful~~ performance of his or her official
116 duties, the offense for which the person is charged shall be

604-01947-26

2026156c1

117 reclassified as follows:

118 (a) In the case of assault, from a misdemeanor of the
119 second degree to a misdemeanor of the first degree.

120 (b) In the case of battery, from a misdemeanor of the first
121 degree to a felony of the third degree. Notwithstanding any
122 other provision of law, a person convicted of battery upon a law
123 enforcement officer committed in furtherance of a riot or an
124 aggravated riot prohibited under s. 870.01 shall be sentenced to
125 a minimum term of imprisonment of 6 months.

126 (c) In the case of aggravated assault, from a felony of the
127 third degree to a felony of the second degree. Notwithstanding
128 any other provision of law, any person convicted of aggravated
129 assault upon a law enforcement officer shall be sentenced to a
130 minimum term of imprisonment of 3 years.

131 (d) In the case of aggravated battery, from a felony of the
132 second degree to a felony of the first degree. Notwithstanding
133 any other provision of law, any person convicted of aggravated
134 battery of a law enforcement officer shall be sentenced to a
135 minimum term of imprisonment of 5 years.

136 Section 5. Subsection (1) of section 843.01, Florida
137 Statutes, is amended to read:

138 843.01 Resisting, obstructing, or opposing by offering or
139 doing violence to legally authorized person, police canine, or
140 police horse.—

141 (1) Whoever knowingly and willfully resists, obstructs, or
142 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
143 (7), (8), or (9); member of the Florida Commission on Offender
144 Review or any administrative aide or supervisor employed by the
145 commission; parole and probation supervisor; county probation

604-01947-26

2026156c1

146 officer; personnel or representative of the Department of Law
 147 Enforcement; or other person legally authorized to execute
 148 process in the execution of legal process or engaged in the
 149 performance of his or her official duties as described in s.
 150 943.10 ~~lawful execution of any legal duty~~, by offering or doing
 151 violence to the person of such officer or legally authorized
 152 person, commits a felony of the third degree, punishable as
 153 provided in s. 775.082, s. 775.083, or s. 775.084.

154 Section 6. Paragraphs (d) and (e) of subsection (3) of
 155 section 921.0022, Florida Statutes, are amended to read:

156 921.0022 Criminal Punishment Code; offense severity ranking
 157 chart.—

158 (3) OFFENSE SEVERITY RANKING CHART

159 (d) LEVEL 4

160

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.

163

604-01947-26

2026156c1

499.0051 (5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

164

517.07 (1)

3rd

Failure to register securities.

165

517.12 (1)

3rd

Failure of dealer or associated person of a dealer of securities to register.

166

784.031

3rd

Battery by strangulation.

167

~~784.07 (2) (b)~~

~~3rd~~

~~Battery of law enforcement officer, firefighter, etc.~~

168

784.074 (1) (c)

3rd

Battery of sexually violent predators facility staff.

169

784.075

3rd

Battery on detention or commitment facility staff.

170

604-01947-26

2026156c1

	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
171	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
172	784.081 (3)	3rd	Battery on specified official or employee.
173	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
174	784.083 (3)	3rd	Battery on code inspector.
175	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
176	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.

604-01947-26

2026156c1

177

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

178

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

179

787.07 3rd Human smuggling.

180

790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

181

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

182

790.115 (2) (c) 3rd Possessing firearm on school property.

604-01947-26

2026156c1

183

794.051 (1) 3rd Indecent, lewd, or lascivious touching of certain minors.

184

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

185

806.135 2nd Destroying or demolishing a memorial or historic property.

186

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

187

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

188

810.06 3rd Burglary; possession of tools.

189

810.08 (2) (c) 3rd Trespass on property,

604-01947-26

2026156c1

armed with firearm or
dangerous weapon.

190

810.145 (3) (b)

3rd

Digital voyeurism
dissemination.

191

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree
\$10,000 or more but less
than \$20,000.

192

812.014
(2) (c) 4. &
6.-10.

3rd

Grand theft, 3rd degree;
specified items.

193

812.014 (2) (d) 2.

3rd

Grand theft, 3rd degree;
\$750 or more taken from
dwelling or its
unenclosed curtilage.

194

812.014 (2) (e) 3.

3rd

Petit theft, 1st degree;
less than \$40 taken from
dwelling or its
unenclosed curtilage
with two or more prior
theft convictions.

195

812.0195 (2)

3rd

Dealing in stolen
property by use of the
Internet; property

604-01947-26

2026156c1

stolen \$300 or more.

196

817.505 (4) (a)

3rd

Patient brokering.

197

817.563 (1)

3rd

Sell or deliver
substance other than
controlled substance
agreed upon, excluding
s. 893.03(5) drugs.

198

817.568 (2) (a)

3rd

Fraudulent use of
personal identification
information.

199

817.5695 (3) (c)

3rd

Exploitation of person
65 years of age or
older, value less than
\$10,000.

200

817.625 (2) (a)

3rd

Fraudulent use of
scanning device,
skimming device, or
reencoder.

201

817.625 (2) (c)

3rd

Possess, sell, or
deliver skimming device.

202

828.125 (1)

2nd

Kill, maim, or cause
great bodily harm or

604-01947-26

2026156c1

permanent breeding
 disability to any
 registered horse or
 cattle.

203

836.14 (2)

3rd

Person who commits theft
 of a sexually explicit
 image with intent to
 promote it.

204

836.14 (3)

3rd

Person who willfully
 possesses a sexually
 explicit image with
 certain knowledge,
 intent, and purpose.

205

837.02 (1)

3rd

Perjury in official
 proceedings.

206

837.021 (1)

3rd

Make contradictory
 statements in official
 proceedings.

207

838.022

3rd

Official misconduct.

208

839.13 (2) (a)

3rd

Falsifying records of an
 individual in the care
 and custody of a state
 agency.

604-01947-26

2026156c1

209

839.13 (2) (c) 3rd Falsifying records of the Department of Children and Families.

210

843.021 3rd Possession of a concealed handcuff key by a person in custody.

211

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

212

843.15 (1) (a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

213

843.19 (2) 2nd Injure, disable, or kill police, fire, or SAR canine or police horse.

214

847.0135 (5) (c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

604-01947-26

2026156c1

215
216
217
218
219
220
221
222

870.01 (3)	2nd	Aggravated rioting.
870.01 (5)	2nd	Aggravated inciting a riot.
874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
914.14 (2)	3rd	Witnesses accepting bribes.
914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085	3rd	Introduction of

604-01947-26

2026156c1

(2) (c) 1.

specified contraband
into certain DCF
facilities.

223

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

224

944.47 (1) (a) 6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

225

951.22 (1) (h) ,
(j) & (k)

3rd

Intoxicating drug,
instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

226

227

(e) LEVEL 5

228

604-01947-26

2026156c1

	Florida Statute	Felony Degree	Description
229	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
230	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
231	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
232	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
233	327.30(5)(a)2.	3rd	Vessel accidents

604-01947-26

2026156c1

involving personal
injuries other than
serious bodily injury;
leaving scene.

234

365.172
(14) (b) 2.

2nd

Misuse of emergency
communications system
resulting in death.

235

379.365 (2) (c) 1.

3rd

Violation of rules
relating to: willful
molestation of stone
crab traps, lines, or
buoys; illegal
bartering, trading, or
sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,
or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or

604-01947-26

2026156c1

imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

236

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

237

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

238

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

239

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

240

440.105(5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

241

604-01947-26

2026156c1

440.381 (2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

242

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

243

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

244

784.07 (2) (b)

3rd

Battery of law enforcement officer, firefighter, etc.

245

790.01 (3)

3rd

Unlawful carrying of a concealed firearm.

246

790.162

2nd

Threat to throw or discharge destructive device.

604-01947-26

2026156c1

247

790.163 (1) 2nd False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

248

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

249

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

250

796.05 (1) 2nd Live on earnings of a prostitute; 1st offense.

251

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

252

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years of age or older.

253

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with

604-01947-26

2026156c1

intent to damage any
structure or property.

254

810.145 (4)

3rd

Commercial digital
voyeurism dissemination.

255

810.145 (7) (a)

2nd

Digital voyeurism; 2nd
or subsequent offense.

256

810.145 (8) (a)

2nd

Digital voyeurism;
certain minor victims.

257

812.014 (2) (d) 3.

2nd

Grand theft, 2nd degree;
theft from 20 or more
dwellings or their
unenclosed curtilage, or
any combination.

258

812.0145 (2) (b)

2nd

Theft from person 65
years of age or older;
\$10,000 or more but less
than \$50,000.

259

812.015

3rd

(8) (a) & (c) - (e)

Retail theft; property
stolen is valued at \$750
or more and one or more
specified acts.

260

812.015 (8) (f)

3rd

Retail theft; multiple

604-01947-26

2026156c1

thefts within specified period.

261

812.015 (8) (g) 3rd Retail theft; committed with specified number of other persons.

262

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

263

812.081 (3) 2nd Trafficking in trade secrets.

264

812.131 (2) (b) 3rd Robbery by sudden snatching.

265

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

266

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

267

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

268

817.2341 (1), 3rd Filing false financial

604-01947-26

2026156c1

(2) (a) & (3) (a)

statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

269

817.568 (2) (b)

2nd

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

270

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

271

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or

604-01947-26

2026156c1

reencoder.

272

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

273

828.12 (2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

274

836.14 (4)

2nd

Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

275

839.13 (2) (b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

276

843.01 (1)

3rd

Resist officer with violence to person; resist arrest with

604-01947-26

2026156c1

violence.

277

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

278

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

279

847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

280

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

281

874.05 (2) (a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

282

893.13 (1) (a) 1.

2nd

Sell, manufacture, or

604-01947-26

2026156c1

deliver cocaine (or
 other s. 893.03(1)(a),
 (1)(b), (1)(d), (2)(a),
 (2)(b), or (2)(c)5.
 drugs).

283

893.13(1)(c)2.

2nd

Sell, manufacture, or
 deliver cannabis (or
 other s. 893.03(1)(c),
 (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)6.,
 (2)(c)7., (2)(c)8.,
 (2)(c)9., (2)(c)10.,
 (3), or (4) drugs)
 within 1,000 feet of a
 child care facility,
 school, or state,
 county, or municipal
 park or publicly owned
 recreational facility or
 community center.

284

893.13(1)(d)1.

1st

Sell, manufacture, or
 deliver cocaine (or
 other s. 893.03(1)(a),
 (1)(b), (1)(d), (2)(a),
 (2)(b), or (2)(c)5.
 drugs) within 1,000 feet
 of university.

604-01947-26

2026156c1

rental for trafficking
in or manufacturing of
controlled substance.

289

290

Section 7. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

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

SB 156

Bill Number or Topic

1-27-26

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name

Michael Chambliss

Phone

904-234-8391

Address

301 S Ridgewood Ave

Email

Chambliss Michael @ daytonabeach.gov

Street

Daytona Beach

City

State

32114

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

City of Daytona Beach

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

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

RULES

Committee

156

Bill Number or Topic

Amendment Barcode (if applicable)

Name

AARON

WAYT

FL ASSN OF CRIM DEF LAWYERS

Phone

(407) 435-3194

Address

Street

Email

City

State

Zip

Speaking:

For



Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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

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

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

156

Bill Number or Topic

RULES

Committee

Amendment Barcode (if applicable)

Name WILLIAM B SMITH

Phone 305-333-4344

Address 300 E BREVARD ST

Email W SMITH@FLPBA.ORG

TALLAHASSEE

City

FL

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL PBA

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/27/2026

0156

Meeting Date

Bill Number or Topic

Rules

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

Committee

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt Phone 850-219-3631

Address 2636 Mitcham Drive Email jpritt@fpca.com

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Florida Police Chiefs Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/20 Meeting Date

156 Bill Number or Topic

RULES Committee

Amendment Barcode (if applicable)

Name Molly Hudson Phone

Address 123 W. Indiana Ave Email

Street

Deland City

FL State

32750 Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

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

Volusia Sheriff's Office

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

150

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Allie McNair

Phone 877-2165

Address 2167 Mahan Dr

Email

Street

TCH

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Sheriffs Association

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 168

INTRODUCER: Senator Truenow

SUBJECT: Public Nuisances

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Tolmich</u>	<u>Fleming</u>	<u>CA</u>	Favorable
3.	<u>Wyant</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

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

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 person³ to have, keep, exercise, or maintain a gaming table or room, gaming implements or apparatus, or place⁴ for the purpose of gaming or gambling. Further, it is unlawful for a person to have or maintain a place in which a person⁵ 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.

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 as a public nuisance any place or premises that has been used on more than two occasions within a 12-month period as a gambling house.

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__

1 A bill to be entitled
2 An act relating to public nuisances; amending s.
3 893.138, F.S.; revising the list of places that may be
4 declared a public nuisance to include the site of a
5 gambling house; revising provisions relating to the
6 assessment and collection of fines for public
7 nuisances; defining the term "legal assistant";
8 deleting a limit on the total amount of fines that may
9 be imposed on a public nuisance; conforming provisions
10 to changes made by the act; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsections (2) and (11) of section 893.138,
16 Florida Statutes, are amended to read:

17 893.138 Local administrative action to abate certain
18 activities declared public nuisances.—

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

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

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

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

13-00205A-26

2026168__

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

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

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

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

39 1. Section 782.04, relating to murder;

40 2. Section 782.051, relating to attempted felony murder;

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

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

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

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

51
52 may be declared to be a public nuisance, and such nuisance may
53 be abated pursuant to the procedures provided in this section.

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

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

13-00205A-26

2026168__

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

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

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

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

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

13-00205A-26

2026168__

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

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

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

SB 168

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 909-608-4471

Address on file

Email aaronde@flfamily.org

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Family Voice

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 288

INTRODUCER: Senator Rodriguez

SUBJECT: Rural Electric Cooperatives

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Favorable
3.	<u>Schrader</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 288 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 grid⁴ 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 utilities⁶ (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

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;

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.”

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.

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

By Senator Rodriguez

40-00142A-26

2026288__

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

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 425.041, Florida Statutes, is amended to
15 read:

16 425.041 Prohibited fees, bylaws, tariffs, and policies.—A
17 cooperative which sells electricity at retail may not adopt,
18 enact, or enforce any fee, including a lot fee, developer fee,
19 or surcharge, or any bylaw, tariff, or policy, ~~or take any other~~
20 ~~action,~~ that restricts or prohibits or has the effect of
21 restricting or prohibiting:

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

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

40-00142A-26

2026288__

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

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 21, 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.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

1-27-20

The Florida Senate APPEARANCE RECORD

SB 288

Meeting Date

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

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Daniel Martinez

Phone

305-240-2917

Address

107 E College Ave

Email

DMartinez@AFPHQ.org

Street

TCH

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Americans for Prosperity

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/27/26

288

Meeting Date

Bill Number or Topic

Rules

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

Committee

Amendment Barcode (if applicable)

Name **Drew Love**

Phone **863-698-9936**

Address **2916 Apalachee Parkway**

Email **drew@feca.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Electric Cooperatives Association

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 290

INTRODUCER: Fiscal Policy Committee; Agriculture Committee and Senator Truenow

SUBJECT: Department of Agriculture and Consumer Services

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stokes-Ramos</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Stokes-Ramos</u>	<u>Siples</u>	<u>FP</u>	<u>Fav/CS</u>
3.	<u>Stokes-Ramos</u>	<u>Kruse</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 290 makes a number of changes to laws related to the Department of Agriculture and Consumer Services (department) and related topics. Specifically, the bill:

- Prohibits a county or municipality from enacting a local policy to restrict the use of gasoline-powered farm or landscape equipment.
- Establishes density requirements for developers who seek to build in small municipalities and provides exemptions from this requirement under certain circumstances.
- Requires the Acquisition and Restoration Council to determine whether any lands surplus by a local governmental entity are suitable for bona fide agricultural purposes, and prohibits local governments from transferring future development rights for such lands.
- Requires the Department of Environmental Protection (DEP) to determine whether any state-owned conservation lands are suitable for bona fide agricultural purposes, and to retain a rural-lands-protection easement for all such lands.
- Removes the Babcock Ranch Advisory Group.
- Adds penalties for contractors who fail to timely compensate their subcontractors and suppliers.
- Adds criminal penalties for receiving or providing unauthorized assistance on a commercial driver license (CDL) exam.
- Repeals statutes requiring Florida's participation in the Southern States Energy Compact.

- Prohibits land application of classes of biosolids besides Class AA biosolids, and removes the requirement that rules adopted by the department with respect to biosolids be ratified by the Legislature.
- Increases insurance requirements and maximum fine amounts for fumigation providers.
- Adds obstruction to the prohibited acts involving permitting entry or inspection.
- Repeals the Healthy Food Financing Initiative.
- Prohibits commercial solicitation on properties that comply with “no solicitation” signage requirements and provides penalties for violation.
- Allows the department to reorganize itself upon approval of the commissioner.
- Modifies eligibility requirements for the Agriculture and Aquaculture Producers Emergency Recovery Loan Program.
- Directs the establishment of the Florida Native Seed Research and Marketing Program.
- Creates the Food Animal Veterinary Medicine Loan Repayment Program to help offset loans incurred for studies leading to a veterinary degree with a specialization in food animal veterinary medicine.
- Adds the Welaka Training Center as a site that the Florida Forest Service (FFS) may operate to train fire and forest resource managers, adds that the FFS may assess appropriate fees to meet its operational costs regardless of the training location, and renames the Bonifay Forestry Station.
- Allows the FFS to pay the CDL renewal costs for employees whose positions require them to operate equipment requiring a CDL.
- Establishes the Farmers Feeding Florida Program and restricts Feeding Florida from allowing an opposed candidate for elective office to host a food distribution event.
- Prohibits the department from renewing a certificate of registration for an aquaculture facility that is not in compliance.
- Revises various regulations of fairs and fair associations.
- Adds “concealed weapon permit” or “concealed weapon permitholder” to the list of words a person is prohibited from wearing or displaying with the intention to mislead, and provides criminal penalties for violation.
- Removes the word “perishable” from the agricultural food products for which agricultural producers can seek to recover damages for disparagement, and adds that the term “agricultural food product” includes any agricultural practices used in the production of such products.
- Prohibits the possession, use, manufacture, import, sale, or distribution of signal jamming devices.

Overall, the bill has an indeterminate, yet likely insignificant impact to the department. See **Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2026, except section 14, which requires permits to comply with the bill by July 1, 2028.

II. Present Situation:

The present situation for each issue is described below in Section III, Effect of Proposed Changes.

III. Effect of Proposed Changes:

Gasoline-Powered Equipment

Present Situation

The governing body of a county or municipality has broad legislative powers to enact ordinances and local laws, perform governmental functions, and exercise power to promote the health, welfare, safety, and quality of life of a local government's residents. Ordinances address a wide variety of local issues, from government structure and zoning laws to speed limits and noise ordinances. Procedures for passing local ordinances are prescribed by the Legislature and differ only slightly between counties and municipalities.

A number of local governments have introduced and adopted ordinances that prohibit the use of gasoline-powered leaf blowers and chainsaws, including Naples¹ and Miami Beach.² These local governments have cited noise and environmental pollution concerns motivating the ordinances. The city of Winter Park prohibited the use of internal combustion engine leaf blowers, but voters later reversed the ban.³ Lawn care agencies were reported to express concern about the cost of switching to electric, and that electric leaf blowers do not hold a charge long enough for the required work.⁴⁵

The Florida Right to Farm Act⁶ provides that “a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best management practices or interim measures” developed by DEP, the department, or water management districts.

Section 366.032(2), F.S., also prohibits (except to enforce the Florida Building Code and Florida Fire Prevention Code) a municipality, county, 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.

Effect of Proposed Changes

Section 1 creates s. 125.489, F.S., to prohibit a county from enacting or enforcing a resolution, ordinance, rule, code, or policy or to take any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment and provides related definitions. The bill does not prohibit or limit a county from encouraging the use of alternative farm or landscape equipment, such as battery-powered equipment.

¹ Naples Ordinance 2020-14542

² Miami Beach Ordinance 2024-4589

³ Winter Park Ordinance 3292-24

⁴ Ezzy, C. (2024, December 28). Winter Park leaders keep ban on gas-powered leaf blowers; Residents and workers outraged.” *WKMG, WKMG News 6 & ClickOrlando*. www.clickorlando.com/news/local/2024/02/01/winter-park-leaders-keep-ban-on-gas-powered-leaf-blowers-residents-and-workers-outraged/ (last visited Jan. 15, 2026)

⁵ Winter Park voters reverse ban on gas-powered leaf blowers.” *Spectrum News*. [Winter Park voters reverse ban on gas-powered leaf blowers](http://www.spectrumnews.com/news/local/2024/02/01/winter-park-voters-reverse-ban-on-gas-powered-leaf-blowers/) (last visited Jan. 15, 2026)

⁶ Section 823.14, F.S.

Section 4 creates s. 166.036, F.S., to prohibit a municipality from enacting or enforcing a resolution, ordinance, rule, code, or policy or to take any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment and provides related definitions. The bill does not prohibit or limit a municipality from encouraging the use of alternative farm or landscape equipment, such as battery-powered equipment.

Ecologically Significant Parcels in Low-Density Municipalities

Present Situation

The Community Planning Act governs how local governments create and adopt their local comprehensive plans.⁷ Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.⁸ The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.⁹

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.¹⁰ A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.¹¹

Effect of Proposed Changes

Section 2 amends s. 163.3164, F.S., to define an “ecologically significant parcel” as a land parcel located in a low-density municipality that is undeveloped and designated as rural, conservation, agricultural, or greenspace in a local government comprehensive plan. It defines a “low-density municipality” as a municipality existing on or before January 1, 2025, which is less than 2,500 acres in total size and contains a population of 5,000 or fewer legal residents.

Section 3 amends s. 163.3202, F.S., to prohibit municipalities from approving a development on an ecologically significant parcel in a low-density municipality unless the developer attests that the development will not exceed 1 residential unit per 20 acres or unless the applicant attests that the residential units being constructed will be used for the express purpose of providing housing for the family members of the applicant. The commission or council of a low-density municipality may waive these density requirements by a unanimous vote.

⁷ Section 163.3161, F.S.

⁸ Section 163.3161(4), F.S.

⁹ Section 163.3202, F.S.

¹⁰ Section 163.3164(16), F.S.

¹¹ See ss. 125.022, 163.3164(15), and 166.033, F.S.

Section 5 amends s. 212.055, F.S., to update the statute being referenced for the definition of “public facilities” in accordance with the changes made in section 2 of the bill.

Surplus of State-Owned Lands

Present Situation

State law designates the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees)¹² as the entity responsible for determining which state lands (the title to which are vested in the Board of Trustees) may be surplus.¹³ The statute addresses two different categories of state-owned lands: conservation lands and nonconservation lands.¹⁴ For all conservation lands, the Acquisition and Restoration Council¹⁵ must first make a recommendation to the Board of Trustees.¹⁶ Conservation lands may only be surplus if the Board of Trustees, by an affirmative vote of at least three members, determines that the lands are no longer needed for conservation purposes.¹⁷ Requests for surplus lands may be made by any public or private entity or person.¹⁸ Local government requests for surplus lands through purchase or exchange are expedited throughout the surplus process.¹⁹

The Board of Trustees owns approximately 3.3 million acres of uplands, 3.1 million acres of which is conservation land and 0.2 million acres of nonconservation land. There are also about 0.5 million acres of conservation easements.²⁰ As of June 30, 2025, there were 268 properties owned by the Board of Trustees that were candidates for disposition or in the disposition process, comprising an estimated 263 acres with an estimated value of \$9.84 million. All requests to surplus conservation lands must be submitted to the lead managing agency for review and recommendation to the Acquisition and Restoration Council, and all requests to surplus nonconservation lands must be submitted to the Division of State Lands for review and recommendation to the Board of Trustees.

¹² The Board of Trustees is a four-person board consisting of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. *See* s. 253.02(1), F.S.

¹³ Section 253.0341(1), F.S.

¹⁴ *Id.*

¹⁵ Section 259.035, F.S., provides that the Acquisition and Restoration Council (ARC) is a 10-member group with representatives from four state agencies, four appointees of the Governor, one appointee by the Fish and Wildlife Conservation Commission, and one appointee by the Commissioner of Agriculture and Consumer Services. ARC has responsibility for the evaluation, selection and ranking of state land acquisition projects on the Florida Forever priority list, as well as the review of management plans and land uses for all state-owned conservation lands. Dep’t of Environmental Protection, *Acquisition and Restoration Council*, <https://floridadep.gov/lands/environmental-services/content/acquisition-and-restoration-council-arc> (last visited Jan. 15, 2026); *see also* s. 253.0341(6), F.S. (providing that before any decision by the Board of Trustees, ARC must review and make recommendations to the Board of Trustees concerning the request for surplus, and must determine whether the request is compatible with the resource values of and management objectives for such lands).

¹⁶ Section 253.0341(1), F.S.

¹⁷ FLA. CONST. art. X, s. 18.

¹⁸ Section 253.0341(11), F.S.

¹⁹ Section 253.0341(1), F.S.

²⁰ Florida Department of Environmental Protection. *FAQ: Disposition of state lands and facilities annual report*. <https://floridadep.gov/lands/bureau-public-land-administration/content/faq-disposition-state-lands-and-facilities-annual> (last visited Jan. 15, 2026).

For all surplus lands, the Division of State Lands must determine the sale price based on the “highest and best use” of the property to ensure the maximum benefit and use to the state. “Highest and best use” means the reasonable, probable, and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and results in the highest value.²¹ Agricultural use of a land is not always considered the “highest and best use” for that particular parcel. Instead, exceptions are made for the value of agricultural land to be assessed based on current use rather than its fair market value.²²

Effect of Proposed Changes

Section 6 amends s. 253.0341, F.S., to provide additional requirements for the surplus of state-owned lands. The bill requires the Acquisition and Restoration Council to determine whether any lands surplus by a local governmental entity on or after January 1, 2024, are suitable for bona fide agricultural purposes. A local governmental entity may not transfer future development rights for any surplus lands determined to be suitable for bona fide agricultural purposes on or after July 1, 2024.

DEP, in coordination with the department, shall determine whether any state-owned conservation lands are suitable for bona fide agricultural purposes, and may surplus such suitable state-owned lands. DEP shall retain a rural-lands-protection easement for all state-owned conservation lands acquired on or after January 1, 2024, that are determined to be suitable for bona fide agricultural production. Proceeds from the sale of such surplus lands must be deposited into the Incidental Trust Fund within the department. By January 1, 2027, DEP shall provide a yearly report of such surplus state-owned conservation lands.

Babcock Ranch Preserve

Present Situation

The Babcock Ranch covers an area of 143 square miles and comprises 81,499 acres in Charlotte County and 9,862 acres in Lee County. In July of 2006, a Palm Beach real estate development firm, Kitson & Partners, purchased the entire 91,361 acre Babcock Ranch. The entity retained approximately 18,000 acres for development and sold to the State of Florida the remaining 73,000 acres.

This acquisition was made possible through the Babcock Ranch Preserve Act that was passed by the Legislature in 2006. The Act authorized the Babcock Ranch Preserve (preserve) as a working ranch and to protect regionally important water resources, diverse natural habitats, scenic landscapes and historic and cultural resources in southwest Florida.

Kitson & Partners entered into an agreement with the state of Florida to form a public/private partnership to manage the preserve. A subsidiary of Kitson & Partners, Babcock Ranch Management LLC, entered into a management agreement with the Board of Trustees and Lee County to provide management services for the preserve.

²¹ Section 253.0341(8), F.S.

²² FLA. CONST. art. VII, s. 4(a).

Section 259.1053, F.S., creates the Babcock Ranch Advisory Group to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve. The Babcock Ranch Advisory Group has not met since 2017.²³

Effect of Proposed Changes

Section 7 amends s. 259.1053, F.S., to remove the Babcock Ranch Advisory Group from statute.

Payments to Subcontractors

Present Situation

Many of Florida's subcontractors and material suppliers are small, locally-owned businesses that depend on timely payments to stay in business. Late or withheld payments may also delay project completion.

Section 287.1351, F.S., prohibits a vendor that is in default on any contract with an agency or has otherwise repeatedly demonstrated an inability to fulfill the terms and conditions of previous state contracts from submitting a bid, proposal, or reply to an agency or enter into or renew a contract to provide goods or services to an agency after its placement on the suspended vendor list. The suspended vendor list²⁴ includes vendors that have been removed from the vendor list for "failing to fulfill any of its duties specified in a contract with the State."²⁵

Section 287.0585, F.S., requires that if a state contractor fails to pay subcontractors and suppliers without cause within 7 working days after receiving payment, the contractor must pay the subcontractors or suppliers a penalty of 0.5% of the amount due per day, up to 15% of the of the outstanding balance due, and may be ordered by a court to pay restitution for attorney's fees and other related costs. This does not apply when the contract between the contractor and subcontractor provides otherwise.

For construction projects specifically, section 255.073, F.S., requires contractors to pay subcontractors and suppliers within 10 days of receiving payment, and those subcontractors and suppliers must in turn pay their own subcontractors and suppliers within 7 days of receiving payment. The contractors or subcontractors who owe the payments may dispute the charges in writing but otherwise must pay any undisputed charges within these timeframes. Payments not made within the required timeframe bear interest at 2% per month.

Effect of Proposed Changes

Section 8 amends s. 287.1351, F.S., to add that a vendor that has failed to timely compensate its subcontractors or suppliers will be placed on the suspended vendor list.

²³ See Babcock Ranch Advisory Group 10-year plan, <https://www.fdacs.gov/Forest-Wildfire/Our-Forests/State-Forests/Babcock-Ranch-Preserve/Babcock-Ranch-Preserve-10-Year-Land-Management-Plan> (last visited Jan. 15, 2026)

²⁴ DMS. *Vendor registration and vendor lists*. https://www.dms.myflorida.com/business_operations/state_purchasing/state_agency_resources/vendor_registration_and_vendor_lists (last visited Jan. 15, 2026).

²⁵ Section 287.042, F.S.; *See* Rule 60A-10.006, F.A.C.

Section 18 amends s. 489.105, F.S., to define “subcontractor” and “supplier” as the same meaning provided in s. 558.002, F.S.

Section 19 creates s. 489.1295, F.S., to require a contractor to pay its subcontractors or suppliers within 30 business days after the contractor is paid for the respective services. A contractor who violates this section commits a misdemeanor of the first degree, or a felony of the third degree when the services performed are valued at \$20,000 or more. This differs from felonies of the third degree related to grand theft, defined by s. 812.014, F.S., as theft of property valued below \$20,000.

Section 52 reenacts s. 287.056, F.S., related to disqualification from state contract eligibility of vendors placed on the suspended vendor list, to incorporate the amendments made to s. 287.1351, F.S.

Section 53 reenacts s. 287.138, F.S., related to contracting with entities of foreign countries of concern, to incorporate the amendments made to s. 287.1351, F.S.

Cheating on CDL Examinations

Present Situation

Applicants to drive vehicles requiring a CDL must undergo an exam that tests the applicant’s:

- Eyesight;
- Ability to read and understand highway signs regulating, warning, and directing traffic;
- Knowledge of the traffic laws of this state pertaining to the class of motor vehicle for which he or she is applying;
- Knowledge of the effects and dangers of driving under the influence of alcohol and controlled substances; and
- Knowledge of any special requirements for the safe operation of the class of vehicle for which he or she is applying to be licensed to operate.

He or she must also perform an actual demonstration of his or her ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an exam of the applicant’s ability to perform an inspection of his or her vehicle.²⁶

Section 322.36, F.S., prohibits a person from authorizing or knowingly permitting a motor vehicle owned or controlled by him or her to be operated on any highway or public street except by a person authorized to operate a motor vehicle under this chapter. Anyone who violates this provision commits a misdemeanor of the second degree.

Effect of Proposed Changes

Section 9 amends s. 322.12, F.S., to add that an applicant for a CDL who receives unauthorized assistance from another person on the exam that tests his or her knowledge of traffic laws and

²⁶ Section 322.12(4), F.S.

signage pertaining to the respective class of vehicle commits a misdemeanor of the second degree.

Section 10 amends s. 322.36, F.S., to add that a person who knowingly or willfully provides unauthorized assistance to an applicant for the CDL exam commits a misdemeanor of the second degree.

Southern States Energy Compact Repeal

Present Situation

Section 377.711, F.S., establishes Florida as a member of the Southern States Energy Compact (compact). The compact is performed by the Southern States Energy Board (SSEB). The SSEB is a non-profit interstate compact organization created by state law in 1960 and consented to by Congress²⁷ with a broad mandate to contribute to the economic and community well-being of the southern region.²⁸ Its mission is to enhance economic development and the quality of life through innovations in energy and environmental policies, programs, and technologies. The SSEB serves its members directly by providing assistance designed to develop effective energy and environmental policies and programs and represents its members before governmental agencies at all levels.

Section 377.712, F.S., provides for Florida's participation on the SSEB, including requiring the Governor, President of the Senate, and Speaker of the House of Representatives to each appoint one member to the SSEB. The section also authorizes departments, agencies, and officers of the state and its subdivisions to cooperate with the SSEB if the activities have been approved by either the Governor or the member appointed by the Governor.

According to the department, Florida has not used and does not anticipate using the services provided by the SSEB. Participating in the compact costs Florida approximately \$45,000 annually.

Effect of Proposed Changes

Sections 11, 12, and 13 repeal s. 377.71, F.S., s. 377.711, F.S., and s. 377.712, F.S., respectively. This removes from statute all language referencing the Southern States Energy Compact and Florida's requirement to participate in it.

Biosolids Management

Present Situation

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by the DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.²⁹

²⁷ Public Laws 87-563 and 92-440.

²⁸ Southern States Energy Board. *About SSEB*. <http://www.sseb.org/about/> (last visited Jan. 15, 2026)

²⁹ DEP. *General facts and statistics about wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Jan. 15, 2026).

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids³⁰ accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.³¹ Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.³² The collected residue is high in organic content and contains moderate amounts of nutrients.³³

The DEP has stated that wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.³⁴ Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application to pasture or agricultural lands.³⁵ Biosolids are subject to regulatory requirements established by the DEP to protect public health and the environment.³⁶

Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at a permitted site.³⁷ This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries, and by homeowners for their lawns and home gardens.³⁸

The DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids.³⁹ The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.⁴⁰ Treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.⁴¹

Class AA biosolids can be distributed and marketed like other commercial fertilizers with few further restrictions.⁴²

³⁰ Section 373.4595, F.S., defines biosolids as the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

³¹ DEP. *Domestic wastewater biosolids*. <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 15, 2026).

³² Rule 62-640.200(6), F.A.C..

³³ *Id.*

³⁴ DEP. (2019). *Biosolids in Florida*. <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf#:~:text=Biosolids%20and%20Management%20in%20Florida%20Estimated%20Total%20Production%20two-thirds%20are%20beneficially%20used%20and%20onethird%20is%20landfilled> (last visited Jan. 15, 2026).

³⁵ *Id.*

³⁶ Rule 62-640, F.A.C..

³⁷ EPA. *Land application of biosolids*. <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Jan. 15, 2026).

³⁸ *Id.*

³⁹ Rule 62-640.200, F.A.C.

⁴⁰ *Id.*; DEP. *Domestic wastewater biosolids*.

⁴¹ Rule 62-640.200, F.A.C.

⁴² DEP. *Domestic wastewater biosolids*; National Biosolids Data Project. *Florida biosolids*. <https://www.biosolidsdata.org/florida> (last visited Jan. 15, 2026); Rule 62-640.850, F.A.C.

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicers, and distributors⁴³ and include permit requirements for both treatment facilities and biosolids application sites.⁴⁴

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land.⁴⁵ Biosolids may only be applied to land application sites that are permitted by the DEP and have a valid NMP.⁴⁶ Biosolids must be applied at rates established in accordance with the NMP and may be applied to a land application site only if all concentrations of minerals do not exceed ceiling and cumulative concentrations determined by rule.⁴⁷ According to the St. Johns Water Management District, application rates of biosolids are determined by crop nitrogen demand, which can often result in the overapplication of phosphorus to the soil and can increase the risk of nutrient runoff into nearby surface waters.⁴⁸

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.⁴⁹ The requirements are site-specific and can be increased or reduced by the DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.⁵⁰

The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with a NMP that has been approved by the DEP.⁵¹ The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.⁵²

Between 2018 and 2024, the number of biosolids land application sites decreased by about 40%. Florida Class AA and Class B biosolids are also marketed and distributed out of state.⁵³

⁴³ Rule 62-640.100, F.A.C.

⁴⁴ Rule 62-640.300, F.A.C.

⁴⁵ Rule 62-640.500, F.A.C.

⁴⁶ *Id.*

⁴⁷ Rule 62-640.700, F.A.C.

⁴⁸ Hoge, V. R., Environmental Scientist IV, St. Johns River Water Management District. *Developing a biosolids database for watershed modeling efforts*, abstract available at http://archives.waterinstitute.ufl.edu/symposium2018/abstract_detail.asp?AssignmentID=1719 (last visited Jan. 15, 2026).

⁴⁹ Rule 62-640.650, F.A.C.

⁵⁰ *Id.*

⁵¹ Section 373.811(4), F.S.

⁵² *Id.*

⁵³ Email from DEP On File with Senate Agriculture Committee

Section 403.0855, F.S., provides legislative findings and requires the DEP to adopt rules for biosolids management. The statute requires all biosolids application sites to meet the DEP rules in effect at the time of the renewal of the biosolids application site permit or facility permit, effective July 1, 2020. Permittees applying Class A or Class B biosolids shall ensure a minimum unsaturated soil depth of 2 feet between the depth of biosolids placement and the water table level at the time of application. Permittees shall also be enrolled in the Department of Agriculture and Consumer Services best management practices program or be within an agricultural operation enrolled in the program for the applicable commodity type.

Fertilizer Regulation

Section 576.011(14), F.S., defines “fertilizer” to mean any substance which contains one or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides other soil enrichment, or provides other corrective measures to the soil. The term does not include unmanipulated animal or vegetable manures, peat, or compost which make no such claims. Any person or company who distributes fertilizer in Florida and whose name appears on the fertilizer label as the guarantor is responsible for obtaining a license from the department. The fee for obtaining a fertilizer license is \$200 and licenses expire on June 30 of each year.⁵⁴

Any fertilizer distributed in this state in containers shall have a label that includes the following information:

- The brand and grade.
- The guaranteed analysis.
- The name and address of the licensee.
- The net weight.
- The sources from which the nitrogen, phosphorus, and potassium are derived.
- The sources of secondary plant nutrients and micro plant nutrients if guaranteed, claimed, or advertised.⁵⁵

If distributed in bulk, two labels containing the information required above shall accompany delivery and be supplied to the purchaser at time of delivery with the delivery ticket, which shall show the certified net weight.⁵⁶

Every licensee shall pay the department an inspection fee to fund the fertilizer inspection program and shall quarterly report to the department the tonnage of fertilizer sold in the state.⁵⁷ The department is authorized to enter any public or private premise or carrier during regular business hours in the performance of its duties relating to fertilizers and fertilizer business records. The department is directed to sample, test, inspect, and analyze fertilizer sold within this state and may collect fees to cover associated costs.⁵⁸

⁵⁴ Florida Department of Agriculture and Consumer Services. (2026). Fertilizer licensing and tonnage reporting. <https://www.fdacs.gov/Agriculture-Industry/Fertilizer-Licensing-and-Tonnage-Reporting> (last visited Jan. 15, 2026).

⁵⁵ Section 576.031(1), F.S.

⁵⁶ Section 576.031(2), F.S.

⁵⁷ Section 576.041, F.S.

⁵⁸ Section 576.051, F.S.

The Legislature finds that nitrogen and phosphorous residues have been found in groundwater, surface water, and drinking waters in excess of established water quality standards and that some fertilization-management practices could be a source of such contamination. As such, nutrient application rate recommendations are under review by the University of Florida Institute of Food and Agricultural Sciences so that they can reflect the latest methods of producing agricultural commodities and changes to nutrient application practices.⁵⁹

Effect of Proposed Changes

Section 14 amends s. 403.0855, F.S., to require that permittees of a biosolids land application site permitted after July 1, 2020 shall ensure that only Class AA biosolids are applied to the soil, effective July 1, 2028. This section also removes the requirement that rules adopted by the department pursuant to this section be ratified by the Legislature.

Pest Control Examinations, Licensing, and Certification

Present Situation

For structural pest control (pest control provided to homes or other structures), Florida law requires that each pest control business location must:

- Be licensed by the department,
- Carry the required insurance coverage (\$250,000 per person and \$500,000 per occurrence for bodily injury and \$250,000 per occurrence and \$500,000 in the aggregate for property damage, or a combined single limit coverage of \$500,000 in the aggregate),⁶⁰ and
- Employ full-time a Florida-certified operator in charge of the pest control operations of the business location. This operator must be certified in the categories in which the business operates:
 - General Household Pest and Rodent Control,
 - Termite and Other Wood-Destroying Organisms Control,
 - Lawn and Ornamental Pest Control, and/or
 - Fumigation.⁶¹

The business license fee is \$300, and the fee for each employee identification card is \$10.⁶²

A certified operator is an individual who has passed an examination administered by the department in any of four certification categories:

- General Household and Rodent Control;
- Lawn and Ornamental Pest Control;
- Termite and Other Wood-Destroying Organisms Control; and
- Fumigation.⁶³

⁵⁹ Section 576.045(1), F.S.

⁶⁰ Section 482.071, F.S.

⁶¹ Florida Department of Agriculture and Consumer Services. (2026). *Pest control licensing and certification*. <https://www.fdacs.gov/Business-Services/Pest-Control/Licensing-and-Certification> (last visited Jan. 15, 2026).

⁶² *Id.*

⁶³ Florida Department of Agriculture and Consumer Services. (2026). *Pest control FAQ*. [Pest Control FAQ / Pest Control / Business Services / Home - Florida Department of Agriculture & Consumer Services](#) (last visited Jan. 15, 2026).

Effect of Proposed Changes

Section 15 amends s. 482.071, F.S., to require that people applying for pest control business licenses or renewals who will offer fumigations as part of their operations to submit to the department a certificate of insurance covering \$1,000,000 per person/\$2,000,000 per occurrence of bodily injury, \$1,000,000 per occurrence/\$2,000,000 in the aggregate of property damage, or combined single-limit coverage of \$2,000,000 in the aggregate.

Section 16 amends s. 482.161, F.S., to change the fine that the department may impose for a violation of the Structural Pest Control Act from the Class II category to the Class III category, which increases the fine limit from \$5,000 to \$10,000.

Section 17 amends s. 482.165, F.S., to change the civil penalty for which the department may institute a civil suit from the Class II to the Class III category for any violation for which the department may issue a notice to cease and desist for the practice of pest control without a license from the department.

Obstructing Inspection

Present Situation

The Division of Food Safety is directly responsible for assuring the public of a safe, wholesome and properly represented food supply. It accomplishes this through the permitting and inspection of food establishments, inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold and/or produced in Florida.⁶⁴

Section 500.147, F.S., authorizes the department to have free access at all reasonable hours to any food establishment, any food records, or any vehicle being used to transport or hold food in commerce for the purpose of inspection or sampling.

Section 500.04, F.S., prohibits refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by s. 500.147, F.S.

According to the department, the Division of Food Safety has reported experiences of food establishments obstructing inspection by creating inhospitable conditions for inspectors that make inspection difficult to perform.

Effect of Proposed Changes

Section 20 amends s. 500.04, F.S., to add obstruction to the prohibited acts involving permitting entry or inspection or sample taking as authorized by s. 500.147, F.S.

Section 54 reenacts s. 500.177, F.S., related to the penalty for violation of s. 500.04, F.S., for the purpose of incorporating the amendments made by the bill to s. 500.04, F.S.

⁶⁴ See <https://www.fdacs.gov/Divisions-Offices/Food-Safety> (last visited Jan. 15, 2026)

Healthy Food Financing Initiative

Present Situation

In 2016, the Florida Legislature directed the department to establish a Healthy Food Financing Initiative Program (program) to provide financial assistance for the rehabilitation or expansion of grocery retail outlets located in underserved or low-income communities.⁶⁵ The department was directed to draw upon and coordinate the use of federal, state, and private loans or grants, federal tax credits, and other types of financial assistance. The goal of the program is to improve public health and well-being of low-income children, families, and older adults by increasing access to fresh produce and other nutritious foods at participating grocery outlets that are required to allocate at least 30 percent of their retail space to the sale of perishable foods, which may include fresh or frozen dairy products, fresh produce, and fresh meats, poultry, and fish.⁶⁶

For the 2016-2017 fiscal year, \$500,000 in nonrecurring funds was appropriated to the department to implement the program.⁶⁷

Effect of Proposed Changes

Section 21 repeals s. 500.81, F.S., the Healthy Food Financing Initiative.

Product Mislabeling

Present Situation

Section 500.93, F.S., provides definitions for “egg,” “egg product,” “FDA,” “meat,” “milk,” and “poultry” or “poultry product” to align with the federal definitions. The statute grants the department rulemaking authority to enforce the FDA’s standard of identity for milk, eggs, egg products, meat, poultry, and poultry products and prohibit the sale of plant-based products mislabeled as milk, eggs, egg products, meat, poultry, and poultry products in the state. It provides that this subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk, eggs, egg products, meat, poultry, and poultry products by any 11 of the group of 14 states identified in statute.⁶⁸

The statute requires the department to notify the Division of Law Revision upon the enactment into law of mandatory labeling requirements by any 11 of the group of 14 states identified in statute.⁶⁹

Effect of Proposed Changes

Section 22 amends s. 500.93, F.S., to add in a cross reference previously omitted.

⁶⁵ Section 500.81, F.S.

⁶⁶ Section 500.81, F.S.

⁶⁷ Chapter 2016-221, Laws of Florida.

⁶⁸ The 14 states are composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

⁶⁹ *Id.*

Health Studio Registration Exemptions

Present Situation

The Health Studio Act, ss. 501.012-501.019, F.S., regulates health studios that enter into contracts for health studio services with consumers. “Health studios” includes, among other things, a gym that offers its members the use of weight-training and cardiovascular equipment. The act requires studios to:

- Register with the department;
- Include specific provisions in every contract with a consumer, such as the consumer’s total payment obligations, and cancellation provisions;
- Provide a security bond, generally ranging from \$10,000 to \$25,000, depending on the value of outstanding contracts with the studio; and
- Refrain from prohibited practices, such as committing an intentional fraud.

The following health studios or health-related businesses are exempt from registration with the department.⁷⁰

- Nonprofit organizations that have tax-exempt status with the Internal Revenue Service;
- Gymnastics schools that engage in instruction and training only;
- Golf, tennis, or racquetball clubs that do not offer physical exercise equipment;
- A program or facility offered and used solely for the purpose of dance, aerobic exercise, or martial arts that does not use physical exercise equipment;
- Country clubs that primarily provide social or recreational amenities to its members; and
- A program or facility offered by an organization for the exclusive use of its employees and their family members.

Changes in the health studio industry have created additional types of businesses not contemplated at the creation of the statute which bear similarities to the types of businesses exempt under s. 501.013, F.S.

Effect of Proposed Changes

Section 23 amends s. 501.013, F.S., to add that the department may exempt any other businesses or activities not in existence as of July 1, 2026, from ss. 501.012-501.019, F.S.

Unauthorized Commercial Solicitation

Present Situation

Section 501.022, F.S., prohibits home solicitation sales, as defined in s. 501.021, F.S., without first obtaining a valid home solicitation sale permit. Violation of this statute is a first-degree misdemeanor. Some local ordinances in Florida impose further restrictions on home solicitation sales. For example, Leon County prohibits such solicitation on properties that display the locally-required “No Solicitation” sign,⁷¹ the town of Palm Beach prohibits such solicitation outside of

⁷⁰ Sections 501.0125-.013, F.S.

⁷¹ Chapter 12, Article IV, Sec. 12-82, Leon County Code of Laws.

specified hours and on properties that display a “No Solicitation” sign,⁷² and the city of Belle Isle⁷³ prohibits such solicitation outside of specified hours.⁷⁴

Effect of Proposed Changes

Section 24 creates s. 501.062, F.S., to provide legislative intent and prohibit commercial solicitation on properties that comply with “no commercial solicitation” signage requirements as provided in the section. The section also provides penalties for violation, including a noncriminal violation punishable with a \$500 fine for the first violation and a second-degree misdemeanor for a second or subsequent violation.

Departmental Reorganization Powers

Present Situation

Section 20.04, F.S., outlines the required structure of the executive branch of state government. Subsection 20.04(7), F.S., states that unless authorized by law, department heads may not reallocate duties and functions specifically assigned by law to a specific unit of the department, but they can do so for duties and functions assigned generally to the department. Department heads may recommend the establishment of additional units, but additional divisions may only be established by statutory enactment, while other units may be initiated by the department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or by statutory enactment.

Section 570.07, F.S., outlines the functions, powers, and duties of the department.

Effect of Proposed Changes

Section 25 amends s. 570.07, F.S., to add that the department shall have the functions, powers, and duties to reorganize departmental units upon approval of the commissioner, notwithstanding s. 20.04(7), F.S.

Agriculture and Aquaculture Producers Emergency Recovery Loan Program

Present Situation

The Agriculture and Aquaculture Producers Emergency Recovery Loan Program, established by s. 570.822, F.S., makes loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property.

Under the program, the department is authorized to make low-interest or interest-free loans of up to \$500,000 to eligible applicants. An approved applicant may receive no more than one loan per

⁷² Chapter 78, Article I, sec. 78-1, Palm Beach, Florida, Code of Ordinances.

⁷³ Ch. 20, sec. 20-2, see

https://library.municode.com/fl/belle_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH20PESO_S20-4PROBSOPE
(last visited Jan. 15, 2026)

⁷⁴ Chapter 20, sec. 20-2, Belle Isle, Florida, Code of Ordinances.

declared disaster, two loans per year, and five loans within any three-year period. The term of each loan is 10 years.

To be eligible an applicant must:

- Own or lease a bona fide farm operation damaged or destroyed as a result of a declared natural disaster located in a county that experienced a declared natural disaster; and
- Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.⁷⁵

Effect of Proposed Changes

Section 26 amends s. 570.822, F.S., to add that eligible applicants for the program must be a United States citizen and a legal resident of this state before or on the date of the declared emergency. If the applicant is an entity as defined in s. 605.0102, F.S., it must be wholly owned and operated in the United States and have an active certificate of status issued by the Department of State pursuant to chapter 605, F.S.

Florida Native Seeds

Present Situation

Wildflowers are recognized as essential to Florida's ecological health, economy, and natural beauty. The Florida Wildflower Foundation protects, connects, and expands native wildflower habitats through education, research, planting, and conservation.⁷⁶

Effect of Proposed Changes

Section 27 creates s. 570.832, F.S., which directs the Florida Wildflower Foundation to coordinate with the department to establish the Florida Native Seed Research and Marketing Program. The goal of the program is to conduct research designed to expand the availability and uses of native seeds and strengthen the market position of the state's native seed industry through marketing campaigns.

Food Animal Veterinary Medicine Loan Repayment Program

Present Situation

Florida has experienced a shortage of food animal veterinarians caring for livestock and food animals, particularly in rural areas. Nationally, over 72% of new veterinary graduates go into companion animal practices, with average starting salaries of \$140,000, while around 3% of new graduates pursue food animal practice, with starting salaries averaging \$100,000.⁷⁷ Student loan debt can be a major factor driving new graduates to companion animal practice rather than food animal practice. Having a greater number of food animal veterinarians working in the state can

⁷⁵ Section 570.822(3), F.S.

⁷⁶ See Florida Wildflower Foundation, *What We Do*, available at <https://www.flawildflowers.org/what-we-do/> (last visited Jan. 15, 2026).

⁷⁷ Larkin, M, (2025, October 15). American Veterinary Medical Association. *Inflation continues to dampen gains in veterinarian salaries, fewer new grads entering full time employment.* <https://www.avma.org/news/inflation-continues-dampen-gains-veterinarian-salaries-fewer-new-grads-entering-full-time> (last visited Jan. 15, 2026)

help ensure animal health, food safety, and sufficient emergency response during disease outbreaks.

The federal Veterinary Medicine Loan Repayment Program, authorized by the National Veterinary Medical Services Act⁷⁸ and administered by the United States Department of Agriculture (USDA), provides veterinary medicine education loan repayments of up to \$40,000 per year for veterinarians who provide agricultural animal veterinary services in a designated veterinary shortage area.⁷⁹

Effect of Proposed Changes

Section 28 creates s. 570.846, F.S., to establish the Food Animal Veterinary Medicine Loan Repayment Program. The bill authorizes the department to make payments that offset loans incurred for studies leading to a veterinary degree with a specialization in food animal veterinary medicine. The department may make payments of up to \$25,000 each year for up to 5 years for up to three new eligible candidates. To be eligible, a candidate must have graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association, have received a Florida veterinary medical license, have obtained a Category II Accreditation from the USDA, and be a practicing food animal veterinarian in this state who cares for food animals at least 20 hours per week. Candidates are ineligible if they are also receiving financial assistance from the federal Veterinary Medicine Loan Repayment Program as established in 7 U.S.C. part 3151a. The department may adopt any rules necessary to administer the program.

Agritourism

Present Situation

Section 570.85, F.S., provides legislative intent to promote agritourism as a way to support agricultural production. It prohibits local governments from adopting or enforcing a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural. It does not limit the powers and duties of local governments to address substantial offsite impacts of agritourism activities.

An “agritourism activity” is defined to mean any agricultural related activity that is consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows the general public to view or enjoy its activities for recreational, entertainment, or educational purposes. These activities include farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the building of new or additional structures or facilities that are intended primarily to house, shelter, transport, or otherwise accommodate the general public. An activity is deemed to be an agritourism activity regardless of whether the participant paid to participate in the activity.⁸⁰

⁷⁸ National Veterinary Services Act, Public Law No. 108-61, 117 Stat. 2014 (2003).

<https://www.congress.gov/108/plaws/publ161/PLAW-108publ161.pdf> (last visited Jan. 15, 2026).

⁷⁹ USDA. *The Veterinary Medicine Loan Repayment Program*. <https://www.nifa.usda.gov/grants/programs/veterinary-medicine-loan-repayment-program> (last visited Jan. 15, 2026)

⁸⁰ Section 570.86(1), F.S.

In order to promote and perpetuate agriculture throughout the state, farm operations are encouraged to engage in agritourism. An agricultural land classification may not be denied or revoked due to the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities. The land it occupies shall be considered agricultural in nature as long as the building, structure, or facility is an integral part of the agricultural operation. The buildings, structures, and facilities, and other improvements on the land, must be assessed at their just value and added to the agriculturally assessed value of the land.⁸¹

Effect of Proposed Changes

Section 29 amends s. 570.85, F.S., to prohibit a local government from requiring an agricultural property owner to obtain a rural event venue permit or license. **Section 30** amends s. 570.86, F.S., to define a “rural event venue.”

Limited Poultry Producer Annual Bird Limit

Present Situation

Section 583.01, F.S., currently defines the term “dealer” to mean any person, firm, or corporation, including a producer, processor, retailer, or wholesaler, that sells, offers for sale, or holds for the purpose of sale in this state 30 dozen or more eggs or its equivalent in any one week, or more than 384 dressed birds in any one week. The definition creates limited sale poultry requirements to benefit operators of small poultry farms, to provide a level of economic and regulatory relief relative to production and sale of limited poultry. Florida Administrative Code 5K-4.033 further defines a “Limited Poultry and Egg Farm Operation” as limited to 20,000 birds annually.

At the federal level, Public Law 90-492, known as the Poultry Product Inspection Act (PPIA), exempts poultry producers who slaughter or process the products of 20,000 poultry birds or fewer from certain inspection requirements of the act.⁸²

Effect of Proposed Changes

Section 31 amends s. 583.01, F.S., to change the dressed bird limit of a poultry “dealer” from 384 birds weekly⁸³ to 20,000 birds annually. This change will align state law with federal law.

Florida Forest Service Training Centers

Present Situation

Florida Forest Service (FFS) has the primary responsibility for the prevention, detection, and suppression of wildfires wherever they may occur. It must provide firefighting crews and develop a training curriculum for forestry firefighters.

⁸¹ Section 570.87, F.S.

⁸² 21 U.S.C. § 464. (2020).

⁸³ 384 birds weekly adds up to 19,968 birds annually.

Section 590.02, F.S., grants the FFS the authority to pay the cost of the initial CDL exam fee for employees whose position requires them to operate equipment requiring a license, but does not include the cost of CDL renewal. The FFS employs more than 1,250 people in more than 90 job classes. The FFS had 20 different job classes that require a Class A or B CDL as a condition of employment, as of 2018. The Department of Financial Services prohibits the use of public funds to pay license or exam fees under Chapter 69I-40.002(23), F.A.C., unless specifically authorized by law.

Effect of Proposed Changes

Section 32 amends s. 590.02, F.S., to add the Welaka Training Center as a site that the FFS may operate to train fire and forest resource managers, and adds that the FFS may determine and assess appropriate fees to meet its operational costs and grant free meals, room, and scholarships, regardless of the location of the training. The bill also adds CDL renewal costs to the CDL costs paid by the FFS.

The bill also names the Bonifay Forestry Station the John Michael Mathis Forestry Station in honor of the late Mr. John Michael Mathis.

Farmers Feeding Florida Program

Present Situation

The Farmers Feeding Florida Program (program) was temporarily created during the 2025 legislative session and funded through the General Appropriations Act.⁸⁴ The bill permanently codifies this temporary program. The program provides funding and authority to Feeding Florida to purchase, transport, and distribute non-Emergency Food Assistance Program (non-TEFAP) fresh food products for the benefit of food insecure residents. The program supports Florida farmers while connecting them to families in need. In Florida, the USDA found that 12% of households were food insecure in 2023,⁸⁵ while Feeding America estimates that 3.2 million Floridians were food insecure that year.⁸⁶

The Emergency Food Assistance Program (TEFAP) is a USDA U.S.-grown food distribution program for low-income households that is administered in Florida by the department. The Farmers Feeding Florida Program distributes fresh food outside of TEFAP food.

Effect of Proposed Changes

Section 33 creates s. 595.421, F.S., to establish the Farmers Feeding Florida Program to coordinate with Feeding Florida or its successor entity to acquire, transport, and distribute non-TEFAP fresh food products for the benefit of residents who are food insecure due to a lack of local food resources, accessibility, and affordability. Feeding Florida shall submit monthly reports to the department detailing the amount of food purchased, itemized by commodity type, and purchase and delivery locations and dates. Feeding Florida shall also submit quarterly

⁸⁴ Chapter 2025-198, Laws of Florida

⁸⁵ Rabbitt, M. P., Reed-Jones, M., Hales, L. J., & Burke, M. P. (2024). *Household food security in the United States in 2023*. USDA. <https://ers.usda.gov/sites/default/files/laserfiche/publications/109896/ERR-337.pdf?v=39293> (last visited Jan. 15, 2026)

⁸⁶ Feeding America. <https://map.feedingamerica.org/county/2023/overall/florida> (last visited Jan. 15, 2026)

reports to the legislative appropriations committees detailing the amount of food distributed, itemized by commodity type, and the distribution locations. Foods purchased by Feeding Florida through the program are restricted to charitable purposes for hunger relief and may not reenter the wholesale, retail, or secondary markets. The bill also restricts Feeding Florida from allowing an opposed candidate for elective office to host a food distribution non-emergency event during the election season.

Aquaculture Process Modernization

Present Situation

The Florida Aquaculture Policy Act established that aquaculture is agriculture and consolidated state regulatory responsibilities under the department. Florida's aquaculture industry produces the greatest variety of aquatic species of any state in the nation. Moreover, aquaculture is Florida's most diverse agribusiness. The state's subtropical climate, extensive marine and freshwater resources, cargo shipping infrastructure, and extensive coastline have made the state's aquaculture industry uniquely diverse. There are approximately 1,000 certified aquaculture farms in Florida, located in every region of the state, which produce an estimated 1,500 varieties of fish, aquatic plants, mollusks, crustaceans, turtles, amphibians, and alligators for ornamental, food and bait markets as well as for sporting, conservation, and educational purposes.⁸⁷⁸⁸

Sovereign submerged lands are lands in Florida that include tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters.⁸⁹ To conduct aquaculture activities on sovereign submerged lands in Florida, an individual must obtain a lease from the Board of Trustees.⁹⁰ The department accepts and reviews applications and provides recommendations to the Board of Trustees. The Board of Trustees may approve, approve with modifications, or deny the application.⁹¹

An individual engaging in aquaculture must obtain an aquaculture certificate of registration from the department.⁹²

Effect of Proposed Changes

Section 34 amends s. 597.004, F.S., to restrict the department from renewing a certificate of registration for a facility that is not compliant with this section unless the renewal application includes documentation of corrective action, and to impose a 3-year reapplication waiting period for revoked or suspended certificates of registration. The bill also updates the scientific name of the Florida bass to *Micropterus salmoides*.

⁸⁷ See <https://www.fdacs.gov/content/download/91723/file/FDACS-P-02145-2020FLAquacultureIndustryOverview.pdf> (last visited Jan. 15, 2026).

⁸⁸ Ch. 597, F.S.

⁸⁹ Rule 18-21.003(67), F.A.C.; s. 253.03(1), F.S.

⁹⁰ Sections 253.68 and 597.010, F.S.

⁹¹ Rule 18-21.021(1)(q), F.A.C.

⁹² Section 597.004(1), F.S.

Section 35 amends s. 597.010, F.S., to allow, rather than obligate, the department to adjust annual rental fees for leases.

Florida Wine Trust Fund

Present Situation

The Legislature declared that viticulture, the production and utilization of grapes, is an underdeveloped agricultural commodity enterprise in this state. The Legislature recognizes that Florida possesses many resources and geographic advantages that favor the expansion and growth of present-day viticulture into a broad-based, economically viable industry. The growth potential of the present industry offers good opportunities for local economic development and supply trade. The development of viticulture is compatible with the economies, lifestyles, and interests of both rural and urban Florida.⁹³

Further, the Legislature finds that factors such as minimal new grape cultivar development, lack of printed information on production and processing, minimal understanding of winemaking techniques and requirements that will capitalize on the unique characteristics of available grape cultivars, minimal understanding of grape juice processing requirements, lack of fresh fruit handling and processing technology specifically for muscadine grape cultivars, lack of quality standards for wine and other processed grapes, lack of assistance and printed information for overall business planning and marketing, and lack of coordination of the many diverse interests and expertises which could contribute to the further development of viticulture in the state are inhibitory to the development of viticulture to the potential of which it is reasonably capable, going into the 21st century.⁹⁴

The Florida Viticulture Policy Act creates the Florida Wine Advisory Council, State Wine Plan, Florida Farm Winery Program, and Florida Wine Trust Fund to support the wine and viticulture industries in Florida.⁹⁵

Effect of Proposed Changes

Section 36 amends s. 599.012, F.S., to make conforming changes replacing “viticulture” with “wine” as the products promoted by the Florida Wine Trust Fund, and adding “wine” to the topics of research for which the Florida Wine Trust Fund can provide grants.

Public Fair Charter and Permitting Process Modernization

Present Situation

The Legislature first passed laws for the purpose of regulating state fair associations and operations by enacting ch. 7388, L.O.F, in 1917. In 1974, the Legislature enacted ch. 74-322, L.O.F., which created the Florida State Fair Authority to deal exclusively with the staging of the annual state fair in Tampa, Florida. The last major changes to the statute occurred when the

⁹³ Section 599.001 F.S.

⁹⁴ *Id*

⁹⁵ Chapter 599, F.S.

statute was reviewed in 1993 under provisions of the Regulatory Sunset Act. At that time, it was revised and reenacted by the provisions of ch. 93-168, L.O.F.

Currently there is no mechanism in statute for the denial or remediation of fair charter applications. Applicants must record the proposed charter with the judge of the circuit court for the county in which the principal office of the association will be located. Applicants are also required to publish a notice of intention to apply in a local newspaper for four consecutive weeks, and to publish any amendments to their charter in the same manner. A fair association approved by the board of county commissioners is required to submit its charter and any amendments to the circuit judge of the county where its principal office is located and to file a copy with the department.

The department is required to issue a permit within 10 days after the permit application requirements have been fulfilled.

Effect of Proposed Changes

Section 37 amends s. 616.001, F.S., to remove the definitions of community, county, district, regional, and state fairs, which are included under “annual public fair.” The removal of these definitions also removes the requirements that the agricultural products of each fair be produced in or be typical of its respective geographic area, and that the majority of the board of directors of each fair shall reside, be employed, or operate a business in its respective geographic area. It removes the requirement that district fairs pay at least \$25,000 in cash premiums or awards to exhibitors, and that district fairs have exhibits representing basic resources in agriculture and industry of each county served by the fair. It also retains the definition “public fair or exposition” to include that it benefits and develops the educational agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state.

Section 38 amends s. 616.01, F.S., to remove the minimum requirement of 25 persons to incorporate a fair association. The bill also creates a mechanism for denial of applications and a process for remediation before resubmission. It also requires the proposed charter submitted by approved applicants to be notarized. The bill adds requirements for the proposed charter to include provision for ex officio membership, the name of an elected member of the board of county commissioners who will serve as an ex officio member of the board of directors of the association, the official email address of the association, and the language for the oath that the applicant will take.

Section 39 amends s. 616.02, F.S., to limit the number of incorporated fair associations per county to one, excluding the state fair and fair associations incorporated before the bill effective date. The department may not approve a charter incorporating a new fair association in a county where one already exists, except at the discretion of the Commissioner of Agriculture.

Section 40 amends s. 616.03, F.S., to remove the requirement that a fair association applicant send a notice to the department of the intention to apply to the circuit court for the charter, that the notice be published in a newspaper in the county of the association each week for four consecutive weeks, that the notice briefly summarize the charter and objectives of the proposed

association, and that the proposed charter be on file in the office of the clerk of the circuit court during the publication period. The proposed charter must first be approved by the department before being submitted to the board of county commissioners of the county where the principal office of the association will be located.

Section 41 amends s. 616.05, F.S., to remove the public notice requirement for association charter amendments that was removed for proposed charters in section 31.

Section 42 amends s. 616.051, F.S., to remove the public notice requirement for dissolving a fair association and to allow that remaining assets be distributed to the county in which the principal office of the association is located, unless otherwise specified by the property deed.

Section 43 amends s. 616.07, F.S., to remove the requirement for remaining assets of a dissolved association to be distributed to any county or municipality, and to remove the provision allowing the board of directors to designate the public project that will benefit from the funds or the manner in which the property will be used. It also removes the requirement that property contributed by a municipality or county be reconvened to that respective municipality or county.

Section 44 amends s. 616.101, F.S., to clarify that the threshold of annual attendance of 25,000 is based on recorded attendance from the previous year, and that a new fair association must follow the financial reporting requirements of a fair association whose fair has an annual attendance of 25,000 or fewer. It also adds the requirement that a fair association review its charter every 5 years and submit a certified copy to the department that incorporates any amendment made in the last 5 years. A designated member of the association shall attest that the submitted charter is accurate and factual.

Section 45 amends s. 616.15, F.S., to clarify that the application for a permit for the annual public fair shall be submitted to the department at least 90 days, rather than 3 months, before the fair. It adds the requirements that the permit applicant provide a copy of the association's charter which incorporates all amendments made and a complete listing of all exhibits required. It removes the requirement that the applicant provide a written statement subscribed by an association officer that the main purpose of the association is to conduct a public fair for the benefit of the resources of the geographic area represented by the fair. It removes several requirements for the permit application and adds them to requirements to be sent to the department 21 days before the fair: proof of liability insurance of at least \$300,000 per occurrence, a copy of the association's most recent annual financial statement, and a list of all current members of the board of directors of the association and their contact information.

Section 46 amends s. 616.251, F.S., to exempt the Florida State Fair Authority from the requirements of part I of this chapter.

Section 51 amends s. 288.1175, F.S., regarding certified agriculture education and promotion facilities, to update the statutes referencing fair associations to be consistent with the changes made by this bill.

Section 55 reenacts s. 212.08(13), F.S., related to limitations on exemptions to sales, rental, use, consumption, distribution, and storage tax, for the purpose of incorporating amendments made by the bill to s. 616.07, F.S.

Section 56 reenacts s. 616.185, F.S., related to trespass on public fairgrounds or facilities, for the purpose of incorporating amendments made by the bill to s. 616.15, F.S.

Unlawful Use of Badges and Concealed Weapon Permit

Present Situation

Section 843.08, F.S., punishes false personation of a law enforcement officer or other specified person. A person commits a false personation offense if he or she falsely assumes or pretends to be a law enforcement officer or other person specified in the statute and takes upon himself or herself to act as such or to require any other person to aid or assist him or her in a matter pertaining to the duty of any specified person.

Section 843.085(1) and (5), F.S., provides that it is a first degree misdemeanor to wear or display any authorized indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency, or other criminal justice agency, with the intent to mislead or cause another person to believe that he or she is a member of the agency or is authorized to wear or display the item containing the indicia or related words, unless appointed by the Governor pursuant to chapter 354, F.S., authorized by the appropriate agency, or displayed in a closed or mounted case as a collection or exhibit.

Effect of Proposed Changes

Section 47 amends s. 843.085, F.S., to add “concealed weapon permit” or “concealed weapon permitholder” to the list of words a person is prohibited from wearing or displaying with the intention to mislead or cause another person to believe that he or she is a member of the agency or is authorized to wear or display the item containing the words. Violation of this prohibition is a misdemeanor of the first degree.

Disparagement of Agricultural Food Products

Present Situation

Section 865.065, F.S., provides that the legislature finds, determines, and declares that the production of agricultural food products constitutes an important and significant portion of the state economy and that it is imperative to protect the vitality of the agricultural economy for the citizens of this state by providing a cause of action for agricultural producers to recover damages for the disparagement of any perishable agricultural product.⁹⁶ Current law provides that any producer or any association representing producers of perishable agricultural food products which suffers damages as a result of another person’s disparagement of any such product may bring an action for damages and any other relief a court deems appropriate.⁹⁷

⁹⁶ Section 865.065(1), F.S.

⁹⁷ Section 865.065(3), F.S.

Effect of Proposed Changes

Section 48 amends s. 865.065, F.S., to remove the word “perishable” from the agricultural food products for which agricultural producers can seek to recover damages for disparagement. It also adds that the term “agricultural food product” includes any agricultural practices used in the production of such products. It adds attorney fees and costs of the action to the damages and other relief a court may deem appropriate for the disparagement.

Signal Jamming Devices

Present Situation

Chapter 934, F.S., governs the security of electronic and telephonic communications. Although most provisions in the chapter relate to law enforcement officers’ and communication professionals’ actions and limitations, some apply just as well to average citizens. One such provision is s. 934.03(4), F.S., which contains criminal offenses and corresponding penalties for intercepting another’s oral communication unless the chapter contains an exception.⁹⁸

Section 934.04, F.S., prohibits the manufacture, distribution, or possession of wire, oral, or electronic communication intercepting devices. Violation of this section is a third-degree felony. Section 843.165, F.S., prohibits knowingly transmitting jamming devices or jamming transmissions over radio frequencies assigned by the Federal Communications Commission (FCC) to a state, county, or municipal governmental agency or water management district, or jamming radio transmissions made by volunteer communications personnel of such agencies or any public or private emergency medical services provider, unless authorized to do so. Violation of this section is a first-degree misdemeanor.

At the federal level, the FCC regulates the use of signal jamming devices. U.S. code 47, section 302a grants the FCC the authority to regulate radio frequency interference.⁹⁹ It prohibits the use, manufacture, import, sale, or shipment of devices that can interfere with radio communications, except as authorized. It does not, however, explicitly prohibit “possession” of such devices.

Effect of Proposed Changes

Section 49 amends s. 934.02, F.S., to add the definition of “signal jamming device” to mean a device or process designed to intentionally interfere with radio communications, police radar, or global positioning systems.

Section 50 creates s. 934.51, F.S., to prohibit the possession, use, manufacture, import, sale, holding for sale, or distribution of signal jamming devices, with the exception of federal or military law enforcement when used lawfully as part of a criminal investigation, or any person authorized by the FCC. Violation of this section constitutes a first-degree misdemeanor.

⁹⁸ The prohibition located in s. 934.03(1), F.S., against intentionally intercepting, endeavoring to intercept, or procuring any other person to intercept or endeavor to intercept any wire, oral, or electronic communication, is punishable as a third-degree felony. Section 934.03(4), F.S. A third-degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S. Note that s. 934.41, F.S., contains an alternative fine under limited circumstances.

⁹⁹ 47 U.S.C. § 302a (2021).

Section 57 provides that the bill shall take effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Sections 1 and 4 prohibit local governments from enacting or enforcing ordinances related to gasoline-powered agriculture and landscape equipment.

Section 29 prohibits a local government from requiring an agricultural property owner to obtain a rural event venue permit or license.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill could result in more biosolids to be converted to Class AA biosolids and would prohibit the current practice of land application of Class A and B biosolids. Private treatment facilities may incur significant costs to convert to Class AA biosolids treatment. Private entities may also incur significant costs due to needing to find alternative disposal methods for waste products before sufficient capacity for conversion to Class AA biosolids has been achieved within the required timeframe.

The bill expands the types of foods for which producers can bring lawsuits for damages from disparagement and adds attorney fees and costs of the action to the damages they can claim.

C. Government Sector Impact:

The department may incur administrative costs in order to implement the bill.

Additionally:

- The bill may restrict counties and municipalities from imposing fines or fees for the use of gasoline-powered farm equipment or gasoline-powered landscape equipment on farms. The fiscal impact on county and municipal governments is indeterminate, but likely to be insignificant.
- The state will no longer be required to spend \$45,000 annually to be a member of the Southern States Energy Compact.
- There is likely a significant negative fiscal impact to local governments to meet the requirements of the new provisions relating to biosolids. Public treatment facilities may incur significant costs to convert to Class AA biosolids treatment. Public entities may also incur significant costs due to needing to find alternative disposal methods for waste products before sufficient capacity for conversion to Class AA biosolids has been achieved within the required timeframe. There may be a long-term positive fiscal impact as a result of reduced cleanup costs and reduced damage to the natural systems associated with more rigorous land application requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Ecologically Significant Parcels in Low-Density Municipalities

The changes made to section 163.3202, F.S., refer to both a developer and an applicant, while it is unclear if these are the same or different entities. Additionally, “family member” is not defined and could result in an interpretation that is inconsistent with the intent of the law.

Biosolids Management

The changes made to the management of biosolids would benefit from further clarification, including providing certain definitions, the consideration of whether DEP rules should be codified, and the specification of whether the new regulations apply to new or renewed permits after the effective date of the bill.

Food Animal Veterinary Medicine Loan Repayment Program

The bill does not specify the types of loans that can be offset, except “for studies leading up to a veterinary degree with a specialization in food animal veterinary medicine.” The bill authorizes the program for up to three new eligible candidates annually but does not provide application or selection requirements. Additionally, it is unclear whether the \$25,000 a year is per candidate or for the program in total.

Public Fair Charter and Permitting Process Modernization

It is unclear whether Section 30 allows new associations to be formed in counties where any associations currently exist.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3202, 253.0341, 259.1053, 287.1351, 288.1175, 322.12, 322.36, 403.0855, 482.071, 489.105, 500.04, 500.93, 501.013, 570.07, 570.822, 570.85, 570.86, 583.01, 590.02, 597.004, 597.010, 599.012, 616.01, 616.02, 616.03, 616.05, 616.051, 616.07, 616.001, 616.101, 616.15, 616.251, 843.085, 865.065, and 934.02.

This bill creates the following sections of the Florida Statutes: 125.489, 166.036, 489.1295, 501.062, 570.832, 570.846, 595.421, and 934.51.

This bill repeals the following sections of the Florida Statutes: 377.12, 377.71, 377.711, and 500.81.

This bill reenacts the following sections of the Florida Statutes: 212.08, 287.056, 287.138, 500.177, and 616.185.

IX. Additional Information:

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

CS/CS by Fiscal Policy on January 14, 2026:

The CS/CS makes the following changes to the bill:

- Prohibits municipalities from approving a development on an ecologically significant parcel in a low-density municipality unless the developer attests that the development will not exceed 1 residential unit per 20 acres or unless the applicant attests that the residential units being constructed will be used for the express purpose of providing housing for the family members of the applicant. The commission or council of a low-density municipality may waive these density requirements by a unanimous vote;
- Delays the effective date to July 1, 2028 for the date that biosolids land application site permits must comply with the bill;
- Requires people applying for pest control business licenses or renewals who will offer fumigations as part of their operations to submit to the department a certificate of insurance covering \$1,000,000 per person/\$2,000,000 per occurrence of bodily injury, \$1,000,000 per occurrence/\$2,000,000 in the aggregate of property damage, or combined single-limit coverage of \$2,000,000 in the aggregate;
- Changes the fine that the department may impose for a violation of the Structural Pest Control Act from the Class II category to the Class III category, which increases the fine limit from \$5,000 to \$10,000. The amendment similarly changes the civil penalty for which the department may institute a civil suit from the Class II to the Class III

- category for any violation for which the department may issue a notice to cease and desist for the practice of pest control without a license from the department;
- Increases the time limit from 15 days to 30 days in which a contractor must compensate their subcontractors or suppliers after receiving payment for the services performed by the subcontractor or supplier;
 - Prohibits a local government from requiring an agricultural property owner to obtain a rural event venue permit or license;
 - Names the Bonifay Forestry Station the John Michael Mathis Forestry Station; and
 - Exempts the Florida State Fair Authority from the requirements of part I of the chapter, rather than from part I as a whole, which sets requirements for public fair associations.

CS by Agriculture on December 2, 2025:

The CS clarifies that the changes made to s. 253.0341, F.S., apply to lands determined to be suitable for bona fide agricultural purposes on or after January 1, 2024, and not that the subsection is retroactive to that date. The CS also creates the Florida Native Seed Research and Marketing Program.

B. Amendments:

None.



975150

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/27/2026	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 810 - 825

and insert:

Section 14. Present paragraphs (a) and (b) of subsection (3) of section 403.0855, Florida Statutes, are redesignated as paragraphs (b) and (c) of subsection (3), a new paragraph (a) is added to subsection (3), and subsections (2) and (4) of that section are amended, to read:

403.0855 Biosolids management.—

(2) The department shall adopt rules for biosolids



975150

12 management. ~~Rules adopted by the department pursuant to this~~
13 ~~section may not take effect until ratified by the Legislature.~~

14 (3) For a new land application site permit or a permit
15 renewal issued after July 1, 2020, the permittee of a biosolids
16 land application site shall:

17 (a) Ensure that only Class AA biosolids are applied to the
18 soil.

19 (4) All permits shall comply with the requirements of
20 paragraph (3)(a) subsection (3) by July 1, 2028 2022, except for
21 permits issued by local governments which do not authorize the
22 transportation of biosolids outside its boundaries for land
23 application. Such permits must comply with the requirements of
24 paragraph (3)(a) by July 1, 2030. This subsection may not be
25 construed to prohibit the transportation of Class B biosolids by
26 a local government outside of its boundaries to a Class AA
27 treatment facility or waste-to-energy facility in another local
28 government.

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete line 80

33 and insert:

34 specified provisions; providing an exception;
35 requiring certain permits issued by local governments
36 to comply with specified provisions by a specified
37 date; providing construction; amending s. 482.071,
38 F.S.;



667770

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Rules (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1039 - 1075

and insert:

570.846 Florida Food Animal and Equine Veterinary Medicine
Loan Repayment Program.-

(1) PURPOSE.-To encourage specialized and qualified
veterinary professionals to practice in this state, to retain
the employment of such professionals in this state, and to
promote the care and treatment of food animals and equine
animals, there is established the Florida Food Animal and Equine



667770

12 Veterinary Medicine Loan Repayment Program. The purpose of the
13 program is to authorize the department to make payments that
14 offset loans incurred, for up to three new eligible candidates
15 annually, for studies leading to a veterinary degree with a
16 specialization in food animal or equine veterinary medicine.

17 (2) DEFINITIONS.—As used in this section, the term:

18 (a) "Equine" means a species of animal belonging to the
19 taxonomic family *equidae*, which includes horses and donkeys.

20 (b) "Food animal" means a species of animal raised for the
21 human food supply. Food animals include cattle, swine, sheep,
22 goat, poultry, aquaculture, and apiary species.

23 (c) "Food animal and equine veterinary medicine" means a
24 veterinary medical practice that encompasses medical care,
25 disease prevention, and consultation on the feeding, housing,
26 and overall flock, herd, or equine health management.

27 (d) "Food animal or equine veterinarian" means a
28 veterinarian working in food and equine animal veterinary
29 medicine who focuses on the management and health of such
30 animals and who spends a minimum of 20 hours per week on food
31 animal species or equine animal species care and treatment.

32 (3) ELIGIBILITY.—To be eligible for the program, a
33 candidate must have graduated from an American Veterinary
34 Medical Association-accredited college of veterinary medicine,
35 have received a Florida veterinary medical license, have
36 obtained a Category II Accreditation from the United States
37 Department of Agriculture, and be a practicing food animal or
38 equine animal veterinarian in this state.

39 (4) FUNDING.—Subject to legislative appropriation, the
40 department may make loan principal repayments of up to \$25,000



667770

41 per eligible candidate per year. Loan principal repayments may
42 be made on behalf of each eligible candidate each year for up to
43 5 years. The department may select up to three new eligible
44 candidates each year. All repayments are contingent upon
45 continued proof of employment in this state as a practicing food
46 animal or equine veterinarian.

47
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete line 124

51 and insert:

52 establishing the Florida Food Animal and Equine
53 Veterinary



678736

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/26/2026	.	
	.	
	.	
	.	

The Committee on Rules (Truenow) recommended the following:

Senate Amendment

Delete lines 1072 - 1073
and insert:
department may make loan principal repayments of up to \$25,000
per eligible candidate per year. Loan principal repayments may
be made on behalf of each eligible candidate each year for up to
5 years. The department may select up to three new eligible
candidates each year. All



203322

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Rules (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1743 -1747

and insert:

include, but are not limited to, art exhibition;iT beef cattle;iT
county exhibits;iT dairy cattle;iT horticulture;iT swine;iT ~~women's~~
~~department~~, 4-H Club activities;iT Future Farmers of America
activities; Family, Career and Community Leaders of America
~~Future Homemakers of America~~ activities;iT poultry and egg
exhibits;iT and community exhibits. The premium list, which



203322

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

13 And the title is amended as follows:

14 Delete line 213

15 and insert:

16 making technical changes; deleting obsolete

17 provisions; amending s. 616.251, F.S.;



789224

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Rules (Truenow) recommended the following:

Senate Amendment (with title amendment)

Between lines 1825 and 1826

insert:

Section 47. Paragraph (b) of subsection (2) of section 624.4032, Florida Statutes, is amended to read:

624.4032 Nonprofit agricultural organization medical benefit plans.—

(2) For purposes of this section, the term "nonprofit agricultural organization" means an organization that meets all of the following criteria:



789224

12 (b) Is exempt from federal income tax under s. 501(c)(5) ~~s.~~
13 ~~501(e)(3)~~ of the Internal Revenue Code.

14
15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete line 215

18 and insert:

19 specified provisions; amending s. 624.4032, F.S.;

20 revising the definition of the term "nonprofit

21 agricultural organization"; amending s. 843.085, F.S.;

By the Committees on Fiscal Policy; and Agriculture; and Senator Truenow

594-01929-26

2026290c2

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; creating s. 125.489, F.S.; defining
4 the terms "gasoline-powered farm equipment" and
5 "gasoline-powered landscape equipment"; prohibiting
6 counties from enacting or enforcing any law that
7 restricts or prohibits the use of gasoline-powered
8 farm equipment or gasoline-powered landscape equipment
9 or that distinguishes such equipment from any other
10 equipment under certain circumstances; providing
11 construction; amending s. 163.3164, F.S.; defining the
12 terms "ecologically significant parcel" and "low-
13 density municipality"; amending s. 163.3202, F.S.;
14 prohibiting an application for a development on an
15 ecologically significant parcel in a low-density
16 municipality from being administratively approved
17 without an attestation provided by the developer;
18 specifying requirements for such attestation;
19 providing applicability; specifying requirements for
20 the attestation included in certain applications;
21 providing for a waiver; creating s. 166.063, F.S.;
22 defining the terms "gasoline-powered farm equipment"
23 and "gasoline-powered landscape equipment";
24 prohibiting municipalities from enacting or enforcing
25 any law that restricts or prohibits the use of
26 gasoline-powered farm equipment or gasoline-powered
27 landscape equipment or that distinguishes such
28 equipment from any other equipment under certain
29 circumstances; providing construction; amending s.

594-01929-26

2026290c2

30 212.055, F.S.; conforming a cross-reference; making a
31 technical change; amending s. 253.0341, F.S.;
32 requiring the Acquisition and Restoration Council to
33 determine whether certain surplus lands are suitable
34 for bona fide agricultural purposes; prohibiting a
35 local governmental entity from transferring future
36 development rights for surplus lands determined to
37 be suitable for bona fide agricultural purposes;
38 requiring the Department of Environmental Protection,
39 in coordination with the Department of Agriculture and
40 Consumer Services, to determine whether certain state-
41 owned conservation lands are suitable for bona fide
42 agricultural purposes; authorizing the Department of
43 Environmental Protection to surplus certain state-
44 owned lands determined to be suitable for bona fide
45 agricultural purposes; requiring the Department of
46 Environmental Protection to retain a rural-lands-
47 protection easement for such surplus lands;
48 requiring that all proceeds from the sale of such
49 surplus lands be deposited in the Department of
50 Agriculture and Consumer Services' Incidental Trust
51 Fund for less than fee simple; requiring the
52 Department of Environmental Protection to annually
53 provide a report of such surplus lands to the Board
54 of Trustees of the Internal Improvement Trust Fund;
55 prohibiting certain lands from being surplus;
56 amending s. 259.1053, F.S.; deleting provisions
57 relating to the Babcock Ranch Advisory Group; amending
58 s. 287.1351, F.S.; revising circumstances under which

594-01929-26

2026290c2

59 a vendor is prohibited from submitting a bid,
60 proposal, or reply to an agency or from entering into
61 or renewing any contract to provide goods or services
62 to an agency; amending s. 322.12, F.S.; providing
63 penalties for an applicant for a commercial driver
64 license who receives unauthorized assistance on
65 certain portions of the examination; amending s.
66 322.36, F.S.; prohibiting a person from knowingly or
67 willfully providing unauthorized assistance to an
68 applicant for the examination required to hold a
69 commercial driver license; repealing ss. 377.71,
70 377.711, and 377.712, F.S., relating to definitions
71 and the Southern States Energy Compact, Florida as
72 party to the Southern States Energy Compact, and
73 Florida's participation in the Southern States Energy
74 Board, respectively; amending s. 403.0855, F.S.;
75 deleting a provision relating to legislative approval
76 of certain rules adopted by the Department of
77 Environmental Protection; revising requirements for
78 permittees of biosolids land application sites;
79 revising the date by which permits must comply with
80 specified provisions; amending s. 482.071, F.S.;
81 requiring certain persons applying for a pest control
82 business license or renewal to provide the department
83 with a certificate of insurance; specifying
84 requirements for such certificate of insurance;
85 amending s. 482.161, F.S.; revising the severity of an
86 administrative fine for violations of certain
87 provisions; amending s. 482.165, F.S.; revising civil

594-01929-26

2026290c2

88 penalties; amending s. 489.105, F.S.; defining the
89 terms "subcontractor" and "supplier"; creating s.
90 489.1295, F.S.; prohibiting licensed contractors or
91 persons holding themselves out as such from failing to
92 pay their subcontractor or supplier within a specified
93 timeframe without reasonable cause after receiving
94 payment for the services the subcontractor or supplier
95 performed; providing penalties; amending s. 500.04,
96 F.S.; revising the list of prohibited acts related to
97 the prevention of fraud, harm, adulteration,
98 misbranding, or false advertising in the preparation,
99 production, manufacture, storage, or sale of food;
100 repealing s. 500.81, F.S., relating to the Healthy
101 Food Financing Initiative; amending s. 500.93, F.S.;
102 making a technical change; amending s. 501.013, F.S.;
103 authorizing the Department of Agriculture and Consumer
104 Services to provide an exemption from certain health
105 studio regulations; creating s. 501.062, F.S.;
106 providing legislative intent; defining the terms
107 "commercial solicitation" and "dwelling"; prohibiting
108 a person from engaging in commercial solicitation
109 under certain circumstances; specifying requirements
110 for certain signage to be displayed on a property;
111 providing penalties; amending s. 570.07, F.S.;
112 authorizing the Department of Agriculture and Consumer
113 Services to reorganize departmental units upon the
114 approval of the Commissioner of Agriculture; amending
115 s. 570.822, F.S.; providing additional eligibility
116 requirements for the Agriculture and Aquaculture

594-01929-26

2026290c2

117 Producers Emergency Recovery Loan Program; creating s.
118 570.832, F.S.; requiring the Florida Wildflower
119 Foundation, in coordination with the Department of
120 Agriculture and Consumer Services, to establish the
121 Florida Native Seed Research and Marketing Program,
122 subject to legislative appropriation; providing the
123 purpose of the program; creating s. 570.846, F.S.;
124 establishing the Florida Food Animal Veterinary
125 Medicine Loan Repayment Program; providing the purpose
126 of the program; defining terms; providing eligibility
127 requirements for the program; authorizing the
128 Department of Agriculture and Consumer Services to
129 make loan principal repayments on behalf of eligible
130 candidates up to a certain amount for a specified
131 timeframe, subject to legislative appropriation;
132 providing construction; authorizing the Department of
133 Agriculture and Consumer Services to adopt rules;
134 amending s. 570.85, F.S.; prohibiting a local
135 government from requiring a property owner to obtain a
136 rural event venue permit or license; amending s.
137 570.86, F.S.; defining "rural event venue"; amending
138 s. 583.01, F.S.; revising the definition of the term
139 "dealer"; amending s. 590.02, F.S.; revising the
140 Florida Forest Service's powers, authority, and
141 duties; authorizing the Florida Forest Service to
142 manage the Welaka Training Center; conforming
143 provisions to changes made by the act; authorizing the
144 Withlacoochee and Welaka Training Centers to assess
145 certain fees as determined by the Florida Forest

594-01929-26

2026290c2

146 Service, regardless of where certain training occurs;
147 renaming the Bonifay Forestry Station as the John
148 Michael Mathis Forestry Station to honor the late John
149 Michael Mathis; creating s. 595.421, F.S.;

150 establishing the Farmers Feeding Florida Program for
151 specified purposes; requiring Feeding Florida to take
152 certain actions to implement the program; prohibiting
153 the food purchased by Feeding Florida through such
154 program from reentering the wholesale, retail, or
155 secondary market; prohibiting a candidate for elective
156 office from hosting a food distribution event under
157 certain circumstances; providing applicability;

158 amending s. 597.004, F.S.; making a technical change;
159 prohibiting the Department of Agriculture and Consumer
160 Services from renewing a certificate of registration
161 for a noncompliant facility unless certain
162 documentation is provided with the renewal
163 application; prohibiting entities whose certificate of
164 registration have been revoked from reapplying for a
165 specified period of time; amending s. 597.010, F.S.;

166 authorizing rather than requiring the periodic
167 adjustment of the annual rental fee charged for
168 certain leases; amending s. 599.012, F.S.; making
169 technical changes; amending s. 616.001, F.S.; revising
170 and deleting definitions relating to public fairs and
171 expositions; amending s. 616.01, F.S.; revising
172 application requirements for a proposed charter for an
173 association to conduct a public fair or exposition;
174 requiring the Department of Agriculture and Consumer

594-01929-26

2026290c2

175 Services to provide an applicant for a proposed
176 charter with specified information upon the denial of
177 a proposed charter; revising requirements for
178 information that must be included in the proposed
179 charter; amending s. 616.02, F.S.; limiting the number
180 of incorporated state fair associations per county;
181 providing construction; authorizing the Department of
182 Agriculture and Consumer Services to waive certain
183 requirements at the discretion of the commissioner;
184 authorizing fair associations incorporated before a
185 certain date to conduct their affairs; deleting
186 provisions relating to requirements for a proposed
187 charter; amending s. 616.03, F.S.; revising
188 requirements for the approval and recordation of the
189 charter; amending s. 616.05, F.S.; revising the
190 process by which a proposed charter amendment is
191 incorporated into the original charter; amending s.
192 616.051, F.S.; revising the circumstances under which
193 a circuit judge is authorized to dissolve an
194 association and order the distribution of its
195 remaining assets; requiring that such assets be
196 distributed to certain counties; amending s. 616.07,
197 F.S.; deleting provisions relating to distribution of
198 public funds after the dissolution of an association;
199 amending s. 616.101, F.S.; specifying the basis for
200 annual public fair attendance records; requiring a
201 fair association to review its charter every 5 years
202 and submit an updated copy of the charter to the
203 Department of Agriculture and Consumer Services;

594-01929-26

2026290c2

204 requiring a designated member of the association to
205 make an attestation; amending s. 616.15, F.S.; making
206 a technical change; revising the information that an
207 applicant must submit to the Department of Agriculture
208 and Consumer Services for the department to issue a
209 permit for an association to conduct a fair; revising
210 the timeframe within which the Department of
211 Agriculture and Consumer Services is required to issue
212 the permit upon the receipt of specified information;
213 making technical changes; amending s. 616.251, F.S.;
214 exempting the Florida State Fair Authority from
215 specified provisions; amending s. 843.085, F.S.;
216 prohibiting a person from wearing or displaying an
217 item that displays the words "concealed weapon permit"
218 or "concealed weapon permit holder" with the intent to
219 mislead another to believe that the person is
220 authorized to wear or display such item; reordering
221 and amending s. 865.065, F.S.; revising definitions;
222 conforming provisions to changes made by the act;
223 amending s. 934.02, F.S.; defining the term, "signal
224 jamming device"; creating s. 934.51, F.S.; prohibiting
225 the possession, manufacture, sale, importation,
226 distribution, or use of a signal jamming device;
227 providing exceptions; providing criminal penalties;
228 amending s. 288.1175, F.S.; conforming cross-
229 references; reenacting ss. 287.056(4) and 287.138(5),
230 F.S., relating to disqualification for state term
231 contract eligibility, and contracting with entities of
232 foreign countries of concern prohibited, respectively,

594-01929-26

2026290c2

233 to incorporate the amendment made to s. 287.1351,
234 F.S., in references thereto; reenacting s. 500.177(1),
235 F.S., relating to penalties for dissemination of a
236 false advertisement, to incorporate the amendment made
237 to s. 500.04, F.S., in a reference thereto; reenacting
238 s. 212.08(13), F.S., relating to taxation and
239 specified exemptions, to incorporate the amendment
240 made to s. 616.07, F.S., in a reference thereto;
241 reenacting s. 616.185, F.S., relating to trespass upon
242 grounds or facilities of a public fair, to incorporate
243 the amendment made to s. 616.15, F.S., in a reference
244 thereto; providing an effective date.

245
246 Be It Enacted by the Legislature of the State of Florida:

247
248 Section 1. Section 125.489, Florida Statutes, is created to
249 read:

250 125.489 Preemption of restrictions on gasoline-powered farm
251 equipment or gasoline-powered landscape equipment.-

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

253 (a) "Gasoline-powered farm equipment" means any machine
254 powered by an internal combustion engine or motor that uses
255 gasoline, diesel, or a blend of gasoline and oil which is used
256 on a farm or used to transport farm products.

257 (b) "Gasoline-powered landscape equipment" means any
258 machine powered by an internal combustion engine or motor that
259 uses gasoline, diesel, or a blend of gasoline and oil which is
260 used to provide landscape management or maintenance or to move
261 leaves, dirt, grass, or other debris off of sidewalks,

594-01929-26

2026290c2

262 driveways, lawns, or other surfaces.

263 (2) A county may not enact or enforce a resolution, an
264 ordinance, a rule, a code, or a policy or take any action that
265 restricts or prohibits the use of gasoline-powered farm
266 equipment or gasoline-powered landscape equipment and may not
267 create differing standards for such equipment or distinguish
268 such equipment from any electric or similar equipment in a
269 retail, manufacturer, or distributor setting.

270 (3) This section does not prohibit or limit a county from
271 encouraging the use of alternative farm or landscape equipment,
272 such as battery-powered farm or landscape equipment.

273 Section 2. Present subsections (18) through (30) and (31)
274 through (54) of section 163.3164, Florida Statutes, are
275 redesignated as subsections (19) through (31) and (33) through
276 (56), respectively, and new subsections (18) and (32) are added
277 to that section, to read:

278 163.3164 Community Planning Act; definitions.—As used in
279 this act:

280 (18) "Ecologically significant parcel" means a parcel of
281 land located within the boundaries of a low-density municipality
282 which is currently undeveloped and has been designated as either
283 rural, conservation, agricultural, or greenspace as provided by
284 a local government comprehensive plan developed pursuant to s.
285 163.3177.

286 (32) "Low-density municipality" means a municipality
287 existing on or before January 1, 2025, which is less than 2,500
288 acres in total size and contains a population of 5,000 or fewer
289 legal residents.

290 Section 3. Present subsection (7) of section 163.3202,

594-01929-26

2026290c2

291 Florida Statutes, is redesignated as subsection (8), and a new
292 subsection (7) is added to that section, to read:

293 163.3202 Land development regulations.-

294 (7) (a) Notwithstanding any ordinance to the contrary, an
295 application for a development on an ecologically significant
296 parcel in a low-density municipality may not be administratively
297 approved without an attestation provided by the developer, under
298 penalty of perjury, to the low-density municipality which states
299 that the development will not exceed a maximum density of 1
300 residential unit per 20 acres.

301 (b) This subsection does not apply to applications for the
302 construction of residential units on an ecologically significant
303 parcel for the express purpose of providing housing for family
304 members of the applicant. However, the applicant must provide an
305 attestation, under penalty of perjury, to the low-density
306 municipality which states that the residential units being
307 constructed will be used for such express purpose before the
308 administrative approval of an application for development.

309 (c) The density requirements provided in this subsection
310 may be waived upon a resolution approved by a unanimous vote of
311 the commission or council of the low-density municipality.

312 Section 4. Section 166.063, Florida Statutes, is created to
313 read:

314 166.063 Preemption of restrictions on gasoline-powered farm
315 equipment or gasoline-powered landscape equipment.-

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

317 (a) "Gasoline-powered farm equipment" means a machine
318 powered by an internal combustion engine or motor that uses
319 gasoline, diesel, or a blend of gasoline and oil which is used

594-01929-26

2026290c2

320 on a farm or used to transport farm products.

321 (b) "Gasoline-powered landscape equipment" means any
322 machine powered by an internal combustion engine or motor that
323 uses gasoline, diesel, or a blend of gasoline and oil which is
324 used to provide landscape management or maintenance or to move
325 leaves, dirt, grass, or other debris off of sidewalks,
326 driveways, lawns, or other surfaces.

327 (2) A municipality may not enact or enforce a resolution,
328 an ordinance, a rule, a code, or a policy or take any action
329 that restricts or prohibits the use of gasoline-powered farm
330 equipment or gasoline-powered landscape equipment and may not
331 create differing standards for such equipment or distinguish
332 such equipment from any electric or similar equipment in a
333 retail, manufacturer, or distributor setting.

334 (3) This section does not prohibit or limit a municipality
335 from encouraging the use of alternative farm or landscape
336 equipment, such as battery-powered farm or landscape equipment.

337 Section 5. Paragraph (d) of subsection (2) of section
338 212.055, Florida Statutes, is amended to read:

339 212.055 Discretionary sales surtaxes; legislative intent;
340 authorization and use of proceeds.—It is the legislative intent
341 that any authorization for imposition of a discretionary sales
342 surtax shall be published in the Florida Statutes as a
343 subsection of this section, irrespective of the duration of the
344 levy. Each enactment shall specify the types of counties
345 authorized to levy; the rate or rates which may be imposed; the
346 maximum length of time the surtax may be imposed, if any; the
347 procedure which must be followed to secure voter approval, if
348 required; the purpose for which the proceeds may be expended;

594-01929-26

2026290c2

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

352 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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

594-01929-26

2026290c2

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

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

385 a. Any fixed capital expenditure or fixed capital outlay
386 associated with the construction, reconstruction, or improvement
387 of public facilities that have a life expectancy of 5 or more
388 years, any related land acquisition, land improvement, design,
389 and engineering costs, and all other professional and related
390 costs required to bring the public facilities into service. For
391 purposes of this sub-subparagraph, the term "public facilities"
392 has the same meaning ~~means facilities as defined in s.~~

393 163.3164(43) ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5),
394 and includes facilities that are necessary to carry out
395 governmental purposes, including, but not limited to, fire
396 stations, general governmental office buildings, and animal
397 shelters, regardless of whether the facilities are owned by the
398 local taxing authority or another governmental entity.

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

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

594-01929-26

2026290c2

407 d. Any fixed capital expenditure or fixed capital outlay
408 associated with the improvement of private facilities that have
409 a life expectancy of 5 or more years and that the owner agrees
410 to make available for use on a temporary basis as needed by a
411 local government as a public emergency shelter or a staging area
412 for emergency response equipment during an emergency officially
413 declared by the state or by the local government under s.
414 252.38. Such improvements are limited to those necessary to
415 comply with current standards for public emergency evacuation
416 shelters. The owner must enter into a written contract with the
417 local government providing the improvement funding to make the
418 private facility available to the public for purposes of
419 emergency shelter at no cost to the local government for a
420 minimum of 10 years after completion of the improvement, with
421 the provision that the obligation will transfer to any
422 subsequent owner until the end of the minimum period.

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

435 f. Instructional technology used solely in a school

594-01929-26

2026290c2

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

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

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

594-01929-26

2026290c2

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

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

481 Section 6. Present subsection (19) of section 253.0341,
482 Florida Statutes, is redesignated as subsection (21), and new
483 subsections (19) and (20) are added to that section, to read:

484 253.0341 Surplus of state-owned lands.—

485 (19) The Acquisition and Restoration Council shall
486 determine whether any lands surplused by a local governmental
487 entity, as defined in s. 218.72, on or after January 1, 2024,
488 are suitable for bona fide agricultural purposes, as defined in
489 s. 193.461(3)(b). A local governmental entity may not transfer
490 future development rights for any surplused lands determined to
491 be suitable for bona fide agricultural purposes on or after
492 January 1, 2024.

493 (20) The Department of Environmental Protection, in

594-01929-26

2026290c2

494 coordination with the Department of Agriculture and Consumer
495 Services, shall determine whether any state-owned conservation
496 lands acquired on or after January 1, 2024, are suitable for
497 bona fide agricultural purposes, as defined in s. 193.461(3)(b).

498 (a) Notwithstanding any other law or rule, the Department
499 of Environmental Protection may surplus state-owned conservation
500 lands acquired on or after January 1, 2024, determined to be
501 suitable for bona fide agricultural purposes.

502 (b) For all state-owned conservation lands determined to be
503 suitable for bona fide agricultural production and surplus by
504 the Department of Environmental Protection, the department shall
505 retain a rural-lands-protection easement pursuant to s.
506 570.71(3). All proceeds from the sale of such surplus lands
507 must be deposited into the Incidental Trust Fund within the
508 Department of Agriculture and Consumer Services for less than
509 fee simple land acquisition pursuant to ss. 570.71 and 570.715.

510 (c) By January 1, 2027, and each January 1 thereafter, the
511 Department of Environmental Protection shall provide a report of
512 state-owned conversation lands surplus pursuant to this
513 subsection to the Board of Trustees of the Internal Improvement
514 Trust Fund.

515 (d) Designated state forest lands, state park lands, or
516 wildlife management areas may not be surplus pursuant to this
517 subsection.

518 Section 7. Section 259.1053, Florida Statutes, is amended
519 to read:

520 259.1053 Babcock Ranch Preserve; ~~Babcock Ranch Advisory~~
521 ~~Group.~~-

522 (1) SHORT TITLE.—This section may be cited as the "Babcock

594-01929-26

2026290c2

523 Ranch Preserve Act."

524 (2) DEFINITIONS.—As used in this section, the term:

525 (a) "Babcock Ranch Preserve" and "preserve" mean the lands
526 and facilities acquired in the purchase of the Babcock Crescent
527 B Ranch, as provided in s. 259.1052.

528 (b) "Commission" means the Fish and Wildlife Conservation
529 Commission.

530 (c) "Commissioner" means the Commissioner of Agriculture.

531 (d) "Department" means the Department of Agriculture and
532 Consumer Services.

533 (e) "Executive director" means the Executive Director of
534 the Fish and Wildlife Conservation Commission.

535 (f) "Financially self-sustaining" means having management
536 and operation expenditures not more than the revenues collected
537 from fees and other receipts for resource use and development
538 and from interest and invested funds.

539 (g) "Florida Forest Service" means the Florida Forest
540 Service of the Department of Agriculture and Consumer Services.

541 (h) "Multiple use" means the management of all of the
542 renewable surface resources of the Babcock Ranch Preserve to
543 best meet the needs of the public, including the use of the land
544 for some or all of the renewable surface resources or related
545 services over areas large enough to allow for periodic
546 adjustments in use to conform to the changing needs and
547 conditions of the preserve while recognizing that a portion of
548 the land will be used for some of the renewable surface
549 resources available on that land. The goal of multiple use is
550 the harmonious and coordinated management of the renewable
551 surface resources without impairing the productivity of the land

594-01929-26

2026290c2

552 and considering the relative value of the renewable surface
553 resources, and not necessarily a combination of uses to provide
554 the greatest monetary return or the greatest unit output.

555 (i) "Sustained yield of the renewable surface resources"
556 means the achievement and maintenance of a high level of annual
557 or regular periodic output of the various renewable surface
558 resources of the preserve without impairing the productivity of
559 the land.

560 (3) CREATION OF BABCOCK RANCH PRESERVE.—

561 (a) Upon the date of acquisition of the Babcock Crescent B
562 Ranch, there is created the Babcock Ranch Preserve, which shall
563 be managed in accordance with the purposes and requirements of
564 this section.

565 (b) The preserve is established to protect and preserve the
566 environmental, agricultural, scientific, scenic, geologic,
567 watershed, fish, wildlife, historic, cultural, and recreational
568 values of the preserve, and to provide for the multiple use and
569 sustained yield of the renewable surface resources within the
570 preserve consistent with this section.

571 (c) This section does not preclude the use of common
572 varieties of mineral materials such as sand, stone, and gravel
573 for construction and maintenance of roads and facilities within
574 the preserve.

575 (d) This section does not affect the constitutional
576 responsibilities of the commission in the exercise of its
577 regulatory and executive power with respect to wild animal life
578 and freshwater aquatic life, including the regulation of
579 hunting, fishing, and trapping within the preserve.

580 (e) This section does not interfere with or prevent the

594-01929-26

2026290c2

581 implementation of agricultural practices authorized by the
582 agricultural land use designations established in the local
583 comprehensive plans of either Charlotte County or Lee County as
584 those plans apply to the Babcock Ranch Preserve.

585 (f) This section does not preclude the maintenance and use
586 of roads and trails or the relocation of roads in existence on
587 the effective date of this section, or the construction,
588 maintenance, and use of new trails, or any motorized access
589 necessary for the administration of the land contained within
590 the preserve, including motorized access necessary for
591 emergencies involving the health or safety of persons within the
592 preserve.

593 ~~(4) BABCOCK RANCH ADVISORY GROUP.—~~

594 ~~(a) The purpose of the Babcock Ranch Advisory Group is to~~
595 ~~assist the department by providing guidance and advice~~
596 ~~concerning the management and stewardship of the Babcock Ranch~~
597 ~~Preserve.~~

598 ~~(b) The Babcock Ranch Advisory Group shall be comprised of~~
599 ~~nine members appointed to 5-year terms. Based on recommendations~~
600 ~~from the Governor and Cabinet, the commission, and the governing~~
601 ~~boards of Charlotte County and Lee County, the commissioner~~
602 ~~shall appoint members as follows:~~

603 ~~1. One member with experience in sustainable management of~~
604 ~~forest lands for commodity purposes.~~

605 ~~2. One member with experience in financial management,~~
606 ~~budget and program analysis, and small business operations.~~

607 ~~3. One member with experience in management of game and~~
608 ~~nongame wildlife and fish populations, including hunting,~~
609 ~~fishing, and other recreational activities.~~

594-01929-26

2026290c2

610 ~~4. One member with experience in domesticated livestock~~
 611 ~~management, production, and marketing, including range~~
 612 ~~management and livestock business management.~~

613 ~~5. One member with experience in agriculture operations or~~
 614 ~~forestry management.~~

615 ~~6. One member with experience in hunting, fishing, nongame~~
 616 ~~species management, or wildlife habitat management, restoration,~~
 617 ~~and conservation.~~

618 ~~7. One member with experience in public outreach and~~
 619 ~~education.~~

620 ~~8. One member who is a resident of Lee County, to be~~
 621 ~~designated by the Board of County Commissioners of Lee County.~~

622 ~~9. One member who is a resident of Charlotte County, to be~~
 623 ~~designated by the Board of County Commissioners of Charlotte~~
 624 ~~County.~~

625
 626 ~~Vacancies will be filled in the same manner in which the~~
 627 ~~original appointment was made. A member appointed to fill a~~
 628 ~~vacancy shall serve for the remainder of that term.~~

629 ~~(c) Members of the Babcock Ranch Advisory Group shall:~~

630 ~~1. Elect a chair and vice chair from among the group~~
 631 ~~members.~~

632 ~~2. Meet regularly as determined by the chair.~~

633 ~~3. Serve without compensation but shall receive~~
 634 ~~reimbursement for travel and per diem expenses as provided in s.~~
 635 ~~112.061.~~

636 (4) ~~(5)~~ MANAGEMENT OF PRESERVE; FEES.—

637 (a) The department shall assume all authority provided by
 638 this section to manage and operate the preserve as a working

594-01929-26

2026290c2

639 ranch upon the termination or expiration of the management
640 agreement attached as Exhibit "E" to that certain agreement for
641 sale and purchase approved by the Board of Trustees of the
642 Internal Improvement Trust Fund on November 22, 2005, and by Lee
643 County on November 20, 2005.

644 (b) Upon assuming management and operation of the preserve,
645 the department shall:

646 1. Manage and operate the preserve and the uses thereof,
647 including, but not limited to, the activities necessary to
648 administer and operate the preserve as a working ranch; the
649 activities necessary for the preservation and development of the
650 land and renewable surface resources of the preserve; the
651 activities necessary for interpretation of the history of the
652 preserve on behalf of the public; the activities necessary for
653 the management, public use, and occupancy of facilities and
654 lands within the preserve; and the maintenance, rehabilitation,
655 repair, and improvement of property within the preserve.

656 2. Develop programs and activities relating to the
657 management of the preserve as a working ranch.

658 3. Establish procedures for entering into lease agreements
659 and other agreements for the use and occupancy of the facilities
660 of the preserve. The procedures shall ensure reasonable
661 competition and set guidelines for determining reasonable fees,
662 terms, and conditions for such agreements.

663 4. Assess reasonable fees for admission to, use of, and
664 occupancy of the preserve to offset costs of operating the
665 preserve as a working ranch. These fees are independent of fees
666 assessed by the commission for the privilege of hunting,
667 fishing, or pursuing outdoor recreational activities within the

594-01929-26

2026290c2

668 preserve, and shall be deposited into the Incidental Trust Fund
669 of the Florida Forest Service, subject to appropriation by the
670 Legislature.

671 (c) The commission, in cooperation with the department,
672 shall:

673 1. Establish and implement public hunting and other fish
674 and wildlife management activities. Tier I and Tier II public
675 hunting opportunities shall be provided consistent with the
676 management plan and the recreation master plan. Tier I public
677 hunting shall provide hunting opportunities similar to those
678 offered on wildlife management areas with an emphasis on youth
679 and family-oriented hunts. Tier II public hunting shall be
680 provided specifically by fee-based permitting to ensure
681 compatibility with livestock grazing and other essential
682 agricultural operations on the preserve.

683 2. Establish and administer permit fees for Tier II public
684 hunting to capitalize on the value of hunting on portions of the
685 preserve and to help ensure the preserve is financially self-
686 sufficient. The fees shall be deposited into the State Game
687 Trust Fund of the Fish and Wildlife Conservation Commission to
688 be used to offset the costs of providing public hunting and to
689 support fish and wildlife management and other land management
690 activities on the preserve.

691 (d) The Board of Trustees of the Internal Improvement Trust
692 Fund or its designated agent may:

693 1. Negotiate directly with and enter into such agreements,
694 leases, contracts, and other arrangements with any person, firm,
695 association, organization, corporation, or governmental entity,
696 including entities of federal, state, and local governments, as

594-01929-26

2026290c2

697 are necessary and appropriate to carry out the purposes and
698 activities authorized by this section.

699 2. Grant privileges, leases, concessions, and permits for
700 the use of land for the accommodation of visitors to the
701 preserve, provided no natural curiosities or objects of interest
702 shall be granted, leased, or rented on such terms as shall deny
703 or interfere with free access to them by the public. Such
704 grants, leases, and permits may be made and given without
705 advertisement or securing competitive bids. Such grants, leases,
706 or permits may not be assigned or transferred by any grantee
707 without consent of the Board of Trustees of the Internal
708 Improvement Trust Fund or its designated agent.

709 (5)~~(6)~~ DISSOLUTION OF BABCOCK RANCH, INC.—Upon dissolution
710 of the Babcock Ranch, Inc., all statutory powers, duties,
711 functions, records, personnel, property, and unexpended balances
712 of appropriations, allocations, and other funds of the
713 corporation shall be transferred to the Department of
714 Agriculture and Consumer Services unless otherwise provided by
715 law. Any cash balances of funds shall revert to the Incidental
716 Trust Fund of the Florida Forest Service.

717 Section 8. Paragraph (a) of subsection (2) of section
718 287.1351, Florida Statutes, is amended, and subsection (3) of
719 that section is republished, to read:

720 287.1351 Suspended vendors; state contracts.—

721 (2) (a) A vendor that is in default on any contract with an
722 agency, has failed to timely compensate its subcontractors or
723 suppliers, or has otherwise repeatedly demonstrated a recent
724 inability to fulfill the terms and conditions of previous state
725 contracts or to adequately perform its duties under those

594-01929-26

2026290c2

726 contracts may not submit a bid, proposal, or reply to an agency
727 or enter into or renew a contract to provide any goods or
728 services to an agency after its placement, pursuant to this
729 section, on the suspended vendor list.

730 (3) An agency shall notify the department of any vendor
731 that has met the grounds for suspension described in paragraph
732 (2) (a). The agency must provide documentation to the department
733 evidencing the vendor's default or other grounds for suspension.
734 The department shall review the documentation provided and
735 determine whether good cause exists to remove the vendor from
736 the vendor list and to place it on the suspended vendor list. If
737 good cause exists, the department must notify the vendor in
738 writing of its intent to remove the vendor from the vendor list
739 and of the vendor's right to an administrative hearing and the
740 applicable procedures and time requirements for any such
741 hearing. If the vendor does not request an administrative
742 hearing, the department must enter a final order removing the
743 vendor from the vendor list. A vendor may not be removed from
744 the vendor list without receiving an individual notice of intent
745 from the department.

746 Section 9. Paragraph (c) is added to subsection (4) of
747 section 322.12, Florida Statutes, to read:

748 322.12 Examination of applicants.—

749 (4) The examination for an applicant for a commercial
750 driver license shall include a test of the applicant's eyesight
751 given by a driver license examiner designated by the department
752 or by a licensed ophthalmologist, optometrist, or physician and
753 a test of the applicant's hearing given by a driver license
754 examiner or a licensed physician. The examination shall also

594-01929-26

2026290c2

755 include a test of the applicant's ability to read and understand
756 highway signs regulating, warning, and directing traffic; his or
757 her knowledge of the traffic laws of this state pertaining to
758 the class of motor vehicle which he or she is applying to be
759 licensed to operate, including laws regulating driving under the
760 influence of alcohol or controlled substances, driving with an
761 unlawful blood-alcohol level, and driving while intoxicated; his
762 or her knowledge of the effects of alcohol and controlled
763 substances and the dangers of driving a motor vehicle after
764 having consumed alcohol or controlled substances; and his or her
765 knowledge of any special skills, requirements, or precautions
766 necessary for the safe operation of the class of vehicle which
767 he or she is applying to be licensed to operate. In addition,
768 the examination shall include an actual demonstration of the
769 applicant's ability to exercise ordinary and reasonable control
770 in the safe operation of a motor vehicle or combination of
771 vehicles of the type covered by the license classification which
772 the applicant is seeking, including an examination of the
773 applicant's ability to perform an inspection of his or her
774 vehicle.

775 (c) An applicant for a commercial driver license who
776 receives unauthorized assistance from another person in
777 completing the portion of the examination which tests the
778 applicant's ability to read and understand highway signs
779 regulating, warning, and directing traffic or his or her
780 knowledge of the traffic laws of this state pertaining to the
781 class of motor vehicle for which he or she is applying to be
782 licensed to operate, including laws regulating driving under the
783 influence of alcohol or controlled substances, driving with an

594-01929-26

2026290c2

784 unlawful blood-alcohol level, and driving while intoxicated,
785 commits a misdemeanor of the second degree, punishable as
786 provided in s. 775.082 or s. 775.083.

787 Section 10. Section 322.36, Florida Statutes, is amended to
788 read:

789 322.36 Permitting unauthorized operator to drive.—

790 (1) A person may not authorize or knowingly permit a motor
791 vehicle owned by him or her or under his or her dominion or
792 control to be operated upon any highway or public street except
793 by a person who is duly authorized to operate a motor vehicle
794 under this chapter.

795 (2) A person may not knowingly or willfully provide
796 unauthorized assistance to an applicant for the examination
797 required to hold a commercial driver license pursuant to s.
798 322.12(4).

799 (3) A ~~Any~~ person who violates this section commits a
800 misdemeanor of the second degree, punishable as provided in s.
801 775.082 or s. 775.083. If a person violates this section by
802 knowingly loaning a vehicle to a person whose driver license is
803 suspended and if that vehicle is involved in an accident
804 resulting in bodily injury or death, the driver license of the
805 person violating this section must ~~shall~~ be suspended for 1
806 year.

807 Section 11. Section 377.71, Florida Statutes, is repealed.

808 Section 12. Section 377.711, Florida Statutes, is repealed.

809 Section 13. Section 377.712, Florida Statutes, is repealed.

810 Section 14. Present paragraphs (a) and (b) of subsection
811 (3) of section 403.0855, Florida Statutes, are redesignated as
812 paragraphs (b) and (c), respectively, a new paragraph (a) is

594-01929-26

2026290c2

813 added to that subsection, and subsections (2) and (4) of that
814 section are amended, to read:

815 403.0855 Biosolids management.—

816 (2) The department shall adopt rules for biosolids
817 management. ~~Rules adopted by the department pursuant to this~~
818 ~~section may not take effect until ratified by the Legislature.~~

819 (3) For a new land application site permit or a permit
820 renewal issued after July 1, 2020, the permittee of a biosolids
821 land application site shall:

822 (a) Ensure that only Class AA biosolids are applied to the
823 soil.

824 (4) All permits shall comply with the requirements of
825 paragraph (3) (a) subsection (3) by July 1, 2028 ~~July 1, 2022.~~

826 Section 15. Present subsection (5) of section 482.071,
827 Florida Statutes, is redesignated as subsection (6), and a new
828 subsection (5) is added to that section, to read:

829 482.071 Licenses.—

830 (5) Each person applying for a pest control business
831 license or renewal thereof who will offer and perform
832 fumigations as a part of his or her regular business operations
833 must furnish to the department a certificate of insurance that
834 meets the requirement for minimum financial responsibility for
835 bodily injury and property damage, consisting of:

836 (a) Bodily injury coverage of \$1 million per person and \$2
837 million per occurrence; and property damage coverage of \$1
838 million per occurrence and \$2 million in the aggregate; or

839 (b) Combined single-limit coverage of \$2 million in the
840 aggregate.

841 Section 16. Subsection (7) of section 482.161, Florida

594-01929-26

2026290c2

842 Statutes, is amended to read:

843 482.161 Disciplinary grounds and actions; reinstatement.—

844 (7) The department, pursuant to chapter 120, in addition to
845 or in lieu of any other remedy provided by state or local law,
846 may impose an administrative fine in the Class III ~~II~~ category
847 pursuant to s. 570.971 for a violation of this chapter or of the
848 rules adopted pursuant to this chapter. In determining the
849 amount of fine to be levied for a violation, the following
850 factors shall be considered:

851 (a) The severity of the violation, including the
852 probability that the death, or serious harm to the health or
853 safety, of any person will result or has resulted; the severity
854 of the actual or potential harm; and the extent to which this
855 chapter or the rules adopted pursuant to this chapter were
856 violated;

857 (b) Any actions taken by the licensee or certified operator
858 in charge, or limited certificateholder, to correct the
859 violation or to remedy complaints;

860 (c) Any previous violations of this chapter or of the rules
861 adopted pursuant to this chapter; and

862 (d) The cost to the department of investigating the
863 violation.

864 Section 17. Subsections (3) and (5) of section 482.165,
865 Florida Statutes, are amended to read:

866 482.165 Unlicensed practice of pest control; cease and
867 desist order; injunction; civil suit and penalty.—

868 (3) In addition to or in lieu of any remedy provided under
869 subsection (2), the department may institute a civil suit in
870 circuit court to recover a civil penalty for any violation for

594-01929-26

2026290c2

871 which the department may issue a notice to cease and desist
872 under subsection (2). The civil penalty shall be in the Class
873 III ~~II~~ category pursuant to s. 570.971 for each offense. The
874 court may also award to the prevailing party court costs and
875 reasonable attorney fees.

876 (5) In addition to or in lieu of any remedy provided under
877 subsections (2) and (3), the department may, even in the case of
878 a first offense, impose a fine not less than twice the cost of a
879 pest control business license, but not more than a fine in the
880 Class III ~~II~~ category pursuant to s. 570.971, upon a
881 determination by the department that a person is in violation of
882 subsection (1). For the purposes of this subsection, the lapse
883 of a previously issued license for a period of less than 1 year
884 is not considered a violation.

885 Section 18. Subsections (20) and (21) are added to section
886 489.105, Florida Statutes, to read:

887 489.105 Definitions.—As used in this part:

888 (20) "Subcontractor" has the same meaning as in s. 558.002.

889 (21) "Supplier" has the same meaning as in s. 558.002.

890 Section 19. Section 489.1295, Florida Statutes, is created
891 to read:

892 489.1295 Theft of subcontractor or supplier services.—

893 (1) A person licensed as a contractor or who otherwise
894 holds himself or herself out to be a contractor may not
895 knowingly or willfully fail to compensate his or her
896 subcontractors or suppliers without reasonable cause within 30
897 days after receiving payment for the services performed by the
898 subcontractor or supplier.

899 (2) A person licensed as a contractor or who otherwise

594-01929-26

2026290c2

900 holds himself or herself out to be a contractor and who violates
901 this section commits a misdemeanor of the first degree,
902 punishable as provided in s. 775.082 or s. 775.083.

903 (3) If a person licensed as a contractor or who otherwise
904 holds himself or herself out to be a contractor violates this
905 section and the services performed by the subcontractor or
906 supplier are valued at \$20,000 or more, such person commits a
907 felony of the third degree, punishable as provided in s.
908 775.082, s. 775.083, or s. 775.084.

909 Section 20. Subsection (6) of section 500.04, Florida
910 Statutes, is amended to read:

911 500.04 Prohibited acts.—The following acts and the causing
912 thereof within the state are prohibited:

913 (6) The obstruction of or refusal to permit entry or
914 inspection, or to permit the taking of a sample, as authorized
915 by s. 500.147.

916 Section 21. Section 500.81, Florida Statutes, is repealed.

917 Section 22. Subsection (5) of section 500.93, Florida
918 Statutes, is amended to read:

919 500.93 Mislabeling of plant-based products as milk, meat,
920 or poultry.—

921 (5) The Department of Agriculture and Consumer Services
922 shall notify the Division of Law Revision upon the enactment
923 into law by any 11 of the group of 14 states composed of
924 Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana,
925 Maryland, Mississippi, Oklahoma, South Carolina, Tennessee,
926 Texas, Virginia, and West Virginia of the mandatory labeling
927 requirements pursuant to paragraphs (2) (a), (3) (a), and (4) (a)
928 ~~subsections (2) and (3).~~

594-01929-26

2026290c2

929 Section 23. Section 501.013, Florida Statutes, is amended
930 to read:

931 501.013 Health studios; exemptions.—

932 (1) The following businesses or activities may be declared
933 exempt from ~~the provisions of~~ ss. 501.012-501.019 upon the
934 filing of an affidavit with the department establishing that the
935 stated qualifications are met:

936 (a)~~(1)~~ A bona fide nonprofit organization which has been
937 granted tax-exempt status by the Internal Revenue Service.

938 (b)~~(2)~~ A gymnastics school which engages only in
939 instruction and training and in which exercise is only
940 incidental to such instruction and training.

941 (c)~~(3)~~ A golf, tennis, or racquetball club in which sports
942 play is the only activity offered by the club. If the facility
943 offers the use of physical exercise equipment, this exemption
944 shall not apply.

945 (d)~~(4)~~ A program or facility which is offered and used
946 solely for the purpose of dance, aerobic exercise, or martial
947 arts, and which utilizes no physical exercise equipment.

948 (e)~~(5)~~ A country club that has as its primary function the
949 provision of a social life and recreational amenities to its
950 members, and for which a program of physical exercise is merely
951 incidental to membership. As used in this paragraph ~~subsection~~,
952 the term "country club" means a facility that offers its members
953 a variety of services that may include, but need not be limited
954 to, social activities; dining, banquet, catering, and lounge
955 facilities; swimming; yachting; golf; tennis; card games such as
956 bridge and canasta; and special programs for members' children.
957 Upon the filing of an affidavit with the department establishing

594-01929-26

2026290c2

958 that the stated qualifications of this paragraph subsection were
959 met before July 1, 1997, this paragraph subsection will apply
960 retroactively to the date that the country club met these
961 qualifications.

962 (f)(6) A program or facility that is offered by an
963 organization for the exclusive use of its employees and their
964 family members.

965 (2) In addition to the businesses and activities listed in
966 subsection (1), the department may exempt any other business or
967 activity not in existence as of July 1, 2026, from ss. 501.012-
968 501.019.

969 Section 24. Section 501.062, Florida Statutes, is created
970 to read:

971 501.062 Unauthorized commercial solicitation; legislative
972 intent; definitions; prohibited acts; penalties.-

973 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
974 to protect, preserve, and promote the safety, welfare, and peace
975 of the citizens of this state by adopting measures to reduce the
976 threat to private property rights, including the right to
977 exclude and to be free from trespass of unauthorized commercial
978 solicitation on private property when noticed by the property
979 owner. It is the intent of this section to protect such private
980 property rights by creating a uniform standard for notifying
981 individuals or groups of individuals that commercial
982 solicitation is prohibited on private property.

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

984 (a) "Commercial solicitation" means the act of attempting
985 to sell goods or services, or to raise funds for a commercial
986 purpose, through direct or indirect contact with individuals,

594-01929-26

2026290c2

987 including, but not limited to, using words, body gestures, or
988 signs, on behalf of a business or commercial entity.

989 (b) "Dwelling" has the same meaning as in s. 810.011(2).

990 (3) PROHIBITED ACTS.—A person may not engage in commercial
991 solicitation on any dwelling that clearly and prominently
992 displays a sign that is no less than 8.5 by 11 inches, is
993 visible to any person approaching the dwelling, and clearly
994 displays a statement which identifies the dwelling as private
995 property on which commercial solicitation is prohibited, in
996 substantially the following manner with letters at least 1 inch
997 in height:

998
999 THIS DWELLING IS DESIGNATED PRIVATE PROPERTY. NO
1000 COMMERCIAL SOLICITATION IS PERMITTED PURSUANT TO
1001 SECTION 501.062, FLORIDA STATUTES.

1002
1003 (4) PENALTIES.—A person who violates subsection (3) commits
1004 a noncriminal violation, punishable as provided in s. 775.083. A
1005 person who commits a second or subsequent violation commits a
1006 misdemeanor of the second degree, punishable as provided in s.
1007 775.082 or s. 775.083.

1008 Section 25. Subsection (50) is added to section 570.07,
1009 Florida Statutes, to read:

1010 570.07 Department of Agriculture and Consumer Services;
1011 functions, powers, and duties.—The department shall have and
1012 exercise the following functions, powers, and duties:

1013 (50) Notwithstanding s. 20.04(7), to reorganize
1014 departmental units upon the approval of the commissioner.

1015 Section 26. Paragraph (c) is added to subsection (3) of

594-01929-26

2026290c2

1016 section 570.822, Florida Statutes, to read:

1017 570.822 Agriculture and Aquaculture Producers Emergency
1018 Recovery Loan Program.—

1019 (3) ELIGIBLE APPLICANTS.—To be eligible for the program, an
1020 applicant must:

1021 (c) Be a United States citizen and a legal resident of this
1022 state before or on the date of the declared emergency. If the
1023 applicant is an entity as defined in s. 605.0102, the entity
1024 must be wholly owned and operated in the United States and
1025 possess an active certificate of status issued by the Department
1026 of State pursuant to chapter 605.

1027 Section 27. Section 570.832, Florida Statutes, is created
1028 to read:

1029 570.832 Florida Native Seed Research and Marketing
1030 Program.—The Florida Wildflower Foundation, in coordination with
1031 the department, shall, subject to appropriation, establish the
1032 Florida Native Seed Research and Marketing Program to conduct
1033 research designed to expand the availability and uses of native
1034 seeds and strengthen the market position of this state's native
1035 seed industry through marketing campaigns and promotions in this
1036 state and across the nation.

1037 Section 28. Section 570.846, Florida Statutes, is created
1038 to read:

1039 570.846 Florida Food Animal Veterinary Medicine Loan
1040 Repayment Program.—

1041 (1) PURPOSE.—To encourage specialized and qualified
1042 veterinary professionals to practice in this state, to retain
1043 the employment of such professionals in this state, and to
1044 promote the care and treatment of food animals intended for

594-01929-26

2026290c2

1045 human consumption, there is established the Florida Food Animal
1046 Veterinary Medicine Loan Repayment Program. The purpose of the
1047 program is to authorize the department to make payments that
1048 offset loans incurred, for up to three new eligible candidates
1049 annually, for studies leading to a veterinary degree with a
1050 specialization in food animal veterinary medicine.

1051 (2) DEFINITIONS.—As used in this section, the term:

1052 (a) "Food animal" means a species of animal raised for the
1053 human food supply. Food animal species include cattle, swine,
1054 sheep, goat, poultry, aquaculture, and apiary species.

1055 (b) "Food animal veterinarian" means a veterinarian working
1056 in food animal veterinary medicine who focuses on the management
1057 and health of food animals and who spends a minimum of 20 hours
1058 per week on food animal species care and treatment.

1059 (c) "Food animal veterinary medicine" means a veterinary
1060 medical practice which encompasses medical care, disease
1061 prevention, and consultation on feeding, housing, and overall
1062 herd or flock management of food animals to ensure a safe,
1063 healthy, and sustainable food supply for the public.

1064 (3) ELIGIBILITY.—To be eligible for the program, a
1065 candidate must have graduated from an American Veterinary
1066 Medical Association-accredited college of veterinary medicine,
1067 have received a Florida veterinary medical license, have
1068 obtained a Category II Accreditation from the United States
1069 Department of Agriculture, and be a practicing food animal
1070 veterinarian in this state.

1071 (4) FUNDING.—Subject to legislative appropriation, the
1072 department may make loan principal repayments of up to \$25,000 a
1073 year for up to 5 years on behalf of eligible candidates. All

594-01929-26

2026290c2

1074 repayments are contingent upon continued proof of employment in
1075 this state as a practicing food animal veterinarian.

1076 (5) DUPLICATION OF FINANCIAL ASSISTANCE.—An eligible
1077 candidate receiving financial assistance from the federal
1078 veterinary medicine loan repayment program as established in 7
1079 U.S.C. part 3151a is ineligible to receive financial assistance
1080 from the program under this section.

1081 (6) RULEMAKING.—The department may adopt any rule necessary
1082 for the administration of the program.

1083 Section 29. Subsection (1) of section 570.85, Florida
1084 Statutes, is amended to read:

1085 570.85 Agritourism.—

1086 (1) It is the intent of the Legislature to promote
1087 agritourism as a way to support bona fide agricultural
1088 production by providing a stream of revenue and by educating the
1089 general public about the agricultural industry. It is also the
1090 intent of the Legislature to eliminate duplication of regulatory
1091 authority over agritourism as expressed in this section. Except
1092 as otherwise provided for in this section, and notwithstanding
1093 any other law, a local government may not adopt or enforce a
1094 local ordinance, regulation, rule, or policy that prohibits,
1095 restricts, regulates, or otherwise limits an agritourism
1096 activity on land classified as agricultural land under s.
1097 193.461, and may not require a property owner to obtain a rural
1098 event venue permit or license. This subsection does not limit
1099 the powers and duties of a local government to address
1100 substantial offsite impacts of agritourism activities or an
1101 emergency as provided in chapter 252.

1102 Section 30. Subsection (6) is added to section 570.86,

594-01929-26

2026290c2

1103 Florida Statutes, to read:

1104 570.86 Definitions.—As used in ss. 570.85-570.89, the term:

1105 (6) "Rural event venue" means a venue located on property
1106 classified as agricultural pursuant to s. 193.461 and used for
1107 special functions, such as weddings, receptions, corporate
1108 meetings, or similar gatherings.

1109 Section 31. Subsection (4) of section 583.01, Florida
1110 Statutes, is amended to read:

1111 583.01 Definitions.—For the purpose of this chapter, unless
1112 elsewhere indicated, the term:

1113 (4) "Dealer" means a person, firm, or corporation,
1114 including a producer, processor, retailer, or wholesaler, that
1115 sells, offers for sale, or holds for the purpose of sale in this
1116 state 30 dozen or more eggs or its equivalent in any one week,
1117 or more than 20,000 ~~384~~ dressed birds annually ~~in any one week~~.

1118 Section 32. Section 590.02, Florida Statutes, is amended to
1119 read:

1120 590.02 Florida Forest Service; powers, authority, and
1121 duties; liability; building structures; Withlacoochee and Welaka
1122 Training Centers ~~Center~~.—

1123 (1) The Florida Forest Service has the following powers,
1124 authority, and duties to:

1125 (a) Enforce the provisions of this chapter;

1126 (b) Prevent, detect, and suppress wildfires wherever they
1127 may occur on public or private land in this state and do all
1128 things necessary in the exercise of such powers, authority, and
1129 duties;

1130 (c) Provide firefighting crews, who shall be under the
1131 control and direction of the Florida Forest Service and its

594-01929-26

2026290c2

1132 designated agents;

1133 (d) Appoint center managers, forest area supervisors,
1134 forestry program administrators, a forest protection bureau
1135 chief, a forest protection assistant bureau chief, a field
1136 operations bureau chief, deputy chiefs of field operations,
1137 district managers, forest operations administrators, senior
1138 forest rangers, investigators, forest rangers, firefighter
1139 rotorcraft pilots, and other employees who may, at the Florida
1140 Forest Service's discretion, be certified as forestry
1141 firefighters pursuant to s. 633.408(8). Other law
1142 notwithstanding, center managers, district managers, forest
1143 protection assistant bureau chief, and deputy chiefs of field
1144 operations have Selected Exempt Service status in the state
1145 personnel designation;

1146 (e) Develop a training curriculum for wildland firefighters
1147 which must contain a minimum of 40 hours of structural
1148 firefighter training, a minimum of 40 hours of emergency medical
1149 training, and a minimum of 376 hours of wildfire training;

1150 (f) Pay the cost of the initial commercial driver license
1151 examination fee, and renewal, for those employees whose position
1152 requires them to operate equipment requiring a license. This
1153 paragraph is intended to be an authorization to the department
1154 to pay such costs, not an obligation;

1155 (g) Provide fire management services and emergency response
1156 assistance and set and charge reasonable fees for performance of
1157 those services. Moneys collected from such fees shall be
1158 deposited into the Incidental Trust Fund of the Florida Forest
1159 Service;

1160 (h) Require all state, regional, and local government

594-01929-26

2026290c2

1161 agencies operating aircraft in the vicinity of an ongoing
1162 wildfire to operate in compliance with the applicable state
1163 Wildfire Aviation Plan;

1164 (i) Authorize broadcast burning, prescribed burning, pile
1165 burning, and land clearing debris burning to carry out the
1166 duties of this chapter and the rules adopted thereunder; and

1167 (j) Make rules to accomplish the purposes of this chapter.

1168 (2) The Florida Forest Service's employees, and the
1169 firefighting crews under their control and direction, may enter
1170 upon any lands for the purpose of preventing, detecting, and
1171 suppressing wildfires and investigating smoke complaints or open
1172 burning not in compliance with authorization and to enforce the
1173 provisions of this chapter.

1174 (3) Employees of the Florida Forest Service and of federal,
1175 state, and local agencies, and all other persons and entities
1176 that are under contract or agreement with the Florida Forest
1177 Service to assist in firefighting operations as well as those
1178 entities, called upon by the Florida Forest Service to assist in
1179 firefighting may, in the performance of their duties, set
1180 counterfires, remove fences and other obstacles, dig trenches,
1181 cut firelines, use water from public and private sources, and
1182 carry on all other customary activities in the fighting of
1183 wildfires without incurring liability to any person or entity.
1184 The manner in which the Florida Forest Service monitors a
1185 smoldering wildfire or smoldering prescribed fire or fights any
1186 wildfire are planning level activities for which sovereign
1187 immunity applies and is not waived.

1188 (4) (a) The department may build structures, notwithstanding
1189 chapters 216 and 255, not to exceed a cost of \$50,000 per

594-01929-26

2026290c2

1190 structure from existing resources on forest lands, federal
1191 excess property, and unneeded existing structures. These
1192 structures must meet all applicable building codes.

1193 (b) Notwithstanding s. 553.80(1), the department shall
1194 exclusively enforce the Florida Building Code as it pertains to
1195 wildfire, law enforcement, and other Florida Forest Service
1196 facilities under the jurisdiction of the department.

1197 (5) The Florida Forest Service shall organize its
1198 operational units to most effectively prevent, detect, and
1199 suppress wildfires, and to that end, may employ the necessary
1200 personnel to manage its activities in each unit. The Florida
1201 Forest Service may construct lookout towers, roads, bridges,
1202 firelines, and other facilities and may purchase or fabricate
1203 tools, supplies, and equipment for firefighting. The Florida
1204 Forest Service may reimburse the public and private entities
1205 that it engages to assist in the suppression of wildfires for
1206 their personnel and equipment, including aircraft.

1207 (6) The Florida Forest Service shall undertake
1208 privatization alternatives for fire prevention activities
1209 including constructing fire lines and conducting prescribed
1210 burns and, where appropriate, entering into agreements or
1211 contracts with the private sector to perform such activities.

1212 (7) The Florida Forest Service may organize, staff, equip,
1213 and operate the Withlacoochee and Welaka Training Centers
1214 Center. The centers ~~center~~ shall serve as sites ~~a site~~ where
1215 fire and forest resource managers can obtain current knowledge,
1216 techniques, skills, and theory as they relate to their
1217 respective disciplines, and the centers:-

1218 (a) ~~The center~~ May establish cooperative efforts involving

594-01929-26

2026290c2

1219 federal, state, and local entities; hire appropriate personnel;
1220 and engage others by contract or agreement with or without
1221 compensation to assist in carrying out the training and
1222 operations of the centers ~~center~~.

1223 (b) ~~The center~~ Shall provide wildfire suppression training
1224 opportunities for rural fire departments, volunteer fire
1225 departments, and other local fire response units.

1226 (c) ~~The center~~ Shall focus on curriculum related to, but
1227 not limited to, fuel reduction, an incident management system,
1228 prescribed burning certification, multiple-use land management,
1229 water quality, forest health, environmental education, and
1230 wildfire suppression training for structural firefighters.

1231 (d) ~~The center~~ May assess appropriate fees for food,
1232 lodging, travel, course materials, and supplies in order to meet
1233 their ~~its~~ operational costs and may grant free meals, room, and
1234 scholarships to persons and other entities as determined by the
1235 Florida Forest Service, regardless of whether training occurs at
1236 the Withlacoochee Training Center or Welaka Training Center or
1237 at another location ~~in exchange for instructional assistance.~~

1238 (8) (a) The Cross City Work Center shall be named the L.
1239 Earl Peterson Forestry Station. This is to honor Mr. L. Earl
1240 Peterson, Florida's sixth state forester, whose distinguished
1241 career in state government has spanned 44 years, and who is a
1242 native of Dixie County.

1243 (b) The Madison Forestry Station shall be named the Harvey
1244 Greene Sr. Forestry Station. This is to honor Mr. Harvey Greene
1245 Sr., a World War I veteran and pioneer in forestry in Madison
1246 County. In 1947, Mr. Harvey Greene Sr. offered to give the land
1247 on which the forestry station is located to the state; however,

594-01929-26

2026290c2

1248 at that time, the state could not accept donations of land.
1249 Instead, Mr. Harvey Greene Sr. sold the land to the state and,
1250 with the proceeds of the sale, purchased forestry equipment to
1251 be used by the citizens of Madison County to plant trees and
1252 fight wildfires.

1253 (c) The Bonifay Forestry Station shall be named the John
1254 Michael Mathis Forestry Station. This is to honor the late Mr.
1255 John Michael Mathis, the Chipola Forestry Center manager whose
1256 distinguished career spanned 18 years, and who received many
1257 awards for his service, including commendation for leadership in
1258 wildfire mitigation for his service during Hurricane Michael.
1259 Mr. John Michael Mathis was a proud husband, father, forester,
1260 and friend.

1261 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
1262 department may retain, transfer, warehouse, bid, destroy, scrap,
1263 or otherwise dispose of surplus equipment and vehicles that are
1264 used for wildland firefighting.

1265 (b) All money received from the disposition of state-owned
1266 equipment and vehicles that are used for wildland firefighting
1267 shall be retained by the department. Money received pursuant to
1268 this section is appropriated for and may be disbursed for the
1269 acquisition of exchange and surplus equipment used for wildland
1270 firefighting, and for all necessary operating expenditures
1271 related to such equipment, in the same fiscal year and the
1272 fiscal year following the disposition. The department shall
1273 maintain records of the accounts into which the money is
1274 deposited.

1275 (10) (a) Notwithstanding the provisions of s. 252.38, the
1276 Florida Forest Service has exclusive authority to require and

594-01929-26

2026290c2

1277 issue authorizations for broadcast burning and agricultural and
1278 silvicultural pile burning. An agency, commission, department,
1279 county, municipality, or other political subdivision of the
1280 state may not adopt or enforce laws, regulations, rules, or
1281 policies pertaining to broadcast burning or agricultural and
1282 silvicultural pile burning.

1283 (b) The Florida Forest Service may delegate to a county,
1284 municipality, or special district its authority:

1285 1. As delegated by the Department of Environmental
1286 Protection pursuant to ss. 403.061(29) and 403.081, to manage
1287 and enforce regulations pertaining to the burning of yard trash
1288 in accordance with s. 590.125(6).

1289 2. To manage the open burning of land clearing debris in
1290 accordance with s. 590.125.

1291 Section 33. Section 595.421, Florida Statutes, is created
1292 to read:

1293 595.421 Farmers Feeding Florida Program.—There is
1294 established the Farmers Feeding Florida Program to coordinate
1295 with Feeding Florida, or its successor entity, for the
1296 acquisition, transportation, and distribution of non-Emergency
1297 Food Assistance Program fresh food products for the benefit of
1298 residents who are food insecure due to a lack of local food
1299 resources, accessibility, and affordability.

1300 (1) In order to implement the program, Feeding Florida
1301 shall:

1302 (a) Enter into an agreement with the department to provide,
1303 at a minimum, all of the following services:

1304 1. Transportation of non-Emergency Food Assistance Program
1305 fresh food products using owned vehicles or contracted

594-01929-26

2026290c2

1306 commercial vehicles.

1307 2. Coordination of the purchase and pickup of food from the
1308 purchase location and delivery to the distribution location.

1309 (b) Submit monthly reports to the department, beginning
1310 July 1, 2026, which include, at a minimum, all of the following:

1311 1. A detailed record of the amount of food purchased,
1312 measured per pound and itemized according to its commodity type.

1313 2. Food purchase locations.

1314 3. Food purchase dates.

1315 4. The date of delivery and locations to which the food was
1316 distributed.

1317 (c) Submit quarterly reports, beginning July 1, 2026, to
1318 the chairs of the legislative appropriations committees,
1319 including all of the following information:

1320 1. A detailed record of the amount of food distributed,
1321 measured per pound and itemized according to its commodity type.

1322 2. The distribution locations.

1323 3. An itemized list of the types of commodities
1324 distributed.

1325 (2) Foods purchased by Feeding Florida through the program
1326 are restricted to charitable purposes for hunger relief and may
1327 not reenter the wholesale, retail, or secondary market.

1328 (3) Feeding Florida may not, in implementing this section,
1329 allow a candidate for elective office to host a food
1330 distribution event during the period of time between the last
1331 day of the election qualifying period and the date of the
1332 election if the candidate is opposed for election or reelection
1333 at the time of the event. This subsection does not apply if the
1334 event is in response to a declared state of emergency.

594-01929-26

2026290c2

1335 Section 34. Present paragraph (c) of subsection (7) of
1336 section 597.004, Florida Statutes, is redesignated as paragraph
1337 (d) and amended, a new paragraph (c) is added to that
1338 subsection, and paragraph (a) of subsection (2) of that section
1339 is amended, to read:

1340 597.004 Aquaculture certificate of registration.—

1341 (2) RULES.—

1342 (a) The department, in consultation with the Department of
1343 Environmental Protection, the water management districts,
1344 environmental groups, and representatives from the affected
1345 farming groups, shall adopt rules to:

1346 1. Specify the requirement of best management practices to
1347 be implemented by holders of aquaculture certificates of
1348 registration.

1349 2. Establish procedures for holders of aquaculture
1350 certificates of registration to submit the notice of intent to
1351 comply with best management practices.

1352 3. Establish schedules for implementation of best
1353 management practices, and of interim measures that can be taken
1354 prior to adoption of best management practices. Interim measures
1355 may include the continuation of regulatory requirements in
1356 effect on June 30, 1998.

1357 4. Establish a system to assure the implementation of best
1358 management practices, including recordkeeping requirements.

1359 5. Require any facility that cultures *Micropterus salmoides*
1360 ~~floridanus~~ to maintain stock acquisition documentation or
1361 records of genetic testing.

1362 (7) REGISTRATION AND RENEWALS.—

1363 (c) The department may not renew a certificate of

594-01929-26

2026290c2

1364 registration for a facility that is not compliant with this
1365 section unless documentation of corrective action is provided
1366 with the renewal application.

1367 (d)(e) A Any person whose certificate of registration has
1368 been revoked or suspended must reapply to the department for
1369 certification. A person, a company, or an entity, or a principal
1370 of a company or an entity whose certificate of registration has
1371 been revoked, may not reapply for a period of 3 years.

1372 Section 35. Paragraph (a) of subsection (5) of section
1373 597.010, Florida Statutes, is amended to read:

1374 597.010 Shellfish regulation; leases.-

1375 (5) LEASES IN PERPETUITY; RENT.-

1376 (a) All leases issued previously under ~~the provisions of s.~~
1377 379.2525 shall be enforced under the authority of this chapter,
1378 notwithstanding any other law to the contrary, and shall
1379 continue in perpetuity under such restrictions as stated in the
1380 lease agreement. The annual rental fee charged for all leases
1381 shall consist of the minimum rate of \$15 per acre, or any
1382 fraction of an acre, per year and may ~~shall~~ be adjusted on
1383 January 1, 1995, and every 5 years thereafter, based on the 5-
1384 year average change in the Consumer Price Index. Rent must ~~shall~~
1385 be paid in advance of January 1 of each year or, in the case of
1386 a new lease, at the time of signing, regardless of who holds the
1387 lease.

1388 Section 36. Paragraphs (b) and (c) of subsection (1) of
1389 section 599.012, Florida Statutes, are amended to read:

1390 599.012 Florida Wine Trust Fund; creation.-

1391 (1) There is established the Florida Wine Trust Fund within
1392 the Department of Agriculture and Consumer Services. The

594-01929-26

2026290c2

1393 department shall use the moneys deposited in the trust fund
1394 pursuant to subsection (2) to do all the following:

1395 (b) Promote wine ~~viticulture~~ products manufactured from
1396 products grown in the state.

1397 (c) Provide grants for wine and viticultural research.

1398 Section 37. Section 616.001, Florida Statutes, is amended
1399 to read:

1400 616.001 Definitions.—As used in this chapter, the term:

1401 (1) "Annual public fair" means a ~~community, county,~~
1402 ~~district, regional, or state~~ fair that is held and conducted by
1403 a fair association and permitted by the department pursuant to
1404 s. 616.15.

1405 (2) "Authority" means the Florida State Fair Authority.

1406 (3) ~~"Community fair" means an annual public fair that~~
1407 ~~serves an area of less than an entire county, has exhibits that~~
1408 ~~are in accordance with s. 616.17, and gives premiums or awards~~
1409 ~~to exhibitors. Agricultural products shall be produced in the~~
1410 ~~community the exhibit represents. The majority of the board of~~
1411 ~~directors of the fair shall reside, be employed, or operate a~~
1412 ~~business in the community the fair represents.~~

1413 ~~(4)~~ "Concession" means use by a fair association, or a
1414 grant, lease, or license to a third party, of a portion of the
1415 land under the ownership, custody, or control of a fair
1416 association for specific uses, or the right to enter upon the
1417 land for specific purposes, such as providing rides, games,
1418 food, beverage, merchandise for sale, exhibits, projects,
1419 activities, events, programs, or other uses authorized in this
1420 chapter.

1421 ~~(5) "County fair" means an annual public fair that serves~~

594-01929-26

2026290c2

1422 ~~an entire county and provides exhibitors with premiums or awards~~
1423 ~~for exhibits that are in accordance with s. 616.17. Agricultural~~
1424 ~~products must be typical of those produced in the county the~~
1425 ~~exhibit represents. The majority of the board of directors of~~
1426 ~~the fair shall reside, be employed, or operate a business in the~~
1427 ~~county that the fair association represents.~~

1428 (4)~~(6)~~ "Department" means the Department of Agriculture and
1429 Consumer Services.

1430 ~~(7)~~ "District fair" means an annual public fair that serves
1431 at least five counties and has exhibits that meet the
1432 requirements of s. 616.17. A district fair shall pay at least
1433 \$25,000 in cash premiums or awards to exhibitors. Agricultural
1434 products must be typical of those produced in the counties the
1435 exhibit represents. Livestock may originate from outside the
1436 district, but must be registered in the exhibitor's name at
1437 least 30 days before the opening day of the fair. Each county is
1438 encouraged to have proportionate exhibits, typical of its
1439 respective natural resources. Each county shall have exhibits
1440 representing basic resources in agriculture and industry.

1441 (5)~~(8)~~ "Entry" means one item entered for competition or
1442 show. An entry may constitute an exhibit, depending upon the
1443 regulations stated in the premium book.

1444 (6)~~(9)~~ "Exhibit" means one or more entries entered for
1445 exhibition and constituting a unit. An exhibit may consist of
1446 one or more entries, depending upon the regulations stated in
1447 the premium book. The term includes parades and displays of
1448 articles or a collection of articles, whether static,
1449 interactive, or dynamic, by a fair association or a third party
1450 contracting with a fair association, such as exhibits of

594-01929-26

2026290c2

1451 animals, art, housewares, or motor vehicles.

1452 (7)~~(10)~~ "Exhibitor" means an individual, a group of
1453 individuals, or a business, including a fair association or
1454 third party contracting with a fair association, which has an
1455 exhibit.

1456 (8)~~(11)~~ "Fair association" or "association" means an
1457 association not for profit incorporated under this chapter for
1458 the purpose of conducting and operating public fairs or
1459 expositions.

1460 (9)~~(12)~~ "Public fair or exposition" means a project,
1461 activity, event, or program, and use by a fair association,
1462 including, but not limited to, the annual public fair, which
1463 serves the purposes specified in s. 616.08 and benefits and
1464 develops the educational, agricultural, horticultural,
1465 livestock, charitable, historical, civic, cultural, scientific,
1466 and other resources of this state, or any county, municipality,
1467 or other community in this state.

1468 ~~(13) "Regional fair" or "interstate fair" means an annual
1469 public fair of this state and other states in which fair
1470 exhibits meet the requirements of s. 616.17. Agricultural
1471 products must be typical of those produced in the area the
1472 exhibit represents.~~

1473 (10)~~(14)~~ "Specialized show" means a show or an exhibition
1474 exhibiting and emphasizing livestock or poultry, or a fruit or
1475 vegetable festival, and must meet the minimum exhibit
1476 requirements specified in s. 616.17. ~~A specialized show may
1477 qualify under one of the definitions in subsections (3), (5),
1478 (7), and (15).~~

1479 (11)~~(15)~~ "State fair" means an annual public fair that

594-01929-26

2026290c2

1480 serves the entire state. ~~Exhibits must comply with s. 616.17,~~
1481 ~~and cash premiums or awards may be given to exhibitors.~~

1482 Section 38. Section 616.01, Florida Statutes, is amended to
1483 read:

1484 616.01 Requirements for ~~Number of persons required;~~
1485 ~~requisites of proposed charter. Twenty-five or more persons who~~
1486 ~~are~~ Residents and qualified electors of the county in which the
1487 annual public fair is to be located, who wish to form an
1488 association not for profit for the purpose of conducting and
1489 operating public fairs or expositions, may become incorporated
1490 in the following manner. The applicant must ~~subscribers shall~~
1491 submit the proposed charter to the department for review and
1492 approval or denial. If the proposed charter is denied, the
1493 department must provide the applicant with a letter sent to the
1494 mailing address provided on the proposed charter and include a
1495 complete listing of all deficiencies, if any, which must be
1496 remedied before resubmittal of the proposed charter for
1497 approval. If the proposed charter is approved, the applicant
1498 must ~~subscribers shall~~ sign and present a notarized copy of the
1499 proposed charter to the judge of the circuit court for the
1500 county in which the principal office of the association will be
1501 located. The proposed charter must specify:

1502 (1) The name of the association and the place where the
1503 principal office is to be located. The name of the association
1504 must ~~shall~~ include the word, "Inc."

1505 (2) The general nature of the objectives and powers of the
1506 association, including a provision that the association is
1507 incorporated for the sole purpose of conducting and operating
1508 public fairs or expositions.

594-01929-26

2026290c2

1509 (3) The qualifications and terms of association members and
1510 criteria for their admission and expulsion. Provision must ~~may~~
1511 be made in the charter for ex officio membership.

1512 (4) The time for which the association is to exist.

1513 (5) The name and residence of each subscriber.

1514 (6) Procedures for the election of and governance by
1515 officers, who may be elected or appointed.

1516 (7) The designation of officers who will manage the affairs
1517 of the association until the first election or appointment under
1518 the charter.

1519 (8) Procedures for the adoption, amendment, or rescission
1520 of bylaws of the association.

1521 (9) The highest amount of indebtedness or liability that
1522 may be accrued by the association.

1523 (10) The name of an elected member of the board of county
1524 commissioners of the county in which the principal office of the
1525 association will be located, who will serve as an ex officio
1526 member of the board of directors of the association.

1527 (11) The official e-mail address of the association which
1528 will be used for the purpose of official communication between
1529 the association and governmental entities.

1530 (12) The language for the oath that will be taken by the
1531 applicant, which must include, but is not limited to, all of the
1532 following:

1533 (a) That the primary objective of the association is for
1534 public service and to hold, conduct, and promote public fairs or
1535 expositions.

1536 (b) That money and other available assets in value
1537 exceeding \$5,000 have been provided for purposes designated by

594-01929-26

2026290c2

1538 the association.

1539 (c) That the association will operate in good faith to
1540 carry out the purposes and objectives set forth in the charter.

1541 Section 39. Section 616.02, Florida Statutes, is amended to
1542 read:

1543 616.02 Fair associations per county ~~Acknowledgment of~~
1544 ~~charter.~~-

1545 (1) Beginning July 1, 2026, there may be only one
1546 incorporated fair association per county in this state,
1547 excluding the state fair, which may be incorporated and
1548 conducted in any county. The department may not approve a
1549 proposed charter incorporating a fair association within the
1550 same county in which a fair association currently exists. The
1551 department may waive this requirement at the discretion of the
1552 Commissioner of Agriculture.

1553 (2) Any fair association incorporated before July 1, 2026,
1554 may conduct public fairs or expositions and exercise the
1555 authority provided to them pursuant to this chapter ~~The proposed~~
1556 ~~charter of a fair association shall be acknowledged by at least~~
1557 ~~three of its subscribers before an officer authorized to make~~
1558 ~~acknowledgment of deeds. Subscribers shall also make and take an~~
1559 ~~oath, which must be attached to the proposed charter, stating~~
1560 ~~that the primary objective of the association is public service~~
1561 ~~and holding, conducting, and promoting public fairs or~~
1562 ~~expositions; that money and other available assets in value~~
1563 ~~exceeding \$5,000 have been provided for the purposes of the~~
1564 ~~association; and that the association will operate in good faith~~
1565 ~~to carry out the purposes and objectives set forth in its~~
1566 ~~charter.~~

594-01929-26

2026290c2

1567 Section 40. Section 616.03, Florida Statutes, is amended to
1568 read:

1569 616.03 ~~Notice of application;~~ Approval and record of
1570 charter. Upon approval by the department, ~~A notice of intention~~
1571 ~~to apply to the circuit court for the charter of a fair~~
1572 ~~association must specify the date that application will be made,~~
1573 ~~shall be sent to the department for approval, and shall be~~
1574 ~~published in a newspaper in the county where the principal~~
1575 ~~office of the association will be located once each week for 4~~
1576 ~~consecutive weeks. The notice must briefly summarize the charter~~
1577 ~~and objectives of the proposed association. the proposed charter~~
1578 must shall be submitted to and approved by the board of county
1579 commissioners of the county in which the principal office of the
1580 association will be located. After approval by the ~~department~~
1581 ~~and the~~ board of county commissioners, the proposed charter and
1582 proof of approval must and publication shall be submitted to the
1583 circuit judge ~~on the date specified in the notice.~~ If no cause
1584 is shown to the contrary and the judge finds that the proposed
1585 charter is in proper form and will serve the primary objective
1586 of public service, the judge must shall approve the charter and
1587 issue an order incorporating the applicant subscribers under the
1588 charter for the objectives and purposes specified in the
1589 charter. The charter and order of incorporation must shall be
1590 recorded in the office of the clerk of the circuit court in the
1591 county where the principal office of the association will be
1592 located and provided to the department. After the order is
1593 recorded, the applicant subscribers and any their associates are
1594 incorporated with the objectives and powers established in the
1595 charter and under the name given in the charter. ~~During the~~

594-01929-26

2026290c2

1596 ~~publication period, the proposed charter shall be on file in the~~
1597 ~~office of the clerk of the circuit court.~~ This section does not
1598 preclude a fair association from also filing its duly approved
1599 charter with the Department of State pursuant to chapter 617 for
1600 notice purposes.

1601 Section 41. Subsection (2) of section 616.05, Florida
1602 Statutes, is amended to read:

1603 616.05 Amendment of charter.—A fair association may propose
1604 an amendment to its charter by resolution as provided in its
1605 charter or bylaws.

1606 (2) After the department approves the proposed amendment,
1607 it will be incorporated into the original charter upon:

1608 (a) ~~Publication of notice in the same manner as provided in~~
1609 ~~s. 616.03;~~

1610 ~~(b)~~ Filing the order of the circuit judge approving the
1611 amendment with the office of the clerk of the circuit court and
1612 the department; and

1613 (b) ~~(e)~~ Being recorded in the clerk's office.

1614

1615 If a fair association has filed its charter with the Department
1616 of State pursuant to chapter 617, a copy of any amendment to the
1617 charter must be filed with the Department of State for notice
1618 purposes.

1619 Section 42. Section 616.051, Florida Statutes, is amended
1620 to read:

1621 616.051 Dissolving a charter.—

1622 (1) A fair association may dissolve its charter by
1623 resolution as provided in its charter or bylaws. The proposal
1624 for dissolving the charter shall be submitted to the department

594-01929-26

2026290c2

1625 for approval.

1626 (2) Upon approval by the department and upon presentation
1627 of sufficient evidence demonstrating and publication of notice
1628 ~~and proof~~ that all indebtedness has been paid and no claims are
1629 outstanding against the association, the circuit judge may, by
1630 decree, dissolve the association and order the distribution of
1631 its remaining assets. Such assets must be distributed, by
1632 resolution of the board of directors, to the county in which the
1633 principal office of the association is located unless otherwise
1634 specified by the deed of the property held by the association
1635 ~~its remaining public funds to be distributed as recommended by~~
1636 ~~the board of directors.~~

1637 Section 43. Subsection (3) of section 616.07, Florida
1638 Statutes, is amended, and subsections (1) and (2) of that
1639 section are republished, to read:

1640 616.07 Members not personally liable; property of
1641 association held in trust; exempt from taxation.-

1642 (1) A member, officer, director, or trustee of a fair
1643 association is not personally liable for any of the debts of the
1644 association, and money or property of a fair association may not
1645 be distributed as profits or dividends among its members,
1646 officers, directors, or trustees.

1647 (2) All money and property of the association, except that
1648 necessary for the payment of its just debts and liabilities, are
1649 public property, shall be administered by the association as
1650 trustee, and shall be used exclusively for the legitimate
1651 purpose of the association. So long as they are used for that
1652 purpose, all money and property of the association are exempt
1653 from all forms of taxation, including special assessments, and

594-01929-26

2026290c2

1654 any projects, activities, events, programs, and uses authorized
1655 by this part serve an essential governmental purpose and,
1656 therefore, are not taxable and are not subject to assessments.
1657 This subsection does not apply to chapter 212.

1658 ~~(3) Upon order of the circuit judge, any public funds or~~
1659 ~~property remaining in a fair association when the association is~~
1660 ~~dissolved shall be distributed by resolution of the board of~~
1661 ~~directors to any county or any municipality within the county.~~
1662 ~~The board may designate in the distribution resolution the~~
1663 ~~public project that will benefit from the funds or the manner in~~
1664 ~~which the property will be used. If property has been~~
1665 ~~contributed by a municipality or county, the property shall be~~
1666 ~~reconveyed to the municipality or county that gave the property~~
1667 ~~to the association.~~

1668 Section 44. Section 616.101, Florida Statutes, is amended
1669 to read:

1670 616.101 Annual review of accounts and records; review of
1671 charter.—

1672 (1) The accounts and records of a every fair association
1673 whose annual public fair has an annual attendance of more than
1674 25,000, based upon recorded attendance from the previous year,
1675 must shall be reviewed annually by a qualified accountant
1676 licensed by the state. A fair association whose annual public
1677 fair has an annual attendance of 25,000 or fewer, based upon
1678 recorded attendance from the previous year, or a fair
1679 association that is holding an annual public fair for the first
1680 time, must submit an annual financial statement that has been
1681 signed by an officer of the county. The results of the reviews
1682 must shall be kept in the official records of each association,

594-01929-26

2026290c2

1683 available to all directors of the association. A certified copy
1684 of the review must ~~shall~~ be filed with the department:

1685 (a)~~(1)~~ On request by the department to certify expenditures
1686 of the premiums awarded to exhibitors of a fair or of building
1687 funds if ~~when~~ there is evidence of a violation of state laws; or

1688 (b)~~(2)~~ When the association is applying for a fair permit.

1689 (2) A fair association shall, every 5 years beginning July
1690 1, 2026, review its charter and submit to the department a
1691 certified copy of the charter which incorporates any amendment
1692 made during the last 5 years. A designated member of the
1693 association shall attest that the charter is accurate and
1694 factual when submitting the certified copy to the department.

1695 Section 45. Section 616.15, Florida Statutes, is amended to
1696 read:

1697 616.15 Permit from Department of Agriculture and Consumer
1698 Services required.—

1699 (1) An annual public fair may not be conducted by a fair
1700 association without a permit issued by the department. The
1701 association shall present to the department an application for a
1702 permit, signed by an officer of the association, at least 90
1703 calendar days ~~3 months~~ before holding the annual public fair.

1704 The application must ~~shall~~ be accompanied by a fee in an amount
1705 to be determined by the department for processing the
1706 application and making any required investigation. The
1707 application fee must be at least \$183 and may not exceed \$366.
1708 Fees collected under this subsection shall be deposited in the
1709 General Inspection Trust Fund of the State Treasury in a special
1710 account to be known as the "Agricultural and Livestock Fair
1711 Account." A copy of the application must be sent to each fair

594-01929-26

2026290c2

1712 association located within 50 miles of the site of the proposed
1713 annual public fair at the same time the application is sent to
1714 the department. The department may issue a permit if the
1715 applicant provides:

1716 (a) The opening and closing dates of the proposed annual
1717 public fair.

1718 (b) The name and address of the owner of the central
1719 amusement attraction that will operate during the annual public
1720 fair.

1721 (c) An affidavit properly executed by the president or
1722 chief executive officer of the applicant association certifying
1723 the existence of a binding contract entered into by the
1724 association and the owner of the central amusement attraction
1725 covering the period for which the permit from the department is
1726 applied. The contract between the parties must ~~shall~~ be
1727 available for inspection by duly authorized agents of the
1728 department in administering this chapter.

1729 (d) A copy of the association's charter which incorporates
1730 all amendments made ~~A written statement that the main purpose of~~
1731 ~~the association is to conduct and operate a public fair and~~
1732 ~~exposition, including the annual fair, for the benefit and~~
1733 ~~development of the educational, agricultural, horticultural,~~
1734 ~~livestock, charitable, historical, civic, cultural, scientific,~~
1735 ~~and other resources of the geographical area the fair~~
1736 ~~association represents and serves. The statement must be~~
1737 ~~subscribed and acknowledged by an officer of the association~~
1738 ~~before an officer authorized to take acknowledgments.~~

1739 (e) A premium list of the current annual public fair to be
1740 conducted and ~~or~~ a copy of the previous year's premium list

594-01929-26

2026290c2

1741 showing all premiums and awards to be offered to exhibitors in
1742 various departments of the annual public fair, which may
1743 include, but are not limited to, art exhibition, beef cattle,
1744 county exhibits, dairy cattle, horticulture, swine, women's
1745 department, 4-H Club activities, Future Farmers of America
1746 activities, Future Homemakers of America activities, poultry and
1747 egg exhibits, and community exhibits. The premium list, which
1748 may be submitted separately from the application, must be
1749 submitted at least 60 calendar days before the annual public
1750 fair begins operation.

1751 (f) A complete listing of all exhibits required pursuant to
1752 s. 616.17 Proof of liability insurance insuring the association
1753 against liability for injury to persons, in an amount of not
1754 less than \$300,000 per occurrence.

1755 ~~(g) A copy of the most recent review.~~

1756 ~~(h) A list of all current members of the board of directors~~
1757 ~~of the association and their contact information, including home~~
1758 ~~address.~~

1759
1760 The department shall issue the permit within 10 calendar days
1761 after it receives ~~all~~ the information required by this
1762 subsection and the applicant qualifies pursuant to this section.

1763 (2) At least 21 calendar days before holding the annual
1764 public fair, the association shall present the department with
1765 all of the following information:

1766 (a) Proof of liability insurance insuring the association
1767 against liability for injury to persons, in an amount not less
1768 than \$300,000 per occurrence.

1769 (b) A copy of the association's most recent annual

594-01929-26

2026290c2

1770 financial statement pursuant to s. 616.101.

1771 (c) A list of all current members of the board of directors
1772 of the association and their contact information, including
1773 mailing addresses.

1774 (3)-(2) The department shall administer and enforce ~~the~~
1775 ~~provisions of~~ this chapter except as to the regulation of games,
1776 which shall be regulated by local law enforcement agencies. The
1777 department shall adopt rules to administer this chapter,
1778 including rules governing the form and contents of the
1779 application for the permit and any reports that it deems ~~may~~
1780 ~~deem~~ necessary in enforcing the provisions of this chapter.

1781 (4)-(3) Notwithstanding any fair association meeting the
1782 requirements set forth in subsection (1), the department may
1783 order a full investigation to determine if the fair association
1784 meets the requirements of this part ~~s. 616.01~~, and may withhold
1785 a permit from, deny a permit to, or withdraw a permit once
1786 issued to the association. The department shall also consider
1787 whether any proposed annual public fair, as set forth in an
1788 application for a permit, will compete with another annual
1789 public fair within 50 miles of the proposed annual public fair
1790 with respect to name, dates of operation, or market. The
1791 department may deny, withhold, or withdraw a permit from a fair
1792 association if the department determines that such fair
1793 association will compete with another association. The
1794 department shall give preference to existing fair associations
1795 with established dates, locations, and names. The determination
1796 by the department is final.

1797 Section 46. Section 616.251, Florida Statutes, is amended
1798 to read:

594-01929-26

2026290c2

1799 616.251 Florida State Fair Authority; creation;
1800 responsibility for staging annual state fair; exemptions.-

1801 (1) There is created and constituted the "Florida State
1802 Fair Authority," a public body corporate and politic, for the
1803 purposes and with the powers set forth in this part. Such
1804 instrumentality, hereinafter referred to as "the authority,"
1805 shall have perpetual succession. For the purposes of
1806 implementing the intent of this part, the authority shall be
1807 considered an instrumentality of the state, subject to the
1808 jurisdiction of the state. Any conflict with respect to that
1809 jurisdiction will be resolved by the authority and respective
1810 state agencies.

1811 (2) The authority shall operate under the supervision of
1812 the Commissioner of Agriculture, which supervision may include,
1813 but is not limited to, assisting, advising, and making
1814 recommendations regarding the financing and operation of the
1815 authority. In assisting and advising the authority, the
1816 Commissioner of Agriculture may make appropriate staff of the
1817 department available to the authority.

1818 (3) The authority is charged with the responsibility of
1819 staging an annual fair to serve the entire state. Cash premiums
1820 or awards may be given to exhibitors.

1821 (4) The authority shall be exempt from the requirements of
1822 part I of this chapter.

1823 (5)~~(4)~~ The principal offices of the authority shall be in
1824 such place or places in or near the City of Tampa as the
1825 authority may from time to time designate.

1826 Section 47. Subsection (1) of section 843.085, Florida
1827 Statutes, is amended, and subsection (5) of that section is

594-01929-26

2026290c2

1828 republished, to read:

1829 843.085 Unlawful use of badges or other indicia of
1830 authority.—

1831 (1) It is unlawful for any person, unless appointed by the
1832 Governor pursuant to chapter 354, authorized by the appropriate
1833 agency, or displayed in a closed or mounted case as a collection
1834 or exhibit, to wear or display any authorized indicia of
1835 authority, including any badge, insignia, emblem, identification
1836 card, or uniform, or any colorable imitation thereof, of any
1837 federal, state, county, or municipal law enforcement agency, or
1838 other criminal justice agency as defined in s. 943.045, with the
1839 intent to mislead or cause another person to believe that he or
1840 she is a member of that agency or is authorized to display or
1841 wear such item, or to wear or display any item that displays in
1842 any manner or combination the word or words "police,"
1843 "patrolman," "patrolwoman," "agent," "sheriff," "deputy,"
1844 "trooper," "highway patrol," "commission officer," "Wildlife
1845 Officer," "Department of Environmental Protection officer,"
1846 "Marine Patrol Officer," "state attorney," "public defender,"
1847 "marshal," "constable," "bailiff," ~~or~~ "fire department,"
1848 "concealed weapon permit," or "concealed weapon permit holder"
1849 with the intent to mislead or cause another person to believe
1850 that he or she is a member of that agency, if applicable, or is
1851 authorized to wear or display such item.

1852 (5) A violation of this section is a misdemeanor of the
1853 first degree, punishable as provided in s. 775.082 or s.
1854 775.083. This section is cumulative to any law now in force in
1855 the state.

1856 Section 48. Section 865.065, Florida Statutes, is reordered

594-01929-26

2026290c2

1857 and amended to read:

1858 865.065 Disparagement of ~~perishable~~ agricultural food
1859 products; cause of action; limitation.-

1860 (1) The Legislature finds, determines, and declares that
1861 the production of agricultural food products constitutes an
1862 important and significant portion of the state economy and that
1863 it is imperative to protect the vitality of the agricultural
1864 economy for the citizens of this state by providing a cause of
1865 action for agricultural producers to recover damages for the
1866 disparagement of any ~~perishable~~ agricultural product.

1867 (2) For purposes of this section, the term:

1868 (b)~~(a)~~ "Disparagement" means the willful or malicious
1869 dissemination to the public in any manner of any false
1870 information that an ~~a~~ ~~perishable~~ agricultural food product is
1871 not safe for human consumption. False information is that
1872 information which is not based on reliable, scientific facts and
1873 reliable, scientific data which the disseminator knows or should
1874 have known to be false.

1875 (a)~~(b)~~ "~~Perishable~~ Agricultural food product" means any
1876 agricultural or aquacultural food product or commodity grown or
1877 produced within this ~~the~~ state for a commercial purpose. The
1878 term also includes any agricultural practices used in the
1879 production of such products ~~of Florida which is sold or~~
1880 ~~distributed in a form that will perish or decay within a~~
1881 ~~reasonable period of time~~.

1882 (c) "Producer" means the person who actually grows or
1883 produces ~~perishable~~ agricultural food products.

1884 (3) Any producer or any association representing producers
1885 of ~~perishable~~ agricultural food products which suffers damages

594-01929-26

2026290c2

1886 as a result of another person's disparagement of any such
1887 ~~perishable~~ agricultural food product may bring an action for
1888 damages and for any other relief a court of competent
1889 jurisdiction deems appropriate, including, but not limited to,
1890 compensatory and punitive damages, reasonable attorney fees, and
1891 costs of the action.

1892 (4) The statute of limitations for disparagement of
1893 ~~perishable~~ agricultural food products is 2 years from the date
1894 the disparagement occurs.

1895 Section 49. Subsection (27) is added to section 934.02,
1896 Florida Statutes, to read:

1897 934.02 Definitions.—As used in this chapter:

1898 (27) "Signal jamming device" means a device or process,
1899 such as a phone jammer, global positioning systems blocker, or
1900 other similar device designed to intentionally block, jam, or
1901 interfere with radio communications, such as cellular and
1902 personal communication services, police radar, or global
1903 positioning systems.

1904 Section 50. Section 934.51, Florida Statutes, is created to
1905 read:

1906 934.51 Possession, use, and sale of signal jamming device;
1907 prohibition; exceptions; penalties.—

1908 (1) PROHIBITION.—It is unlawful to possess, manufacture,
1909 hold or offer for sale, sell, import, distribute, or use a
1910 signal jamming device in this state.

1911 (2) EXCEPTIONS.—This section does not apply to a federal or
1912 military law enforcement agency that lawfully installs, places,
1913 or uses a signal jamming device as part of a criminal
1914 investigation, or to any person duly authorized by the Federal

594-01929-26

2026290c2

1915 Communications Commission.

1916 (3) PENALTIES.—A person who violates this section commits a
1917 misdemeanor of the first degree, punishable as provided in s.
1918 775.082 or s. 775.083.

1919 Section 51. Paragraph (a) of subsection (4) and subsection
1920 (6) of section 288.1175, Florida Statutes, are amended to read:
1921 288.1175 Agriculture education and promotion facility.—

1922 (4) The Department of Agriculture and Consumer Services
1923 shall certify a facility as an agriculture education and
1924 promotion facility if the Department of Agriculture and Consumer
1925 Services determines that:

1926 (a) The applicant is a unit of local government as defined
1927 in s. 218.369, or a fair association as defined in s. 616.001(8)
1928 ~~s. 616.001(11)~~, which is responsible for the planning, design,
1929 permitting, construction, renovation, management, and operation
1930 of the agriculture education and promotion facility or holds
1931 title to the property on which such facility is to be developed
1932 and located.

1933 (6) Funds may not be expended to develop or subsidize
1934 privately owned facilities, except for facilities owned by fair
1935 associations as defined in s. 616.001(8) ~~s. 616.001(11)~~.

1936 Section 52. For the purpose of incorporating the amendment
1937 made by this act to section 287.1351, Florida Statutes, in a
1938 reference thereto, subsection (4) of section 287.056, Florida
1939 Statutes, is reenacted to read:

1940 287.056 Purchases from purchasing agreements and state term
1941 contracts; vendor disqualification.—

1942 (4) A firm or individual placed on the suspended vendor
1943 list pursuant to s. 287.1351 or placed on a disqualified vendor

594-01929-26

2026290c2

1944 list pursuant to s. 287.133 or s. 287.134 is immediately
1945 disqualified from state term contract eligibility.

1946 Section 53. For the purpose of incorporating the amendment
1947 made by this act to section 287.1351, Florida Statutes, in a
1948 reference thereto, subsection (5) of section 287.138, Florida
1949 Statutes, is reenacted to read:

1950 287.138 Contracting with entities of foreign countries of
1951 concern prohibited.—

1952 (5) The Attorney General may bring a civil action in any
1953 court of competent jurisdiction against an entity that violates
1954 this section. Violations of this section may result in:

1955 (a) A civil penalty equal to twice the amount of the
1956 contract for which the entity submitted a bid or proposal for,
1957 replied to, or entered into;

1958 (b) Ineligibility to enter into, renew, or extend any
1959 contract, including any grant agreements, with any governmental
1960 entity for up to 5 years;

1961 (c) Ineligibility to receive or renew any license,
1962 certification, or credential issued by a governmental entity for
1963 up to 5 years; and

1964 (d) Placement on the suspended vendor list pursuant to s.
1965 287.1351.

1966 Section 54. For the purpose of incorporating the amendment
1967 made by this act to section 500.04, Florida Statutes, in a
1968 reference thereto, subsection (1) of section 500.177, Florida
1969 Statutes, is reenacted to read:

1970 500.177 Penalty for violation of s. 500.04; dissemination
1971 of false advertisement.—

1972 (1) Any person who violates any provision of s. 500.04 is

594-01929-26

2026290c2

1973 guilty of a misdemeanor of the second degree, punishable as
1974 provided in s. 775.082 or s. 775.083; but, if the violation is
1975 committed after a conviction of such person under this section
1976 has become final, such person is guilty of a misdemeanor of the
1977 first degree, punishable as provided in s. 775.082 or s.
1978 775.083.

1979 Section 55. For the purpose of incorporating the amendment
1980 made by this act to section 616.07, Florida Statutes, in a
1981 reference thereto, subsection (13) of section 212.08, Florida
1982 Statutes, is reenacted to read:

1983 212.08 Sales, rental, use, consumption, distribution, and
1984 storage tax; specified exemptions.—The sale at retail, the
1985 rental, the use, the consumption, the distribution, and the
1986 storage to be used or consumed in this state of the following
1987 are hereby specifically exempt from the tax imposed by this
1988 chapter.

1989 (13) LIMITATIONS ON EXEMPTIONS.—No transactions shall be
1990 exempt from the tax imposed by this chapter except those
1991 expressly exempted herein. All laws granting tax exemptions, to
1992 the extent they may be inconsistent or in conflict with this
1993 chapter, including, but not limited to, the following designated
1994 laws, shall yield to and be superseded by the provisions of this
1995 subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31,
1996 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11,
1997 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09, and the
1998 following Laws of Florida, acts of the year indicated: s. 31,
1999 chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter
2000 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263,
2001 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13,

594-01929-26

2026290c2

2002 chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754;
2003 s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter
2004 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681.

2005 This subsection does not supersede the authority of a local
2006 government to adopt financial and local government incentives
2007 pursuant to s. 163.2517.

2008 Section 56. For the purpose of incorporating the amendment
2009 made by this act to section 616.15, Florida Statutes, in a
2010 reference thereto, section 616.185, Florida Statutes, is
2011 reenacted to read:

2012 616.185 Trespass upon grounds or facilities of public fair;
2013 penalty; arrests.—

2014 (1) For the purposes of this chapter, trespass upon the
2015 grounds of the Florida State Fair Authority or any other fair
2016 association permitted under s. 616.15 means:

2017 (a) Entering and remaining upon any grounds or facilities
2018 owned, operated, or controlled by the Florida State Fair
2019 Authority or any other association permitted under s. 616.15 and
2020 committing any act that disrupts the orderly conduct of any
2021 authorized activity of the fair association in charge, or its
2022 lessees, licensees, or the general public on those grounds or
2023 facilities; or

2024 (b) Entering and remaining on those grounds or facilities
2025 after being directed not to enter or to leave them by the
2026 executive director of the authority, chief administrative
2027 officer of the fair association, or any employee or agent of the
2028 association designated by the executive director or
2029 administrator to maintain order on those grounds and facilities,
2030 after a determination by the executive director, administrator,

594-01929-26

2026290c2

2031 employee, or agent that the entering or remaining on those
2032 grounds or facilities is in violation of the rules and
2033 regulations of the Florida State Fair Authority or permitted
2034 fair association or is disrupting the orderly conduct of any
2035 authorized activity of the fair association in charge, or its
2036 lessees, licensees, or the general public on those grounds or
2037 facilities.

2038 (2) Any person committing the offense of trespass upon the
2039 grounds of the Florida State Fair Authority or any other fair
2040 association permitted under s. 616.15 commits a misdemeanor of
2041 the second degree, punishable as provided in s. 775.082 or s.
2042 775.083.

2043 (3) A law enforcement officer may arrest any person on or
2044 off the premises, without a warrant, if the officer has probable
2045 cause for believing such person has committed the offense of
2046 trespass upon the grounds of the Florida State Fair Authority or
2047 any fair association permitted under s. 616.15. Such an arrest
2048 does not render the law enforcement officer criminally or
2049 civilly liable for false arrest, false imprisonment, or unlawful
2050 detention.

2051 Section 57. 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
Joint Legislative Auditing Committee
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

January 15, 2026

The Honorable Senator Kathleen Passidomo
400 Senate Office Building
Tallahassee, FL 32399

Dear Chair Passidomo,

I would like to request CS/CS/SB 290 Department of Agriculture and Consumer Services be placed on your agenda for the next Rules Committee meeting.

This good bill prohibiting counties and municipalities, respectively, from enacting or enforcing any law that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment or that distinguishes such equipment from any other equipment; requiring the Acquisition and Restoration Council to determine whether certain surpluses lands are suitable for bona fide agricultural purposes; establishing the Food Animal Veterinary Medicine Loan Repayment Program; revising the Florida Forest Service powers, authority, and duties; authorizing the Forest Service to manage the Welaka Training Center; establishing the Farmers Feeding Florida Program; limiting the number of incorporated state fair associations per county; prohibiting the possession, manufacture, sale, importation, distribution, or use of a signal jamming device.

I appreciate your favorable consideration.

Sincerely,

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

Senator Keith Truenow
Senate District 13

KT/dd

cc: Shasta Kruse, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:

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

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

290

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Edwin Henry

Phone

850 910 3560

Address

4229 Highway 90

Email

edwin.henry@henrycompany.com

Street

Pace

FL

32571

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

**Following cards were not
read into the record**

Bill was temporarily postponed

The Florida Senate
APPEARANCE RECORD

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

SB290

Bill Number or Topic

1/27/2024

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name HEATH Kelly

Phone 850-232-7195

Address 2328 BIRCHVIEW PLACE

Email heath@heathkellyconstruction.com

Street

CANTONMENT

FL

32533

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/24

Meeting Date

290

Bill Number or Topic

RULES

Committee

Amendment Barcode (if applicable)

Name

ROYANNE GROOVER

Phone

813 504 8340

Address

5115 STATE RD 557

Email

rgroover@myfowr.com

Street

LAKE ALFRED

FL

33850

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

The Florida Senate

APPEARANCE RECORD

290

01/27/2026

Meeting Date

Bill Number or Topic

Rules

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

Committee

Amendment Barcode (if applicable)

Name **Alex Haley**

Phone **(850) 617-7700**

Address **400 S. Monroe Street**

Email

Street

Tallahassee

FL

32399

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Florida Department of Agriculture and Consumer Services

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

290

Bill Number or Topic

1/27

Meeting Date

RULES

Committee

Amendment Barcode (if applicable)

Name

TRIPP HUNTER

Phone

352.548.5069

Address

Street

Email

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FLORIDA FARM BUREAU

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

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

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

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/27/2026

Meeting Date

290

Bill Number (if applicable)

Topic Department of Agriculture and Consumer Services

Amendment Barcode (if applicable)

Name Howard E. "Gene" Adams

Job Title Attorney

Address 215 South Monroe Street, 2nd Floor

Phone 850-933-6222

Street

Tallahassee

FL

32301-1839

Email gene@penningtonlaw.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Feed Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

1/27/2026

Meeting Date

290

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Michelle Welch

Phone

813-478-6554

Address

~~4200~~ P.O. Box 15878

Email

wishingwellbarn@gmail.com

Street

Tallahassee, FL

City

State

32317

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Agritourism Assoc.

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

290

Bill Number or Topic

Amendment Barcode (if applicable)

1/27/26
Meeting Date
RULES

Committee

Name LENA JUAREZ

Phone 850 294 5355

Address P O BOX 15878

Email lenaej@assoc.com

Street

TALLAHASSEE FL 32317

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

FLORIDA AGRITOURISM ASSOCIATION

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

290

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Jim SPRATT

Phone 850-228-1296

Address 119 S. Monroe

Email jim@magoliastrategiesllc.com

Street

TALCAHASSEE

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Nursery, Growers & LANDSCAPE Association

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27

Meeting Date

Rules

Committee

290

Bill Number or Topic

Amendment Barcode (if applicable)

Name Andrew Liebert

Phone 239-595-5993

Address 201 E Park ave

Email Andrew@ballardpartners

Street

Tallahassee FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Citrus Mutual

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

290

1/27/26

Meeting Date

Bill Number or Topic

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

Rules

Committee

Amendment Barcode (if applicable)

Name

Adam Basford

Phone

352 538 4299

Address

516 N Adams

Email

abasford@aif.com

Street

Tallahassee FL 32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Associated Industries of FL

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26 Meeting Date

SB290 Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Liana Werner-Gray

Phone 347 255 7046

Address Palm Beach Street

Email liana@theearthdiet.org

City State Zip 33460

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

SB 290

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Anna Upton, Everglades Trust Phone 850-228-6360

Address 960 Live Oak Plantation Rd. Email anna@ahupton.com

Tallahassee FL 32312

City

State

Zip

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

Everglades Trust

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

SB290

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name ~~Mr~~ Capt. Daniel Andrews

Phone 239-989-9352

Address 12360 Flintlock Ln
Street

Email daniel@captainsforcleanwater.org

Ft. Myers
City

FL
State

33912
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Captains for clean water

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/20

Meeting Date

290

Bill Number or Topic

Rules

Committee

975150

Amendment Barcode (if applicable)

Withdrawn

Name Alex Kernan

Phone

Address 215 S Monroe St, Suite 601

Email

Street

Tallahassee FL

32399

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Broward County

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

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

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

S-001 (08/10/2021)

Particulars

11/27/25

Meeting Date

The Florida Senate APPEARANCE RECORD

SB290

Bill Number or Topic

Rules

Committee

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

Amendment Barcode (if applicable)

Name

Rusty PAYTON

Phone

850-567-1073

Address

1319 Thomaswood Drive

Email

rpayton@fhba.com

Street

Tallahassee FL

32308

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

Florida Home Builders Association

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

11/27/25

Meeting Date

290

Bill Number or Topic

Rules

Committee

975150

Amendment Barcode (if applicable)

Name Peter Abello

Phone 786 715 5885

Address 100 S Monroe St

Email pabello@fl-center.com

Street

Tall. FL 32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Association of Counties

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 292

INTRODUCER: Senator Rouson

SUBJECT: Public Records/Appellate Court Clerks

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Collazo</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 292 exempts, from public records copying and inspection requirements, certain identifying information of current appellate court clerks and their spouses and children. The exemption restricts access to information in the public records which may identify or locate them.

Specifically, the bill exempts from public disclosure requirements the following information:

- The home addresses, dates of birth, and telephone numbers of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.
- The names and locations of schools and day care facilities attended by the children of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.

The exemption applies to information held by an agency before, on, or after July 1, 2026.

However, it does not apply once an appellate court clerk is no longer employed in such position.

The exemption is new and subject to the Open Government Sunset Review Act. It will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also extends by 3 years, from October 2, 2028 to October 2, 2031, the repeal date for the existing exemption applicable to current or former Florida Supreme Court justices, district court of appeal judges, circuit and county court judges, and current judicial assistants.

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

The bill may minimally increase costs for state and local agencies. It takes effect July 1, 2026.

II. Present Situation:

Access to Public Records – Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ 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.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

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

[a]ll 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.”⁶

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

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ 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).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

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.⁹ 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.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

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

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), “home addresses” is defined as 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. Additionally, “telephone numbers” is defined to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *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).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any. These public employees include current clerk, deputy clerks and other personnel of each circuit court.¹⁶

Records that include exempt information relating to the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers¹⁷ and county tax collectors¹⁸ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.¹⁹

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.²⁰

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.²¹ Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling²² or upon his or her death.²³

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act²⁴ (the Act), prescribe a legislative review process for newly created or substantially amended²⁵ public

¹⁶ Section 119.071(4)(d)2.y., F.S. Circuit court clerks' exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.

¹⁷ See s. 192.001(3), F.S.

¹⁸ See s. 192.001(4), F.S.

¹⁹ Section 119.071(4)(d)4., F.S.

²⁰ Section 119.071(4)(d)3., F.S.

²¹ Section 119.071(4)(d)6., F.S.

²² The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

²³ A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." See s. 28.222(2), F.S.

²⁴ Section 119.15, F.S.

²⁵ 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.

records or open meetings exemptions, with specified exceptions.²⁶ 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.²⁷

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁸ 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;²⁹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁰ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³¹

The Act also requires specified questions to be considered during the review process.³² 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 again required.³³ 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.³⁴

²⁶ 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.

²⁷ Section 119.15(3), F.S.

²⁸ Section 119.15(6)(b), F.S.

²⁹ Section 119.15(6)(b)1., F.S.

³⁰ Section 119.15(6)(b)2., F.S.

³¹ Section 119.15(6)(b)3., F.S.

³² 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?

³³ See generally s. 119.15, F.S.

³⁴ Section 119.15(7), F.S.

Clerks of the Appellate Court

The Florida Supreme Court³⁵ and each district court of appeal³⁶ are required to appoint a clerk who holds office at the pleasure of the respective courts. The office of the clerk of the Supreme Court is located in the Supreme Court Building.³⁷ The office of the clerk of the district court of appeal is in the headquarters of each district court.³⁸

The clerk of the Supreme Court³⁹ and the clerks of the district courts of appeal⁴⁰ are required to perform such duties as the courts direct. All books, papers, records, files, and seals must be kept in the clerks' offices and in their custody.⁴¹

Additionally, the clerk of each court is required to:

- Keep a docket or equivalent electronic record of all cases that are brought for review to or that originate in the court.⁴²
- Issue such mandates or processes as may be directed by the court and notify attorneys of record of such issuance or of the rendition of any final judgment.⁴³
- Return to the clerk of the lower court the original papers or files transmitted to the court for use in the cause.⁴⁴

The clerk of the Supreme Court can appoint a deputy clerk. The deputy has the same powers as the clerk, except for the power to appoint a deputy or deputies.⁴⁵

Florida State Courts System Classification Specification

Florida court employee class codes are specific numerical codes assigned to different positions within the State Courts System. These codes are part of the state government's classification and pay plan system and help define roles and compensation.⁴⁶

Class code 2610 is the code for "Chief Deputy Clerk – District Court," and class code 2620 is the code for "Chief Deputy Clerk – Supreme Court."⁴⁷

III. Effect of Proposed Changes:

Section 1 exempts from public records disclosure requirements certain information relating to current appellate court clerks. For purposes of the bill, an "appellate court clerk" means:

³⁵ FLA. CONST. art V, s. 3(c).

³⁶ FLA. CONST. art V, s. 4(c).

³⁷ Section 25.211, F.S.

³⁸ Section 35.23, F.S.

³⁹ FLA. CONST. art V, s. 3(c).

⁴⁰ FLA. CONST. art V, s. 4(c).

⁴¹ Sections 25.221 and 35.24, F.S.

⁴² Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(3); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(2).

⁴³ Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(5); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(4).

⁴⁴ Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(6); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(5).

⁴⁵ Section 25.201, F.S.

⁴⁶ See State of Florida, *Florida Has a Right to Know: Holding Government Accountable*, <https://salaries.myflorida.com/> (last visited Nov. 20, 2025).

⁴⁷ *Id.*

- A person appointed as a clerk of the Florida Supreme Court pursuant to s. 3(c), Art. V, of the State Constitution;
- A person appointed as a clerk of a district court of appeal pursuant to s. 4(c), Art. V of the State Constitution; or
- A court employee assigned to the 2610 class code (chief deputy clerks of the District Courts of Appeal) or the 2620 class code (chief deputy clerks of the Florida Supreme Court).⁴⁸

The following information will be exempt from public disclosure requirements:

- The home addresses, dates of birth, and telephone numbers of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.
- The names and locations of schools and day care facilities attended by the children of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.

Pursuant to s. 119.071(4)(d)6., F.S., the exemption applies to information held by an agency before, on, or after July 1, 2026. However, the exemption does not apply once an appellate court clerk is no longer employed in such position.

Consistent with s. 119.15, F.S., the new exemption is subject to the Open Government Sunset Review Act⁴⁹ and will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also extends by 3 years, from October 2, 2028 to October 2, 2031, the repeal date for the existing exemption applicable to current or former Florida Supreme Court justices, district court of appeal judges, circuit and county court judges, and current judicial assistants.

Section 2 updates a cross-reference relating to the definition of “telephone numbers.”

Section 3 provides the constitutionally required public necessity statement. The public necessity statement provides that while performing their duties to issue court orders, maintain case dockets, answer telephone calls, respond to correspondence, and interact with visitors to the courthouse, appellate court clerks may incur the ill will of litigants and their associates and families. As a result, current appellate court clerks and their spouses and children may be targets for acts of revenge. If such identifying and location information is released, the safety of current appellate court clerks and their spouses and children could be seriously jeopardized. For this reason, the bill provides that it is a public necessity that such information be made exempt from public records requirements.

Section 4 provides that the bill takes effect July 1, 2026.

⁴⁸ *Id.*

⁴⁹ *See* s. 119.15, F.S.

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

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

B. Public Records/Open Meetings Issues:**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. This bill enacts a new exemption for current appellate court clerks 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 records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 3 of the bill contains a statement of public necessity for current appellate court clerks and their spouses and children.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the bill is to protect current appellate court clerks and their spouses and children. This bill only exempts records pertaining to current appellate court clerks and their spouses and children from the public records requirements. Therefore, the bill does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

The private sector will be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may increase costs minimally for agencies holding records that contain personal identifying information of current appellate court clerks and their spouses and children, because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, agencies 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 the following sections of the Florida Statutes: 119.071 and 744.21031.

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 Rouson

16-00400A-26

2026292__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; defining the term "appellate court
4 clerk"; providing an exemption from public records
5 requirements for the personal identifying and location
6 information of current appellate court clerks and the
7 spouses and children of such appellate court clerks;
8 providing for future legislative review and repeal of
9 the exemption; providing for retroactive application;
10 amending s. 744.21031, F.S.; conforming a cross-
11 reference; providing a statement of public necessity;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (d) of subsection (4) of section
17 119.071, Florida Statutes, is amended to read:

18 119.071 General exemptions from inspection or copying of
19 public records.—

20 (4) AGENCY PERSONNEL INFORMATION.—

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

22 a. "Appellate court clerk" means a person appointed as a
23 clerk of the Florida Supreme Court pursuant to s. 3(c), Art. V
24 of the State Constitution, a person appointed as a clerk of a
25 district court of appeal pursuant to s. 4(c), Art. V of the
26 State Constitution, or a court employee assigned to the 2610 or
27 2620 class code.

28 b. "Home addresses" means the dwelling location at which an
29 individual resides and includes the physical address, mailing

16-00400A-26

2026292__

30 address, street address, parcel identification number, plot
31 identification number, legal property description, neighborhood
32 name and lot number, GPS coordinates, and any other descriptive
33 property information that may reveal the home address.

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

36 ~~d.e.~~ "Telephone numbers" includes home telephone numbers,
37 personal cellular telephone numbers, personal pager telephone
38 numbers, and telephone numbers associated with personal
39 communications devices.

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

58 b. The home addresses, telephone numbers, dates of birth,

16-00400A-26

2026292__

59 and photographs of current or former nonsworn investigative
60 personnel of the Department of Financial Services whose duties
61 include the investigation of fraud, theft, workers' compensation
62 coverage requirements and compliance, other related criminal
63 activities, or state regulatory requirement violations; the
64 names, home addresses, telephone numbers, dates of birth, and
65 places of employment of the spouses and children of such
66 personnel; and the names and locations of schools and day care
67 facilities attended by the children of such personnel are exempt
68 from s. 119.07(1) and s. 24(a), Art. I of the State
69 Constitution.

70 c. The home addresses, telephone numbers, dates of birth,
71 and photographs of current or former nonsworn investigative
72 personnel of the Office of Financial Regulation's Bureau of
73 Financial Investigations whose duties include the investigation
74 of fraud, theft, other related criminal activities, or state
75 regulatory requirement violations; the names, home addresses,
76 telephone numbers, dates of birth, and places of employment of
77 the spouses and children of such personnel; and the names and
78 locations of schools and day care facilities attended by the
79 children of such personnel are exempt from s. 119.07(1) and s.
80 24(a), Art. I of the State Constitution.

81 d. The home addresses, telephone numbers, dates of birth,
82 and photographs of current or former firefighters certified in
83 compliance with s. 633.408; the names, home addresses, telephone
84 numbers, photographs, dates of birth, and places of employment
85 of the spouses and children of such firefighters; and the names
86 and locations of schools and day care facilities attended by the
87 children of such firefighters are exempt from s. 119.07(1) and

16-00400A-26

2026292__

88 s. 24(a), Art. I of the State Constitution.

89 e. The home addresses, dates of birth, and telephone
90 numbers of current or former justices of the Supreme Court,
91 district court of appeal judges, circuit court judges, and
92 county court judges, and of current judicial assistants and
93 appellate court clerks; the names, home addresses, telephone
94 numbers, dates of birth, and places of employment of the spouses
95 and children of current or former justices and judges and of
96 current judicial assistants and appellate court clerks; and the
97 names and locations of schools and day care facilities attended
98 by the children of current or former justices and judges and of
99 current judicial assistants and appellate court clerks are
100 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
101 Constitution. This sub-subparagraph is subject to the Open
102 Government Sunset Review Act in accordance with s. 119.15 and
103 shall stand repealed on October 2, 2031 ~~2028~~, unless reviewed
104 and saved from repeal through reenactment by the Legislature.

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

16-00400A-26

2026292__

117 g. The home addresses, dates of birth, and telephone
118 numbers of general magistrates, special magistrates, judges of
119 compensation claims, administrative law judges of the Division
120 of Administrative Hearings, and child support enforcement
121 hearing officers; the names, home addresses, telephone numbers,
122 dates of birth, and places of employment of the spouses and
123 children of general magistrates, special magistrates, judges of
124 compensation claims, administrative law judges of the Division
125 of Administrative Hearings, and child support enforcement
126 hearing officers; and the names and locations of schools and day
127 care facilities attended by the children of general magistrates,
128 special magistrates, judges of compensation claims,
129 administrative law judges of the Division of Administrative
130 Hearings, and child support enforcement hearing officers are
131 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
132 Constitution.

133 h. The home addresses, telephone numbers, dates of birth,
134 and photographs of current or former human resource, labor
135 relations, or employee relations directors, assistant directors,
136 managers, or assistant managers of any local government agency
137 or water management district whose duties include hiring and
138 firing employees, labor contract negotiation, administration, or
139 other personnel-related duties; the names, home addresses,
140 telephone numbers, dates of birth, and places of employment of
141 the spouses and children of such personnel; and the names and
142 locations of schools and day care facilities attended by the
143 children of such personnel are exempt from s. 119.07(1) and s.
144 24(a), Art. I of the State Constitution.

145 i. The home addresses, telephone numbers, dates of birth,

16-00400A-26

2026292__

146 and photographs of current or former code enforcement officers;
147 the names, home addresses, telephone numbers, dates of birth,
148 and places of employment of the spouses and children of such
149 personnel; and the names and locations of schools and day care
150 facilities attended by the children of such personnel are exempt
151 from s. 119.07(1) and s. 24(a), Art. I of the State
152 Constitution.

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

161 k. The home addresses, telephone numbers, dates of birth,
162 and photographs of current or former juvenile probation
163 officers, juvenile probation supervisors, detention
164 superintendents, assistant detention superintendents, juvenile
165 justice detention officers I and II, juvenile justice detention
166 officer supervisors, juvenile justice residential officers,
167 juvenile justice residential officer supervisors I and II,
168 juvenile justice counselors, juvenile justice counselor
169 supervisors, human services counselor administrators, senior
170 human services counselor administrators, rehabilitation
171 therapists, and social services counselors of the Department of
172 Juvenile Justice; the names, home addresses, telephone numbers,
173 dates of birth, and places of employment of spouses and children
174 of such personnel; and the names and locations of schools and

16-00400A-26

2026292__

175 day care facilities attended by the children of such personnel
176 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
177 Constitution.

178 1. The home addresses, telephone numbers, dates of birth,
179 and photographs of current or former public defenders, assistant
180 public defenders, criminal conflict and civil regional counsel,
181 and assistant criminal conflict and civil regional counsel; the
182 names, home addresses, telephone numbers, dates of birth, and
183 places of employment of the spouses and children of current or
184 former public defenders, assistant public defenders, criminal
185 conflict and civil regional counsel, and assistant criminal
186 conflict and civil regional counsel; and the names and locations
187 of schools and day care facilities attended by the children of
188 current or former public defenders, assistant public defenders,
189 criminal conflict and civil regional counsel, and assistant
190 criminal conflict and civil regional counsel are exempt from s.
191 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

202 n. The home addresses, telephone numbers, and dates of
203 birth of county tax collectors; the names, home addresses,

16-00400A-26

2026292__

204 telephone numbers, dates of birth, and places of employment of
205 the spouses and children of such tax collectors; and the names
206 and locations of schools and day care facilities attended by the
207 children of such tax collectors are exempt from s. 119.07(1) and
208 s. 24(a), Art. I of the State Constitution.

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

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

16-00400A-26

2026292__

233 Constitution.

234 q. The home addresses, telephone numbers, dates of birth,
235 and photographs of current or former emergency medical
236 technicians or paramedics certified under chapter 401; the
237 names, home addresses, telephone numbers, dates of birth, and
238 places of employment of the spouses and children of such
239 emergency medical technicians or paramedics; and the names and
240 locations of schools and day care facilities attended by the
241 children of such emergency medical technicians or paramedics are
242 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
243 Constitution.

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

256 s. The home addresses, telephone numbers, dates of birth,
257 and photographs of current or former directors, managers,
258 supervisors, nurses, and clinical employees of an addiction
259 treatment facility; the home addresses, telephone numbers,
260 photographs, dates of birth, and places of employment of the
261 spouses and children of such personnel; and the names and

16-00400A-26

2026292__

262 locations of schools and day care facilities attended by the
263 children of such personnel are exempt from s. 119.07(1) and s.
264 24(a), Art. I of the State Constitution. For purposes of this
265 sub-subparagraph, the term "addiction treatment facility" means
266 a county government, or agency thereof, that is licensed
267 pursuant to s. 397.401 and provides substance abuse prevention,
268 intervention, or clinical treatment, including any licensed
269 service component described in s. 397.311(27).

270 t. The home addresses, telephone numbers, dates of birth,
271 and photographs of current or former directors, managers,
272 supervisors, and clinical employees of a child advocacy center
273 that meets the standards of s. 39.3035(2) and fulfills the
274 screening requirement of s. 39.3035(3), and the members of a
275 Child Protection Team as described in s. 39.303 whose duties
276 include supporting the investigation of child abuse or sexual
277 abuse, child abandonment, child neglect, and child exploitation
278 or to provide services as part of a multidisciplinary case
279 review team; the names, home addresses, telephone numbers,
280 photographs, dates of birth, and places of employment of the
281 spouses and children of such personnel and members; and the
282 names and locations of schools and day care facilities attended
283 by the children of such personnel and members are exempt from s.
284 119.07(1) and s. 24(a), Art. I of the State Constitution.

285 u. The home addresses, telephone numbers, places of
286 employment, dates of birth, and photographs of current or former
287 staff and domestic violence advocates, as defined in s.
288 90.5036(1)(b), of domestic violence centers certified by the
289 Department of Children and Families under chapter 39; the names,
290 home addresses, telephone numbers, places of employment, dates

16-00400A-26

2026292__

291 of birth, and photographs of the spouses and children of such
292 personnel; and the names and locations of schools and day care
293 facilities attended by the children of such personnel are exempt
294 from s. 119.07(1) and s. 24(a), Art. I of the State
295 Constitution.

296 v. The home addresses, telephone numbers, dates of birth,
297 and photographs of current or former inspectors or investigators
298 of the Department of Agriculture and Consumer Services; the
299 names, home addresses, telephone numbers, dates of birth, and
300 places of employment of the spouses and children of current or
301 former inspectors or investigators; and the names and locations
302 of schools and day care facilities attended by the children of
303 current or former inspectors or investigators are exempt from s.
304 119.07(1) and s. 24(a), Art. I of the State Constitution. This
305 sub-subparagraph is subject to the Open Government Sunset Review
306 Act in accordance with s. 119.15 and shall stand repealed on
307 October 2, 2028, unless reviewed and saved from repeal through
308 reenactment by the Legislature.

309 w. The home addresses, telephone numbers, dates of birth,
310 and photographs of current county attorneys, assistant county
311 attorneys, deputy county attorneys, city attorneys, assistant
312 city attorneys, and deputy city attorneys; the names, home
313 addresses, telephone numbers, photographs, dates of birth, and
314 places of employment of the spouses and children of current
315 county attorneys, assistant county attorneys, deputy county
316 attorneys, city attorneys, assistant city attorneys, and deputy
317 city attorneys; and the names and locations of schools and day
318 care facilities attended by the children of current county
319 attorneys, assistant county attorneys, deputy county attorneys,

16-00400A-26

2026292__

320 city attorneys, assistant city attorneys, and deputy city
321 attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of
322 the State Constitution. This exemption does not apply to a
323 county attorney, assistant county attorney, deputy county
324 attorney, city attorney, assistant city attorney, or deputy city
325 attorney who qualifies as a candidate for election to public
326 office. This sub-subparagraph is subject to the Open Government
327 Sunset Review Act in accordance with s. 119.15 and shall stand
328 repealed on October 2, 2029, unless reviewed and saved from
329 repeal through reenactment by the Legislature.

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

343 y. The home addresses, telephone numbers, dates of birth,
344 and photographs of current clerks of the circuit court, deputy
345 clerks of the circuit court, and clerk of the circuit court
346 personnel; the names, home addresses, telephone numbers, dates
347 of birth, and places of employment of the spouses and children
348 of current clerks of the circuit court, deputy clerks of the

16-00400A-26

2026292__

349 circuit court, and clerk of the circuit court personnel; and the
350 names and locations of schools and day care facilities attended
351 by the children of current clerks of the circuit court, deputy
352 clerks of the circuit court, and clerk of the circuit court
353 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
354 the State Constitution. This sub-subparagraph is subject to the
355 Open Government Sunset Review Act in accordance with s. 119.15
356 and shall stand repealed on October 2, 2029, unless reviewed and
357 saved from repeal through reenactment by the Legislature.

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

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

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

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

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

16-00400A-26

2026292__

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

380 (B) The telephone numbers of a current congressional member
381 or public officer and his or her spouse or adult child.

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

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

390 3.a. An agency that is the custodian of the information
391 specified in subparagraph 2. and that is not the employer of the
392 officer, employee, justice, judge, or other person specified in
393 subparagraph 2. must maintain the exempt status of that
394 information only if the officer, employee, justice, judge, other
395 person, or employing agency of the designated employee submits a
396 written and notarized request for maintenance of the exemption
397 to the custodial agency. The request must state under oath the
398 statutory basis for the individual's exemption request and
399 confirm the individual's status as a party eligible for exempt
400 status.

401 b. An agency that is the custodian of information specified
402 in sub-subparagraph 2.z. and that is not the employer of the
403 congressional member, public officer, or other person specified
404 in sub-subparagraph 2.z. must maintain the exempt status of that
405 information only if an individual requests the maintenance of an
406 exemption pursuant to sub-subparagraph 2.z. on the basis of

16-00400A-26

2026292__

407 eligibility as a current congressional member or public officer
408 and his or her spouse or child submits, as part of the written
409 and notarized request required by sub-subparagraph a., the date
410 of the congressional member's or public officer's election or
411 appointment to public office, the date on which that office is
412 next subject to election, and, if applicable, the date on which
413 the current congressional member's or public officer's minor
414 child reaches the age of majority. The custodian must maintain
415 an exemption granted pursuant to sub-subparagraph 2.z. until the
416 qualifying conditions for the exemption no longer apply to the
417 person subject to the exemption.

418 4.a. A county property appraiser, as defined in s.
419 192.001(3), or a county tax collector, as defined in s.
420 192.001(4), who receives a written and notarized request for
421 maintenance of the exemption pursuant to subparagraph 3. must
422 comply by removing the name of the individual with exempt status
423 and the instrument number or Official Records book and page
424 number identifying the property with the exempt status from all
425 publicly available records maintained by the property appraiser
426 or tax collector. For written requests received on or before
427 July 1, 2021, a county property appraiser or county tax
428 collector must comply with this sub-subparagraph by October 1,
429 2021. A county property appraiser or county tax collector may
430 not remove the street address, legal description, or other
431 information identifying real property within the agency's
432 records so long as a name or personal information otherwise
433 exempt from inspection and copying pursuant to this section is
434 not associated with the property or otherwise displayed in the
435 public records of the agency.

16-00400A-26

2026292__

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

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

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

450 7. Information made exempt under this paragraph may be
451 disclosed pursuant to s. 28.2221 to a title insurer authorized
452 pursuant to s. 624.401 and its affiliates as defined in s.
453 624.10; a title insurance agent or title insurance agency as
454 defined in s. 626.841(1) or (2), respectively; or an attorney
455 duly admitted to practice law in this state and in good standing
456 with The Florida Bar.

457 8. The exempt status of a home address contained in the
458 Official Records is maintained only during the period when a
459 protected party resides at the dwelling location. Upon
460 conveyance of real property after October 1, 2021, and when such
461 real property no longer constitutes a protected party's home
462 address as defined in sub-subparagraph 1.a., the protected party
463 must submit a written request to release the removed information
464 to the county recorder. The written request to release the

16-00400A-26

2026292__

465 removed information must be notarized, must confirm that a
466 protected party's request for release is pursuant to a
467 conveyance of his or her dwelling location, and must specify the
468 Official Records book and page, instrument number, or clerk's
469 file number for each document containing the information to be
470 released.

471 9. Upon the death of a protected party as verified by a
472 certified copy of a death certificate or court order, any party
473 can request the county recorder to release a protected
474 decedent's removed information unless there is a related request
475 on file with the county recorder for continued removal of the
476 decedent's information or unless such removal is otherwise
477 prohibited by statute or by court order. The written request to
478 release the removed information upon the death of a protected
479 party must attach the certified copy of a death certificate or
480 court order and must be notarized, must confirm the request for
481 release is due to the death of a protected party, and must
482 specify the Official Records book and page number, instrument
483 number, or clerk's file number for each document containing the
484 information to be released. A fee may not be charged for the
485 release of any document pursuant to such request.

486 Section 2. Paragraph (c) of subsection (1) of section
487 744.21031, Florida Statutes, is amended to read:

488 744.21031 Public records exemption.—

489 (1) For purposes of this section, the term:

490 (c) "Telephone numbers" has the same meaning as provided in
491 s. 119.071(4)(d)1.d. ~~s. 119.071(4)(d)1.e.~~

492 Section 3. The Legislature finds that it is a public
493 necessity that the home addresses, dates of birth, and telephone

16-00400A-26

2026292__

494 numbers of current appellate court clerks; the names, home
495 addresses, telephone numbers, dates of birth, and places of
496 employment of the spouses and children of such appellate court
497 clerks; and the names and locations of schools and day care
498 facilities attended by children of such appellate court clerks
499 be made exempt from s. 119.07(1), Florida Statutes, and s.
500 24(a), Article I of the State Constitution. While performing
501 their duties to issue court orders, maintain case dockets,
502 answer telephone calls, respond to correspondence, and interact
503 with visitors to the courthouse, appellate court clerks may
504 incur the ill will of litigants and their associates and
505 families. As a result, current appellate court clerks and their
506 spouses and children may be targets for acts of revenge. If such
507 identifying and location information is released, the safety of
508 current appellate court clerks and their spouses and children
509 could be seriously jeopardized. For this reason, the Legislature
510 finds that it is a public necessity that such information be
511 made exempt from public records requirements.

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



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

December 30, 2025

Sen. Kathleen Passidomo
Chairman, Committee on Rules
510 Knot Building
404 S Monroe St
Tallahassee, FL 32399

Dear Chair Passidomo,

I am respectfully requesting SB 292, Public Records/Appellate Court Clerks, be added to the agenda of a forthcoming meeting of the Committee on Rules 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 –

A handwritten signature in green ink that reads "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

January 27, 2026

APPEARANCE RECORD

SB 292

Meeting Date

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

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Sean Burnfin Phone (850) 922-0358

Address 500 South Duval Street Email burnfins@flcourts.gov
Street

Tallahassee Florida 32309
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Conference of DCA Judges

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

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 296

INTRODUCER: Criminal Justice Committee and Senator Berman and others

SUBJECT: Victims of Domestic Violence and Dating Violence

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Fav/CS
2.	Atchley	Harkness	ACJ	Favorable
3.	Wyant	Kruse	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 296 creates an undesignated section of law to require the Division of Telecommunications within the Department of Management Services to conduct a domestic and dating violence 911 alert system feasibility study. The bill provides terms, requirements, and reporting requirements for such study.

The bill defines “dating violence” and allows a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program.

The bill has an estimated fiscal impact of between \$100,000 and \$250,000 to the Department of Management Services to conduct a feasibility study. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Dating violence is physical, sexual, emotional, or verbal abuse from a romantic or sexual partner. It can happen at any age, but young women are most likely to experience dating violence. More than four in 10 college women have experienced violence or abuse in a dating relationship and up to 19% of teens experience dating violence.¹

¹ Break the Cycle, *Teen Dating Violence Statistics 2024* (January 3, 2025), available at: <https://www.breakthecycle.org/teen-dating-violence-statistics/> (last visited December 8, 2025).

Victims of dating violence may receive support and legal protection in a similar manner to victims of domestic violence; for example, victims of dating violence may petition the court for a protective injunction, and such injunction is transmitted to the Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System. Additionally, victims of dating violence are to be given immediate notice of the legal rights and remedies available and are advised of domestic violence centers from which the victim can receive services. However, victims of dating violence are not included in the Attorney General's Domestic Violence Address Confidentiality Program which provides victims with substitute addresses.

Dating Violence

Section 784.046, F.S., defines the term "dating violence" to mean:

- Violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such relationship must be determined based on the consideration of the following factors:
 - A dating relationship must have existed within the past 6 months;
 - The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
 - The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.²

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

The term "violence" is defined to mean any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.³

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.⁴

Domestic Violence

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any

² Section 784.046(1)(d), F.S.

³ Section 784.046(1)(a), F.S.

⁴ Section 784.046(2)(b), F.S.

criminal offense resulting in physical injury or death of one family or household member by another family or household member.⁵

In 2024, 61,216 crimes of domestic violence were reported, resulting in 32,665 arrests.⁶ Of those 61,216 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 17,980 were spousal;⁷
- 6,957 were co-habitants;⁸ and
- 4,983 were other.⁹

This data was compiled by the FDLE after receiving the number of reports and arrests from local law enforcement agencies.¹⁰

Domestic Violence Investigations

Domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:

- Assist the victim to obtain medical treatment if such is required;
- Advise the victim that there is a domestic violence center from which the victim may receive services;
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made;
- Give the victim immediate notice of the legal rights and remedies available;¹¹
- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled. Such report must include all of the following:
 - A description of physical injuries observed, if any.

⁵ Section 741.28(2), F.S.

⁶ Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report 2022-2024* (on file with the Senate Committee on Criminal Justice).

⁷ "Spouse" includes the victim and offender are married by law or have been previously married. This category included ex-spouses.

⁸ *Id.* "Co-Habitant" includes the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

⁹ *Id.* "Other" includes the victim and offender had a child together but were never married and never lived together.

¹⁰ The data provided represents the information submitted to the FDLE as of the date of the report. The FDLE acts as a data repository for the law enforcement agencies who voluntarily submit UCR data or data required by the state. *See email correspondence from William Grissom* (on file with the Senate Committee on Criminal Justice).

¹¹ The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

- If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
- A statement which indicates that a copy of the legal rights and remedies notice was given to the victim;
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.^{12, 13}

Basic skills training in handling domestic violence cases is required for law enforcement officers.¹⁴ Every basic skills course required in order for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

Address Confidentiality Program

The Address Confidentiality Program for Victims of Domestic Violence operated by the Office of the Attorney General was designed to provide program participants with a substitute address¹⁵ designated by the Attorney General in order to protect such participants and prevent their assailants or probable assailants from locating them. The program allows a participant to use his or her substitute address in lieu of his or her actual address with state and local agencies, which subsequently allows such agencies to comply with public record requests without jeopardizing the safety of program participants.¹⁶

911 Communications

The Emergency Communications Act provides legislative intent to establish and implement a statewide emergency communications and response capability using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety

¹² Section 741.29, F.S.

¹³ Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

¹⁴ Section 943.171, F.S.

¹⁵ “Address” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant. Section 741.402(1), F.S.

¹⁶ Section. 741.401, F.S.

emergency responses.¹⁷ The Emergency Communications Act prohibits the misuse of the 911, E911,¹⁸ and NG911¹⁹ systems.

Since 1974, Florida law has designated “911” as the statewide emergency telephone number to provide citizens with rapid direct access to public safety agencies.^{20, 21} In 1999, the concept of “Enhanced 911” or “E911” service was established in Florida law to describe 911 service provided to wireless telephone users.²² Today, under the Emergency Communications Number E911 Act,²³ the term “E911,” as used in Florida law, refers more broadly to an enhanced 911 system or service that provides any user of voice communications services²⁴ with 911 service. E911 service directs calls to appropriate public safety answering points (PSAPs) by selective routing based on the geographical location from which a 911 call originated and provides for automatic number and location identification.²⁵ PSAPs receiving incoming 911 requests for assistance dispatch appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.²⁶

The next progression in E911 systems is referred to as Next Generation 911 (NG911). NG911 is a digital, internet protocol-based system that replaces the analog 911 infrastructure which, among other things, allows photo, video, and text messages to be transmitted from citizens to PSAPs, in addition to standard voice calls.²⁷

Statewide Emergency Communications Plan

The Division of Telecommunications (Division) within the Department of Management Services (DMS) is responsible for developing, maintaining, and implementing a statewide emergency communications plan. The plan must include:

¹⁷ Section 365.172(2)(a)-(b), F.S.

¹⁸ “Enhanced 911” or “E911” means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.

¹⁹ “Next Generation 911” or “NG911” means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.

²⁰ Chapter 74-357, L.O.F.

²¹ “Public safety agency” means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(z), F.S.

²² Chapter 99-367, L.O.F.

²³ Chapter 2007-78, L.O.F.

²⁴ “Voice communications services” means two-way voice service, through the use of any technology, which actually provides access to 911 services, and includes communications services, as defined in s. 202.11, F.S., which actually provide access to 911 services and which are required to be included in the provision of 911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service.

Section 365.172(3)(ee), F.S.

²⁵ Section 365.172(3)(i), F.S.

²⁶ Section 365.172(3)(aa), F.S.

²⁷ *Next Generation 911*, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited December 8, 2025).

- The public agency²⁸ emergency communications requirements for each entity of local government in the state.
- A system to meet specific local government requirements. Such system must include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective emergency communications system.
- A funding provision that identifies the cost necessary to implement the emergency communications system.²⁹

The Division is responsible for the implementation and coordination of the plan and must adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan.³⁰

The Secretary of DMS, or his or her designee, acts as the director of the statewide emergency communications system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director must consult, cooperate, and coordinate with local law enforcement agencies.³¹ No emergency communications number E911 system can be established and no present system can be expanded without prior approval of the Division.³²

III. Effect of Proposed Changes:

911 Feasibility Study

The bill creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study.

The bill requires the Division of Telecommunications within the DMS (Division) to consult with Enhanced 911 and Next Generation 911 service providers; state, county, and municipal PSAPs; and state and local public safety agencies to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence which is capable of:

- Ensuring real-time data-sharing between PSAPs and law enforcement agencies.
- Creating a unique telephone number for each user which will connect the user to a PSAP.
- Creating a user-generated numerical code or phrase that can be utilized by the user after contacting a PSAP and that indicated the user's need for immediate law enforcement assistance.
- Transmitting specified data to law enforcement agencies when a user calls from his or her unique telephone number and enters his or her numerical code or phrase.

²⁸ "Public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. Section 365.171(3)(c), F.S.

²⁹ Section 365.171(4), F.S.

³⁰ *Id.*

³¹ Section 365.171(5), F.S.

³² Section 365.171(9), F.S.

The Division is required to report the results of the feasibility study to the President of the Senate and the Speaker of the House of Representatives by January 31, 2027.

Address Confidentiality Program

The bill amends s. 741.402, F.S., to define “dating violence” to mean any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death, or the threat of any such act, committed by an individual who has or has had a continuing and significant relationship of a romantic or intimate nature as determined by the factors listed in s. 784.046(1)(d), F.S., with the victim, regardless of whether it has been reported to law enforcement officers. This definition includes a threat of violence and only applies for purposes of the address confidentiality program.

Further, a victim of dating violence must be given information about the address confidentiality program and may participate in the program and receive assistance and counseling.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Management Services will have costs associated with conducting a feasibility study for the creation of a web-based 911 alert system for use of victims of domestic violence and dating violence. The cost of the study is unknown, but based on previous studies directed by the Legislature, it is estimated that the study would cost between \$100,000 and \$250,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 741.401, 741.402, 741.403, 741.408, 741.4651, and 960.001.

This bill creates an undesignated section of the Florida Statutes.

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

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

CS by Criminal Justice on December 9, 2025:

This Committee Substitute:

- Removes language creating the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council.
- Creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study and: defines terms; requires the Division of Telecommunications within the Department of Management Services to consult with specified agencies to conduct such feasibility study regarding the creation of a web-based 911 alert system for victims of domestic and dating violence with certain capabilities; and provides a reporting requirement.
- Amends s. 741.402, F.S., to define “dating violence” in s. 741.402, F.S., and amends the address confidentiality program under the Office of the Attorney General, to allow victims of dating violence to be eligible and extend the public records exemption therein.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senators Berman and Smith

591-01742-26

2026296c1

1 A bill to be entitled
2 An act relating to victims of domestic violence and
3 dating violence; defining terms; requiring the
4 Division of Telecommunications within the Department
5 of Management Services to consult with certain
6 entities to conduct a feasibility study regarding a
7 specified alert system; providing requirements for
8 such alert system; requiring the division to report to
9 the Legislature the results of the feasibility study
10 by a specified date; amending s. 741.401, F.S.;
11 revising legislative findings to include victims of
12 dating violence; reordering and amending s. 741.402,
13 F.S.; defining the term "dating violence"; amending s.
14 741.403, F.S.; authorizing victims of dating violence
15 to apply to participate in the Attorney General's
16 address confidentiality program; amending s. 741.408,
17 F.S.; requiring the Attorney General to designate
18 certain entities to assist victims of dating violence
19 applying to be address confidentiality program
20 participants; amending ss. 741.4651 and 960.001, F.S.;
21 conforming provisions to changes made by the act;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Domestic and dating violence 911 alert system
27 feasibility study.-

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

29 (a) "Division" means the Division of Telecommunications

591-01742-26

2026296c1

30 within the Department of Management Services.

31 (b) "Enhanced 911" has the same meaning as in s.
32 365.172(3), Florida Statutes.

33 (c) "Next Generation 911" has the same meaning as in s.
34 365.172(3), Florida Statutes.

35 (d) "Public safety agency" has the same meaning as in s.
36 365.172(3), Florida Statutes.

37 (e) "Public safety answering point" or "PSAP" has the same
38 meaning as in s. 365.172(3), Florida Statutes.

39 (2) The division shall consult with enhanced 911 and Next
40 Generation 911 service providers; state, county, and municipal
41 PSAPs; and state and local public safety agencies to conduct a
42 feasibility study regarding the creation of a web-based 911
43 alert system for use by victims of domestic violence and dating
44 violence which is capable of:

45 (a) Ensuring real-time data-sharing between PSAPs and law
46 enforcement agencies.

47 (b) Creating a unique telephone number for each user which
48 will connect the user to a PSAP.

49 (c) Creating a user-generated numerical code or phrase that
50 can be utilized by the user after contacting a PSAP and that
51 indicates the user's need for immediate law enforcement
52 assistance.

53 (d) Transmitting specified data to law enforcement agencies
54 when a user calls from his or her unique telephone number and
55 enters his or her numerical code or phrase.

56 (3) By January 31, 2027, the division shall report to the
57 President of the Senate and the Speaker of the House of
58 Representatives the results of the feasibility study.

591-01742-26

2026296c1

59 Section 2. Section 741.401, Florida Statutes, is amended to
60 read:

61 741.401 Legislative findings; purpose.—The Legislature
62 finds that persons attempting to escape from actual or
63 threatened domestic violence or dating violence frequently
64 establish new addresses in order to prevent their assailants or
65 probable assailants from finding them. The purpose of ss.
66 741.401-741.409 is to enable state and local agencies to respond
67 to requests for public records without disclosing the location
68 of a victim of domestic violence or dating violence, to enable
69 interagency cooperation with the Attorney General in providing
70 address confidentiality for victims of domestic violence and
71 dating violence, and to enable state and local agencies to
72 accept a program participant's use of an address designated by
73 the Attorney General as a substitute mailing address.

74 Section 3. Section 741.402, Florida Statutes, is reordered
75 and amended to read:

76 741.402 Definitions; ss. 741.401-741.409.—Unless the
77 context clearly requires otherwise, as used in ss. 741.401-
78 741.409, the term:

79 (1) "Address" means a residential street address, school
80 address, or work address of an individual, as specified on the
81 individual's application to be a program participant under ss.
82 741.401-741.409.

83 ~~(4)(2)~~ "Program participant" means a person certified as a
84 program participant under s. 741.403.

85 (2) "Dating violence" means any assault, aggravated
86 assault, battery, aggravated battery, sexual assault, sexual
87 battery, stalking, aggravated stalking, kidnapping, false

591-01742-26

2026296c1

88 imprisonment, or any criminal offense resulting in physical
89 injury or death, or the threat of any such act, committed by an
90 individual who has or has had a continuing and significant
91 relationship of a romantic or intimate nature as determined by
92 the factors listed in s. 784.046(1)(d) with the victim,
93 regardless of whether these acts or threats have been reported
94 to law enforcement officers.

95 (3) "Domestic violence" means an act as defined in s.
96 741.28 and includes a threat of such acts committed against an
97 individual in a domestic situation, regardless of whether these
98 acts or threats have been reported to law enforcement officers.

99 Section 4. Paragraphs (a) and (d) of subsection (1) of
100 section 741.403, Florida Statutes, are amended to read:

101 741.403 Address confidentiality program; application;
102 certification.—

103 (1) An adult person, a parent or guardian acting on behalf
104 of a minor, or a guardian acting on behalf of a person
105 adjudicated incapacitated under chapter 744 may apply to the
106 Attorney General to have an address designated by the Attorney
107 General serve as the person's address or the address of the
108 minor or incapacitated person. To the extent possible within
109 funds appropriated for this purpose, the Attorney General shall
110 approve an application if it is filed in the manner and on the
111 form prescribed by the Attorney General and if it contains all
112 of the following:

113 (a) A sworn statement by the applicant that the applicant
114 has good reason to believe that the applicant, or the minor or
115 incapacitated person on whose behalf the application is made, is
116 a victim of domestic violence or dating violence, and that the

591-01742-26

2026296c1

117 applicant fears for his or her safety or his or her children's
118 safety or the safety of the minor or incapacitated person on
119 whose behalf the application is made.

120 (d) A statement that the new address or addresses that the
121 applicant requests must not be disclosed for the reason that
122 disclosure will increase the risk of domestic violence or dating
123 violence.

124 Section 5. Section 741.408, Florida Statutes, is amended to
125 read:

126 741.408 Assistance for program applicants.—The Attorney
127 General shall designate state and local agencies and nonprofit
128 agencies that provide counseling and shelter services to victims
129 of domestic violence and dating violence to assist persons
130 applying to be program participants. Assistance and counseling
131 rendered by the Office of the Attorney General or its designees
132 to applicants does not constitute legal advice.

133 Section 6. Section 741.4651, Florida Statutes, is amended
134 to read:

135 741.4651 Public records exemption; victims of stalking or
136 aggravated stalking.—The names, addresses, and telephone numbers
137 of persons who are victims of stalking or aggravated stalking
138 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
139 Constitution in the same manner that the names, addresses, and
140 telephone numbers of participants in the Address Confidentiality
141 Program for Victims of Domestic and Dating Violence which are
142 held by the Attorney General under s. 741.465 are exempt from
143 disclosure, provided that the victim files a sworn statement of
144 stalking with the Office of the Attorney General and otherwise
145 complies with the procedures in ss. 741.401-741.409.

591-01742-26

2026296c1

146 Section 7. Paragraph (c) of subsection (1) of section
147 960.001, Florida Statutes, is amended to read:

148 960.001 Guidelines for fair treatment of victims and
149 witnesses in the criminal justice and juvenile justice systems.-

150 (1) The Department of Legal Affairs, the state attorneys,
151 the Department of Corrections, the Department of Juvenile
152 Justice, the Florida Commission on Offender Review, the State
153 Courts Administrator and circuit court administrators, the
154 Department of Law Enforcement, and every sheriff's department,
155 police department, or other law enforcement agency as defined in
156 s. 943.10(4) shall develop and implement guidelines for the use
157 of their respective agencies, which guidelines are consistent
158 with the purposes of this act and s. 16(b), Art. I of the State
159 Constitution and are designed to implement s. 16(b), Art. I of
160 the State Constitution and to achieve the following objectives:

161 (c) *Information concerning protection available to victim*
162 *or witness.*-A victim or witness shall be furnished, as a matter
163 of course, with information on steps that are available to law
164 enforcement officers and state attorneys to protect victims and
165 witnesses from intimidation. Victims of domestic violence and
166 dating violence shall also be given information about the
167 address confidentiality program provided under s. 741.403.

168 Section 8. This act shall take effect July 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 21, 2026

I respectfully request that **Senate Bill #296**, relating to Victims of Domestic Violence and Dating Violence, be placed on the:

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

A handwritten signature in cursive script that reads "Lori Berman". The signature is written in black ink and is positioned above a horizontal line.

Senator Lori Berman
Florida Senate, District 26

The Florida Senate

APPEARANCE RECORD

SB 296

1-27-2024

Meeting Date

Bill Number or Topic

S RULES

Committee

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

Amendment Barcode (if applicable)

Name MIKE CROOK - STATE CHAIR OF CHRISTIAN COALITION Phone 850-520-7908

Address 242 MADISON ST. Email KMICHAELCROOK@GMAIL.COM

Street

FREEPORT

City

FL

State

32439

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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

S-001 (08/10/2021)

1-27-20

Meeting Date

The Florida Senate APPEARANCE RECORD

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

296 / ~~PER 298~~

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Emilee Nevaril

Phone 813-848-7860

Address 2512 Dover Moody Rd 33596

Email emileenevaril@gmail.com

Street

Valrico

City

Florida

State

33596

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

296

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Patricia Dewitt

Phone 706-766-5068

Address 2207 Ivylgair Dr E

Email aawdwewitt@gmail.com

Street

Jacksonville FL 32225

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

AUW of Florida

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-27-26

Meeting Date

296

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

James Brasley

Phone

904-651-8847

Address

156 Syld Pl.

Email

Street

St Johns 32255

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

~~AAW~~ ACES

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-27-26

Meeting Date

HB 296

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Kim Beasley

Phone

904-651-8861

Address

150 Sapelo Rd.

Email

kbeasle.kb@gmail.com

Street

City

Saint Johns, FL

State

32259

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

AAUW

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

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

S-001 (08/10/2021)

1/27/26

Meeting Date

S Rules

Committee

The Florida Senate APPEARANCE RECORD

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

SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Darrien Mason

Phone

(904) 840 6910

Address

13490 Aron Bay Parkway

Email

darriempowers@gmail.com

Street

Jay

City

FL

State

32258

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

Crime Survivors
Speak

I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

296

1-27-26

Meeting Date

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

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

Name Elizabeth Ford

Phone 734-272-2093

Address 157 Pinehurst Pk. Dr. Street

Email betsyforda2@gmail.com

St. Augustine FL 32093 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-27-2026

Meeting Date

296

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Emily Owens

Phone 630-624-7250

Address 3802 NW 9th Ave

Email critters726@gmail.com

Street Gainesville, FL 32605
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

AAUW

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

296

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Eileen Bisgard

Phone

720-394-1525

Address

805 Matthew Rd

Street

Email

ebisgard@gmail.com

Clay Hill, FL

City

State

32234

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

AAWW Gainesville

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

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

S-001 (08/10/2021)

~~4/2~~ 1/27/26

The Florida Senate
APPEARANCE RECORD

296

Meeting Date

Rules

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Lisa Herrmann Carlsm

Phone

916-834-2950

Address

717 Willow Wood PL

Email

Lisacarlsm87@yahoo.com

Street

St Augustine FL 32086

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

AAUW FL - St Augustine

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 296

1/27/26

Meeting Date

Bill Number or Topic

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

Sen Rules

Committee

Amendment Barcode (if applicable)

Name

Katie J Bohnett (Bow-Net)

Phone

850.339.9599

Address

173 Seminole DR

Email

kbohnett@stateandjust.org

Street

City

TLH, FL 32307

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

ALLIANCE for Safety & Justice

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

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

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

The Florida Senate

APPEARANCE RECORD

1-27-2026

Meeting Date

296

Bill Number or Topic

Rules

Committee

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

Amendment Barcode (if applicable)

Name Richard Pinsky

Phone

Address 356 Valley Forge Rd

Email

Street

West Palm Beach, FL

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Dominic Maron Ferrell Foundation

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 298

INTRODUCER: Criminal Justice Committee and Senator Berman and others

SUBJECT: Public Records/Victims of Domestic and Dating Violence

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Fav/CS
2.	Atchley	Harkness	ACJ	Favorable
3.	Wyant	Kruse	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 298 amends s. 741.465, F.S., to expand public records exemptions for the address confidentiality program to include victims of dating violence. The address confidentiality program under the Office of the Attorney General provides the addresses, corresponding telephone numbers, and social security numbers of program participants are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The information may be disclosed under certain circumstances.

Additionally, the names, addresses, and telephone numbers of program participants contained in voter registration and voting records held by the supervisor of elections and the Department of State are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The exemption is repealed on October 2, 2031, unless reenacted by the Legislature.

The bill provides a statement of necessity as required by the State Constitution, and because it expands the public records exemption, 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 on the same day as SB 296 or any similar legislation. As filed, SB 296 takes effect on July 1, 2026.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ 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.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first degree misdemeanor.^{5,6}

Pursuant to s. 119.105, F.S., any person who comes into possession of exempt or confidential information contained in police reports is prohibited from using that information for any commercial solicitation of the victims or the relatives of the victims of the reported crimes or accidents, and is further prohibited from knowingly disclosing such information to any third party for the purpose of such solicitation during the period of time that the information remains exempt or confidential. Any person who violates such prohibitions commits a third degree felony.^{7,8}

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act⁹ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁰ public

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.10(2)(a), F.S.

⁶ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁷ Section 119.10(2)(b), F.S.

⁸ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

⁹ Section 119.15, F.S.

¹⁰ 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.

records or open meetings exemptions, with specified exceptions.¹¹ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹² In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹³ 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 program, and administration would be significantly impaired without the exemption;¹⁴
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁵ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.¹⁶

The Act also requires specified questions to be considered during the review process.¹⁷ 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 again required.¹⁸ 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.¹⁹

¹¹ 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.

¹² Section 119.15(3), F.S.

¹³ Section 119.15(6)(b), F.S.

¹⁴ Section 119.15(6)(b)1., F.S.

¹⁵ Section 119.15(6)(b)2., F.S.

¹⁶ Section 119.15(6)(b)3., F.S.

¹⁷ 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?

¹⁸ See generally s. 119.15, F.S.

¹⁹ Section 119.15(7), F.S.

Public Record Exemption for the Victim of a Crime

Section 119.071(2)(j), F.S., provides a public record exemption for any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and also identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime.²⁰

Additionally, any information not otherwise held confidential or exempt from public record requirements which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public record requirements upon written request by the victim, which request must include official verification that an applicable crime has occurred. Such an exemption will cease five years after the receipt of the written request.²¹

Public Meetings and Records

All meetings of any board or commission of any state agency or authority of any agency or of any county, municipal corporation, or political subdivision, at which official acts are to be taken are declared to be public meetings open to the public at all times.²² The minutes of a meeting must be promptly recorded and such records are open to the public.²³

Any public officer who violates a provision of s. 286.011, F.S., is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.²⁴ Any person who is a member of a board or commission and who knowingly attends a meeting not held in accordance with the provisions outlined commits a second degree misdemeanor.^{25,26}

III. Effect of Proposed Changes:

The bill amends s. 741.465, F.S., to expand public records exemptions for the address confidentiality program to include victims of dating violence. The address confidentiality program under the Office of the Attorney General provides the addresses, corresponding telephone numbers, and social security numbers of program participants are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The information may be disclosed under certain circumstances.

²⁰ Section 119.071(2)(j)1., F.S.

²¹ *Id.* Notwithstanding this exemption, any state or federal agency that is authorized to have access to such documents by any provision of law must be granted access in the furtherance of such agency's statutory duties.

²² Section 286.011(1), F.S.

²³ Section 286.011(2), F.S.

²⁴ Section 286.011(3)(a), F.S.

²⁵ 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.

²⁶ Section 286.011(3)(b), F.S.

Additionally, the names, addresses, and telephone numbers of program participants contained in voter registration and voting records held by the supervisor of elections and the Department of State are exempt from s. 119.07(a), F.S., and s. 24(a), Art. I of the State Constitution.

The information may be disclosed under the following circumstances:

- To a law enforcement agency for purposes of assisting in the execution of a valid arrest warrant;
- If directed by a court order, to a person identified in the order; or,
- If the certification has been canceled.

The exemption is repealed on October 2, 2031, unless it is reenacted by the Legislature.

The bill provides it is a public necessity that the addresses, corresponding telephone numbers, and social security numbers of victims of dating violence who participate in the address confidentiality program be made exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The Legislature recognizes that greater protection is needed for victims of dating violence, similar to that currently afforded to victims of domestic violence, to prevent harm from assailants or probable assailants who are attempting to find them. The release of such information could significantly threaten the physical safety and security of victims of dating violence who participate in the program.

Further, the bill provides it is a public necessity that the names, addresses, and telephone numbers contained in voter registration and voting records of victims of dating violence who participate in the program held by the supervisor of elections and the Department of State be exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The public record exemption for the name of a victim of dating violence who is a participant is a public necessity because access to such name narrows the location of that participant to his or her voting area.

The bill takes effect on the same day as SB 296 or any similar legislation. As filed, SB 296 takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the 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, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands an exemption for public records pertaining

to victims of domestic violence and dating violence therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of domestic violence and dating violence, and the bill exempts only records pertaining to those persons from the public records requirements.

The bill requires that addresses, telephone numbers, and social security numbers of victims of dating violence who participate in the address confidentiality program be made exempt from s. 119.07(1), F.S., and s. 24(b), Art. I of the State Constitution. Additionally, the bill includes the names of victims as it applies to voter records due to the ability to narrow the location of a victim to his or her voting district. The exemption is narrowly tailored to apply only to such information and so 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 741.465 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on December 9, 2025:

This committee substitute:

- Removes language regarding the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council.
- Expands an exemption to the public records requirements and provides a public necessity statement to allow victims of dating violence to participate in the address confidentiality program under the Office of the Attorney General.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Berman

591-01743-26

2026298c1

1 A bill to be entitled
2 An act relating to public records; amending s.
3 741.465, F.S.; providing that certain identifying
4 information of victims of dating violence who
5 participate in the Address Confidentiality Program for
6 Victims of Domestic and Dating Violence which are held
7 by the Office of the Attorney General or contained in
8 voter registration or voting records held by the
9 supervisor of elections or the Department of State are
10 exempt from public records requirements; providing for
11 retroactive application; providing for future
12 legislative review and repeal; providing statements of
13 public necessity; providing a contingent effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 741.465, Florida Statutes, is amended to
19 read:

20 741.465 Public records exemption for the Address
21 Confidentiality Program for Victims of Domestic and Dating
22 Violence.—

23 (1) For purposes of this section, the term "address" means
24 a residential street address, school address, or work address,
25 as specified on the individual's application to be a program
26 participant in the Address Confidentiality Program for Victims
27 of Domestic and Dating Violence.

28 (2)~~(1)~~ The addresses, corresponding telephone numbers, and
29 social security numbers of program participants in the Address

591-01743-26

2026298c1

30 Confidentiality Program for Victims of Domestic and Dating
31 Violence held by the Office of the Attorney General are exempt
32 from s. 119.07(1) and s. 24(a), Art. I of the State
33 Constitution, except the information may be disclosed under the
34 following circumstances: to a law enforcement agency for
35 purposes of assisting in the execution of a valid arrest
36 warrant; if directed by a court order, to a person identified in
37 the order; or if the certification has been canceled. ~~For~~
38 ~~purposes of this section, the term "address" means a residential~~
39 ~~street address, school address, or work address, as specified on~~
40 ~~the individual's application to be a program participant in the~~
41 ~~Address Confidentiality Program for Victims of Domestic~~
42 ~~Violence.~~

43 (3)~~(2)~~ The names, addresses, and telephone numbers of
44 participants in the Address Confidentiality Program for Victims
45 of Domestic and Dating Violence contained in voter registration
46 and voting records held by the supervisor of elections and the
47 Department of State are exempt from s. 119.07(1) and s. 24(a),
48 Art. I of the State Constitution, except the information may be
49 disclosed under the following circumstances: to a law
50 enforcement agency for purposes of assisting in the execution of
51 an arrest warrant or, if directed by a court order, to a person
52 identified in the order. This exemption applies to information
53 made exempt by this subsection before, on, or after the
54 effective date of the exemption.

55 (4)(a) Subsections (2) and (3) apply to records held by the
56 Office of the Attorney General, the Department of State, and
57 each supervisor of elections before, on, or after the effective
58 date of the exemptions.

591-01743-26

2026298c1

59 (b) This section is subject to the Open Government Sunset
60 Review Act in accordance with s. 119.15 and shall stand repealed
61 on October 2, 2031, unless reviewed and saved from repeal
62 through reenactment by the Legislature.

63 Section 2. (1) The Legislature finds that it is a public
64 necessity that the addresses, corresponding telephone numbers,
65 and social security numbers of victims of dating violence who
66 participate in the Address Confidentiality Program for Victims
67 of Domestic and Dating Violence held by the Office of the
68 Attorney General be made exempt from s. 119.07(1), Florida
69 Statutes, and s. 24(a), Article I of the State Constitution. The
70 Legislature recognizes that greater protection is needed for
71 victims of dating violence, similar to that currently afforded
72 to victims of domestic violence, to prevent harm from assailants
73 or probable assailants who are attempting to find them. The
74 Legislature finds that release of such information could
75 significantly threaten the physical safety and security of
76 victims of dating violence who participate in the program and
77 that the harm that may result from the release of the
78 information outweighs any public benefit that might result from
79 public disclosure of the information.

80 (2) The Legislature finds that it is a public necessity
81 that the names, addresses, and telephone numbers contained in
82 voter registration and voting records of victims of dating
83 violence who participate in the Address Confidentiality Program
84 for Victims of Domestic and Dating Violence held by the
85 supervisor of elections and the Department of State be made
86 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
87 Article I of the State Constitution. Victims of dating violence

591-01743-26

2026298c1

88 who are participants in the program will have demonstrated to
89 the Office of the Attorney General that there exists a risk to
90 their physical safety and security. Nonetheless, these program
91 participants must be afforded the ability to participate in
92 society and cast a vote in elections. However, the supervisor of
93 elections must have a verifiable address for a program
94 participant in order to place the participant in the proper
95 voting district and to maintain accurate records for compliance
96 with state and federal requirements. The public record exemption
97 for the name of a victim of dating violence who is a participant
98 in the program is a public necessity because access to such name
99 narrows the location of that participant to his or her voting
100 area. In addition, access to such participant's address and
101 telephone number provides specific location and contact
102 information for the participant. Therefore, access to the
103 participant's name, address, and telephone number defeats the
104 sole purpose of the Address Confidentiality Program for Victims
105 of Domestic and Dating Violence, which is to provide safety and
106 security to every participant.

107 Section 3. This act shall take effect on the same date that
108 SB 296 or similar legislation takes effect, if such legislation
109 is adopted in the same legislative session or an extension
110 thereof and becomes a law.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 21, 2026

I respectfully request that **Senate Bill #298**, relating to Public Records/Victims of Domestic and Dating Violence, be placed on the:

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

A handwritten signature in cursive script that reads "Lori Berman".

Senator Lori Berman
Florida Senate, District 26

The Florida Senate

APPEARANCE RECORD

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

1-27-2026

Meeting Date

SB 298

Bill Number or Topic

S RMES

Committee

Amendment Barcode (if applicable)

Name MIKE CROOK - STATE CHAIR Phone 850-520-7908

Address 242 MADISON ST CHRISTIAN COALITION Email KMICHAELCROOK@GMAIL.COM

FREEPORT FL 32439

Speaking: [X] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-27-26

Meeting Date

298

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Emilee Nevaril

Phone 813-848-7826

Address 2512 Dever Moody Rd

Email emileenavaril@gmail.com

Valrico Florida 33596

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

1/27/20

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 298

Bill Number or Topic

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

Sen Rules

Committee

("Bury-Net")

Amendment Barcode (if applicable)

Name

Katie J. Bennett

Phone

850.339.9599

Address

1173 Seminole Dr

Email

kcbennett@

Street

TLH, FL

32342

safelandsjust.org

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Alliance for Safety & Justice

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

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

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

S-001 (08/10/2021)

1/27/26

The Florida Senate
APPEARANCE RECORD

SB 298

Meeting Date

Bill Number or Topic

S Rules

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

Committee

Amendment Barcode (if applicable)

Name

Darren Mason

Phone

(904) 840-6910

Address

13490 Gran Bay Parkway

Email

darrenempowers@gmail.com

Street

Jax

FL

32258

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

Crime Survivors
Speak

I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 364

INTRODUCER: Regulated Industries Committee and Senator Gruters and others

SUBJECT: Public Accountancy

DATE: January 26, 2026 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2.	<u>Oxamendi</u>	<u>Kruse</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 364 revises the regulation of certified public accountants (CPAs) by the Florida Board of Accountancy (board) within the Department of Business and Professional Regulation (department).

The bill allows the board to, by a majority vote, delegate duties to the appropriate division within the department, and to further provide that the board may delegate duties by contract pursuant to corporations not for profit organized before 2024 under ch. 617, F.S.

The bill revises the requirements for licensure of CPAs, including licensure by endorsement and of international applicants, by providing four separate pathways to qualify for a license based on education and work experience criteria. Under the bill, a person may qualify for a CPA license if he or she:

- Completes at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the board, and has one year of work experience;
- Holds a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board, and has one year of work experience;
- Holds a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board, and has two years of work experience; or

- Holds a baccalaureate degree in any major course of study conferred by an accredited college or university, has completed coursework required for a concentration in accounting and business as prescribed by the board, and has two years of work experience.

In addition, the bill requires the board to prescribe the coursework required for a concentration in accounting and business. Under the bill, an applicant may satisfy the coursework requirement if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States. If the applicant has received a baccalaureate or higher degree with a major course of study other than accounting or finance, the applicant must complete the coursework required for a concentration in accounting and business as prescribed by the board.

The bill revises the licensure by endorsement requirements for applicants who are licensed in any state or territory of the United States. Under the bill, a person holding a license in another state or a territory of the United States may qualify for licensure by endorsement if they have maintained good moral character and, at the time of licensure by the other state or territory, were required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination.

The requirements for the licensure of an international applicant are revised by the bill by providing the following two pathways for licensure. To qualify, an international applicant must hold an active license in good standing to practice public accounting, or its equivalent, in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy¹ has determined, and:

- The license standards are equal to those in the United States and the international applicant has passed an examination pursuant to s. 473.306(5), F.S.; or
- The licensure standards are not equal to those in the United States but the international applicant has met Florida's requirements for education, work experience, and good moral character and has passed the Uniform CPA examination.

Regarding continuing education, the bill requires the continuing education requirement to be administered by reputable providers determined and provided by the board. The board must give preference to corporations not for profit organized under ch. 617, F.S., that are exempt from taxation under s. 501(c)(6) of the Internal Revenue Code and that demonstrate their experience, integrity, knowledge, practice, professional responsibility, and representation of the largest numbers of CPAs in this state.

The bill permits a person who holds an active license in good standing in another state or territory and who does not have an office in Florida to practice public accounting in Florida if, at the time of licensure by the other state or territory, the person was required to show evidence of having obtained at least a baccalaureate degree and having passed the Uniform CPA examination.

¹ The National Association of State Boards of Accountancy is a forum for the 55 State Boards of Accountancy, which administer the Uniform CPA Examination. See National Association of State Boards of Accountancy, *About Us*, at <https://nasba.org/about/> (last visited Dec. 4, 2025).

The bill has an indeterminate fiscal impact on the department. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Certified Public Accountants

The Florida Board of Accountancy (board) within the Department of Business and Professional Regulation (department) is responsible for regulating and licensing of nearly 38,625 active and 2,432 inactive certified public accountants (CPAs) and 5,282 CPA firms.² The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.³

A CPA is an individual who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.⁴

Section 473.302(8), F.S., defines the practice of public accounting to include offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements. To engage in the practice of public accounting,⁵ an individual or firm must be licensed pursuant to s. 473.308, F.S., or s. 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

CPA Licensing

Section 473.308, F.S., provides licensing requirements for CPAs. To be licensed as a CPA, a person must be of good moral character, pass the licensure examination, and have at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university with a concentration in accounting and business in the total education program to the extent specified by the board.⁶

An applicant for a CPA license must also have at least one year of work experience.⁷ If the applicant completed the education requirements by December 31, 2008, and passed the licensure examination on or before December 31, 2010, he or she was exempt from the work experience requirement.

² Email from Sam Kerce, Chief of Staff, Department of Business and Professional Regulation (Dec. 3, 2025) (on file with the Senate Committee on Regulated Industries).

³ Section 473.303, F.S.

⁴ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁵ Section 473.302(8), F.S., defines the terms “practice of,” “practicing public accountancy,” and “public accounting.”

⁶ Sections 473.308(2)-(4), F.S.

⁷ Sections 473.308(5), F.S.

An applicant must also have good moral character.⁸ Section 473.308(7)(a), F.S., defines “good moral character” to mean “a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.”

CPA licenses must be renewed on a biennial basis through procedures adopted by the department.⁹

Licensure by Endorsement

Section 473.308(8), F.S., provides for licensure of certified public accountants by endorsement.

The board may certify for licensure by endorsement an applicant who:

- Is not licensed in another state or territory, and:
 - Meets the requirements for education, work experience, and good moral character; and
 - Passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306, F.S.;¹⁰
- Holds a valid license to practice public accounting in another state or territory, and has satisfied licensing criteria that were substantially equivalent to the licensure criteria in this state at the time the license was issued;
- If the licensing criteria was not substantially equivalent to Florida’s, has met the education, work experience, good moral character requirements, and has passed a national, regional, state or territorial licensing examination with examination criteria that was substantially equivalent to the examination criteria required in Florida; or¹¹
- Has a valid license in another state or territory for at least 10 years before applying for a license in Florida, has passed a national, regional, state, or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state, and has met the good moral character requirement.¹²

Section 473.308(9), F.S., provides that the board may issue a licensure by endorsement and waive education requirements that exceed the baccalaureate degree requirement if the applicant has:

- At least five years of experience in the practice of public accountancy in the United States or in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States; or
- At least five years of work experience that meets the requirements of s. 473.308(5), F.S.

The work experience that is used as a basis for waiving the education requirements of s. 473.308(4), F.S., must be while licensed as a certified public accountant by another state or territory of the United States or while licensed in the practice of public accountancy or its

⁸ Sections 473.308(6) and (7), F.S.

⁹ Section 473.311(2), F.S.

¹⁰ Section 473.308(8)(a), F.S.

¹¹ Section 473.308(8)(b), F.S.

¹² Section 473.308(8)(c), F.S.

equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States.

The board has the authority to establish standards for this work experience.¹³

Continuing Education

As a part of the license renewal procedure, CPAs are required to submit proof satisfactory to the board that, during the two years prior to the application for renewal, they have successfully completed not less than 48 or more than 80 hours of continuing professional education programs in public accounting subjects approved by the board.¹⁴ The board has the authority to prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the two-year period.¹⁵

Not less than 10 percent of the total continuing education hours required by the board shall be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.¹⁶

Not less than five percent of the continuing education must be in ethics applicable to the practice of public accounting, including a review of the provisions of ch. 455, F.S., relating to the regulations of businesses and professions, ch. 473, F.S., and the related administrative rules. This requirement must be administered by providers approved by the board.¹⁷

CPA Mobility

Section 473.3141, F.S., provides what is known as “CPA mobility” or practice mobility for CPAs. CPA mobility permits a CPA in another state who is not licensed in Florida, but is licensed in another state, to perform limited accounting services in Florida without obtaining a Florida license, notifying or registering with the board, or paying a fee.

An out-of-state CPA is not required to be licensed in Florida to provide accounting services from outside the state. The types of accounting services that may be provided are limited to the services in ss. 473.302(8)(b) and (c), F.S. If the CPA provides the types of services described in s. 473.302(8)(a), F.S., the CPA must first obtain a Florida license. For example, under practice mobility, the out-of-state CPA could provide tax advisory services or consulting services in Florida from out-of-state, but he or she could not provide the types of services that require the expression of an opinion or an attestation. Section 473.3141, F.S., requires that an individual who provides accountancy services that require the expression of an opinion must obtain a firm license from the board as required by s. 473.3101, F.S.

¹³ Section 473.308(9), F.S.

¹⁴ Section 473.312(1)(a), F.S.

¹⁵ *Id.*

¹⁶ Section 473.312(1)(b), F.S.

¹⁷ Section 473.312(1)(c), F.S.

Certified public accountants in another state who practice in Florida under practice mobility consent, as a condition for the privilege, are subject to the personal and subject matter jurisdiction and disciplinary authority of the board. They also must comply with ch. 473, F.S., and the applicable board rules.

Section 473.3141(1), F.S., provides the following minimum requirements for CPAs in other states who may practice accountancy in Florida through practice mobility. The individual must:

- Hold a valid CPA license in another state that the board has determined has adopted standards that are substantially equivalent to the certificate requirements in the Uniform Accountancy Act; and
- Have satisfied license qualifications that are substantially equivalent to the license qualifications in the Uniform Accountancy Act.

Under current law, the CPA mobility provision does not apply to CPAs who are licensed in the territories of the United States.¹⁸

International Applicants

Section 473.306(5), F.S., authorizes the board to adopt an alternative licensure examination for persons who have been licensed to practice public accountancy or its equivalent in a foreign country so long as the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has ratified an agreement with that country for reciprocal licensure.

III. Effect of Proposed Changes:

Definition

The bill amends s. 473.302, F.S., to delete the definition of the term “Uniform Accountancy Act.”¹⁹

Division of Certified Public Accounting

The bill amends s. 473.3035(1), F.S., which provides that the board may, by a majority vote, delegate a duty or duties to the appropriate division within the Department of Business and Professional Regulation (department), to further provide that the board may delegate duties by contract pursuant to part I of ch. 287, F.S.,²⁰ for the performance of such duties by corporations not for profit organized under ch. 617, F.S.²¹

¹⁸ The territories of the United States include American Samoa, Guam, Republic of the Marshall Islands, Federated States of Micronesia, Commonwealth of the Northern Mariana Islands, Republic of Palau, Puerto Rico, and the U.S. Virgin Islands. See U.S. Department of the Interior, *Insular Areas of the United States and Freely Associated States*, available at: <https://www.doi.gov/library/internet/insular> (last visited Dec. 4, 2025).

¹⁹ Section 473.302(9), F.S., defines the term “Uniform Accountancy Act” to mean the Uniform Accountancy Act, Eighth Edition, dated January 2018 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

²⁰ Part I of ch. 287, F.S., relates to the state’s procurement of commodities, insurance, and contractual services.

²¹ Chapter 617, F.S., relates to corporations not for profit.

Licensure

Education

The bill amends s. 473.308, F.S., to revise the requirements for licensure of a CPA, including licensure by endorsement and of international applicants.

The bill amends s. 473.308(4), F.S., to revise the education requirements for a CPA license by providing four separate pathways to qualify for a license. A person may qualify for a CPA license if they:

- Complete at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the board;
- Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board;
- Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board; or
- Hold a baccalaureate degree in any major course of study conferred by an accredited college or university and have completed coursework required for a concentration in accounting and business as prescribed by the board.

In addition, the bill requires the board to prescribe the coursework required for a concentration in accounting and business. Under the bill, an applicant may satisfy the coursework requirement if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States.

If the applicant has received a baccalaureate or higher degree with a major course of study other than accounting or finance, the applicant must complete the coursework required for a concentration in accounting and business as prescribed by the board.

Work Experience

The bill also amends s. 473.308(5), F.S., to require a CPA license applicant to have at least one year of work experience if the applicant education requirement is based on:

- Having completed at least 150 semester hours of college education, including a baccalaureate or higher degree, with a concentration in accounting and business; or
- Holding a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business.

Under the bill, a CPA license applicant must have at least two years of work experience if the applicant education requirement is based on holding:

- A baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board; or
- A baccalaureate degree in any major course of study conferred by an accredited college or university and having completed coursework required for a concentration in accounting and business as prescribed by the board.

The bill also amends s. 473.308(5), F.S., to delete the work experience exception for applicants who completed the education requirements by December 31, 2008, and passed the licensure examination on or before December 31, 2010.

Licensure by Endorsement

Section 473.308(7), F.S., is amended by the bill to revise the licensure by endorsement requirements for applicants who are licensed in any state or territory of the United States. Under the bill, a person holding an active license in another state or a territory of the United States may qualify for licensure by endorsement if they have maintained good moral character and, at the time of licensure by the other state or territory, were required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination.

The bill deletes provisions allowing a person to be licensed if he or she holds a valid license in another state or territory and has met the requirements of the section for education, work experience, good moral character, and passed a national, regional, state, or territorial licensing examination substantially equivalent to s. 473.306, F.S. It also deletes the provisions allowing a person to be licensed if they had been licensed in another jurisdiction for 10 years.

International Applicants

Section 473.308(8), F.S., is amended by the bill to revise the requirements for the licensure of international applicants by providing the following two pathways for licensure. To qualify, an international applicant must hold an active license in good standing to practice public accounting, or its equivalent, in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined, and:

- The licensure standards are equal to those in the United States and has passed an examination pursuant to s. 473.306(5), F.S.; or
- The license standards are not equal to those in the United States but the international applicant has met the Florida requirements for education, work experience, and good moral character and has passed the Uniform CPA examination.

The bill deletes the current provision allowing licensure of applicants with five years' experience in the United State or experience in public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States. It also deletes the provision requiring the board to waive education requirements over and above a baccalaureate degree.

Continuing Education

The bill amends s. 473.312(1)(c), F.S., to require the continuing education requirement to be administered by reputable providers to be provided by the board. The bill requires the board to give preference to corporations not for profit organized under ch. 617, F.S., who are exempt from taxation under s. 501(c)(6) of the Internal Revenue Code and who demonstrate their experience, integrity, knowledge, practice, professional responsibility, and representation of the largest numbers of CPAs in this state.

CPA Mobility

The bill amends s. 473.3141(1) and (3), F.S., to revise the requirements for CPA mobility. The bill permits a person who holds an active license in good standing in another state or territory and who does not have an office in Florida to practice public accounting in Florida if, at the time of licensure by the other state or territory, the person was required to show evidence of having obtained at least a baccalaureate degree and having passed the Uniform CPA examination.

Under current law and the bill, the board must define by rule what constitutes an office.²²

The bill also requires a person licensed in a territory of the United States to consent to the authority of the state board, comply with Florida statutes and rules, cease services if the license becomes invalid, and appoint a Florida agent for service. This requirement only applies under current law to persons licensed in other states.

The bill also deletes current requirements for persons holding a valid license in another state who substantially meets the requirements of section 5 of the Uniform Accountancy Act.

Cross-reference Correction and Republication

The bill amends s. 473.306(3)(a), F.S., relating to examinations, to correct a cross-reference to the license requirements in s. 473.308, F.S., as revised by the bill.

Section 473.309, F.S., is amended by the bill to correct cross-references.

Section 473.311(1)(b), F.S., relating to license renewal, is republished by the bill to incorporate the amendment made by the bill to s. 473.312, F.S.

Effective Date

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²² Fla. Admin. Code R. 61H1-20.001(8) defines the term “office” and provides that the term” is “deemed and construed to mean a place in which public accounting is conducted or any place for which the physical address is identified in advertising. For a certified public accountant employed by a Florida firm, “office” shall also mean the licensee’s designated address of record.”

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 department may incur an indeterminate increase in costs related to contracting delegated duties to certain authorized corporations; however, it's expected that any contract costs could be handled with existing resources. To date, no analysis by the department of the impact of the bill on its operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 473.301, 473.302, 473.3035, 473.306, 473.308, 473.309, 473.3141, and 473.312.

This bill republishes section 473.311 of the Florida Statutes.

IX. Additional Information:

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

CS by Regulated Industries on December 9, 2025:

The CS amends s. 473.3141, F.S., to:

- Permit a person who holds an active license in good standing in another state or territory and who does not have an office in Florida to practice public accounting in Florida if, at the time of licensure by the other state or territory, the person was required to show evidence of having obtained at least a baccalaureate degree and having passed the Uniform CPA examination;
- Require a person licensed in a territory of the United States to consent to the authority of the state board, comply with Florida statutes and rules, cease services if the license becomes invalid, and appoint a Florida agent for service; and
- Delete current requirements for persons holding a valid license in another state who substantially meet the requirements of section 5 of the Uniform Accountancy Act.

The CS also corrects a cross-reference in s. 473.309, F.S.

- B. **Amendments:**

None.

By the Committee on Regulated Industries; and Senators Gruters, Rodriguez, and Boyd

580-01754-26

2026364c1

1 A bill to be entitled
2 An act relating to public accountancy; amending s.
3 473.301, F.S.; making a technical change regarding the
4 purpose of ch. 473, F.S.; amending s. 473.302, F.S.;
5 deleting the definition of the term "Uniform
6 Accountancy Act"; amending s. 473.3035, F.S.;
7 authorizing the Board of Accountancy to competitively
8 procure contracted services with certain corporations
9 not for profit for the performance of certain duties
10 assigned to the Division of Certified Public
11 Accounting of the Department of Business and
12 Professional Regulation; authorizing the board to
13 rescind such contracted services at any time by a
14 majority vote; amending s. 473.306, F.S.; conforming a
15 cross-reference; making a technical change; amending
16 s. 473.308, F.S.; revising the education and work
17 experience requirements for a certified public
18 accountant license; directing the board to prescribe
19 specified coursework for licensure; revising
20 requirements for licensure by endorsement; revising
21 requirements for licensure of international
22 applicants; deleting obsolete language; amending s.
23 473.312, F.S.; revising requirements for the approval
24 of providers who administer continuing education on
25 ethics for certified public accountants; requiring the
26 board to give preference to certain providers;
27 amending s. 473.3141, F.S.; revising requirements for
28 certified public accountants licensed in another state
29 or a territory of the United States to practice in

580-01754-26

2026364c1

30 this state without obtaining a license; amending s.
31 473.309, F.S.; conforming cross-references; reenacting
32 s. 473.311(1)(b), F.S., relating to renewal of
33 license, to incorporate the amendment made to s.
34 473.312, F.S., in a reference thereto; providing an
35 effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Section 473.301, Florida Statutes, is amended to
40 read:

41 473.301 Purpose.—The Legislature recognizes that there is a
42 public need for independent and objective certified public
43 accountants and that it is necessary to regulate the practice of
44 public accounting to assure the minimum competence of
45 practitioners and the accuracy of audit statements upon which
46 the public relies and to protect the public from dishonest
47 practitioners and, therefore, deems it necessary in the interest
48 of public welfare to regulate the practice of public accountancy
49 in this state.

50 Section 2. Subsection (9) of section 473.302, Florida
51 Statutes, is amended to read:

52 473.302 Definitions.—As used in this chapter, the term:
53 ~~(9) “Uniform Accountancy Act” means the Uniform Accountancy~~
54 ~~Act, Eighth Edition, dated January 2018 and published by the~~
55 ~~American Institute of Certified Public Accountants and the~~
56 ~~National Association of State Boards of Accountancy.~~

57
58 However, these terms shall not include services provided by the

580-01754-26

2026364c1

59 American Institute of Certified Public Accountants or the
60 Florida Institute of Certified Public Accountants, or any full
61 service association of certified public accounting firms whose
62 plans of administration have been approved by the board, to
63 their members or services performed by these entities in
64 reviewing the services provided to the public by members of
65 these entities.

66 Section 3. Subsection (1) of section 473.3035, Florida
67 Statutes, is amended to read:

68 473.3035 Division of Certified Public Accounting.—

69 (1) All services concerning this chapter, including, but
70 not limited to, recordkeeping services, examination services,
71 legal services, and investigative services, and those services
72 in chapter 455 necessary to perform the duties of this chapter
73 are shall be provided by the Division of Certified Public
74 Accounting. The board may, by majority vote, delegate a duty or
75 duties to the appropriate division within the department or
76 competitively procure contracted services pursuant to part I of
77 chapter 287 for the performance of such duties, except for
78 investigative services. All such contracted services must be
79 fulfilled by corporations organized under chapter 617. The board
80 may, by majority vote, rescind any such delegation of duties or
81 contracted services at any time.

82 Section 4. Subsection (3) of section 473.306, Florida
83 Statutes, is amended, and subsection (4) of that section is
84 republished, to read:

85 473.306 Examinations.—

86 (3) An applicant is entitled to take the licensure
87 examination to practice in this state as a certified public

580-01754-26

2026364c1

88 accountant if:

89 (a) The applicant has completed 120 semester hours or 180
90 quarter hours from an accredited college or university with a
91 concentration in accounting and business ~~courses~~ as prescribed
92 ~~specified~~ by the board by rule; and

93 (b) The applicant shows that she or he has good moral
94 character. For purposes of this paragraph, the term "good moral
95 character" has the same meaning as provided in s. 473.308(6)(a)
96 ~~s. 473.308(7)(a)~~. The board may refuse to allow an applicant to
97 take the licensure examination for failure to satisfy this
98 requirement if:

99 1. The board finds a reasonable relationship between the
100 lack of good moral character of the applicant and the
101 professional responsibilities of a certified public accountant;
102 and

103 2. The finding by the board of lack of good moral character
104 is supported by competent substantial evidence.

105
106 If an applicant is found pursuant to this paragraph to be
107 unqualified to take the licensure examination because of a lack
108 of good moral character, the board must ~~shall~~ furnish to the
109 applicant a statement containing the findings of the board, a
110 complete record of the evidence upon which the determination was
111 based, and a notice of the rights of the applicant to a
112 rehearing and appeal.

113 (4) The board shall have the authority to establish the
114 standards for determining and shall determine:

115 (a) What constitutes a passing grade for each subject or
116 part of the licensure examination;

580-01754-26

2026364c1

117 (b) Which educational institutions, in addition to the
118 universities in the State University System of Florida, shall be
119 deemed to be accredited colleges or universities;

120 (c) What courses and number of hours constitute a major in
121 accounting; and

122 (d) What courses and number of hours constitute additional
123 accounting courses acceptable under s. 473.308(4).

124 Section 5. Subsections (4) through (10) of section 473.308,
125 Florida Statutes, are amended to read:

126 473.308 Licensure.—

127 (4) (a) An applicant for licensure must meet at least one of
128 the following requirements:

129 1. Complete ~~have~~ at least 150 semester hours of college
130 education, including a baccalaureate or higher degree conferred
131 by an accredited college or university, with a concentration in
132 accounting and business as prescribed ~~in the total educational~~
133 ~~program to the extent specified~~ by the board.

134 2. Hold a master's degree in accounting or finance
135 conferred by an accredited college or university with a
136 concentration in accounting and business as prescribed by the
137 board.

138 3. Hold a baccalaureate degree in accounting or finance
139 conferred by an accredited college or university with a
140 concentration in accounting and business as prescribed by the
141 board.

142 4. Hold a baccalaureate degree in any major course of study
143 conferred by an accredited college or university and have
144 completed coursework required for a concentration in accounting
145 and business as prescribed by the board.

580-01754-26

2026364c1

146 (b) The board shall prescribe the coursework required for a
147 concentration in accounting and business. The board may deem an
148 applicant to have satisfied requirements for such coursework if
149 the applicant receives a baccalaureate or higher degree in
150 accounting or finance conferred by an accredited college or
151 university in a state or territory of the United States. An
152 applicant receiving a baccalaureate or higher degree with a
153 major course of study other than accounting or finance must
154 complete the coursework required for a concentration in
155 accounting and business as prescribed by the board.

156 (5) (a) An applicant for licensure who completes the
157 education requirements under subparagraph (4) (a)1. or
158 subparagraph (4) (a)2. after December 31, 2008, must show that he
159 or she has had 1 year of work experience. An applicant who
160 completes the education requirements under subparagraph (4) (a)3.
161 or subparagraph (4) (a)4. must show 2 years of work experience.

162 (b) Such work ~~This experience includes shall include~~
163 providing any type of service or advice involving the use of
164 accounting, attest, compilation, management advisory, financial
165 advisory, tax, or consulting skills, all of which must be
166 verified by a certified public accountant who is licensed by a
167 state or territory of the United States. This experience is
168 acceptable if it was gained through employment in government,
169 industry, academia, or public practice; constituted a
170 substantial part of the applicant's duties; and was verified by
171 a certified public accountant licensed by a state or territory
172 of the United States. The board shall adopt rules specifying
173 standards and providing for the review and approval of the work
174 experience required by this subsection ~~section~~.

580-01754-26

2026364c1

175 ~~(b) However, an applicant who completed the requirements of~~
176 ~~subsection (4) on or before December 31, 2008, and who passes~~
177 ~~the licensure examination on or before June 30, 2010, is exempt~~
178 ~~from the requirements of this subsection.~~

179 (6) (a) An applicant for licensure must ~~shall~~ show that he
180 or she ~~the applicant~~ has good moral character. For purposes of
181 this paragraph, the term:

182 ~~(7)(a)~~ "good moral character" means a personal history of
183 honesty, fairness, and respect for the rights of others and for
184 the laws of this state and nation.

185 (b) The board may refuse to certify an applicant for
186 failure to satisfy this requirement if:

187 1. The board finds a reasonable relationship between the
188 lack of good moral character of the applicant and the
189 professional responsibilities of a certified public accountant;
190 and

191 2. The finding by the board of lack of good moral character
192 is supported by competent substantial evidence.

193 (c) When an applicant is found to be unqualified for a
194 license because of a lack of good moral character, the board
195 shall furnish to the applicant a statement containing the
196 findings of the board, a complete record of the evidence upon
197 which the determination was based, and a notice of the rights of
198 the applicant to a rehearing and appeal.

199 (7)~~(8)~~ The board shall certify as qualified for a license
200 by endorsement an applicant who:

201 ~~(a) Is not licensed and has not been licensed in any state~~
202 ~~or territory and who has met the requirements of this section~~
203 ~~for education, work experience, and good moral character and has~~

580-01754-26

2026364c1

204 ~~passed a national, regional, state, or territorial licensing~~
205 ~~examination that is substantially equivalent to the examination~~
206 ~~required by s. 473.306; or~~

207 ~~(b)1. holds an active a valid license in good standing to~~
208 ~~practice public accounting issued by another state or a~~
209 ~~territory of the United States, if the applicant has maintained~~
210 ~~good moral character and, at the time of licensure by such other~~
211 ~~state or territory, the applicant was required to show evidence~~
212 ~~of having obtained at least a baccalaureate degree from an~~
213 ~~accredited college or university and having passed the Uniform~~
214 ~~CPA Examination criteria for issuance of such license were~~
215 ~~substantially equivalent to the licensure criteria that existed~~
216 ~~in this state at the time the license was issued;~~

217 ~~2. Holds a valid license to practice public accounting~~
218 ~~issued by another state or territory of the United States but~~
219 ~~the criteria for issuance of such license did not meet the~~
220 ~~requirements of subparagraph 1.; has met the requirements of~~
221 ~~this section for education, work experience, and good moral~~
222 ~~character; and has passed a national, regional, state, or~~
223 ~~territorial licensing examination that is substantially~~
224 ~~equivalent to the examination required by s. 473.306; or~~

225 ~~3. Holds a valid license to practice public accounting~~
226 ~~issued by another state or territory of the United States for at~~
227 ~~least 10 years before the date of application; has passed a~~
228 ~~national, regional, state, or territorial licensing examination~~
229 ~~that is substantially equivalent to the examination required by~~
230 ~~s. 473.306; and has met the requirements of this section for~~
231 ~~good moral character.~~

232 ~~(8)-(9) An international applicant who seeks licensure as a~~

580-01754-26

2026364c1

233 certified public accountant in this state must meet at least one
234 of the following requirements:

235 (a) Hold an active license in good standing to ~~If the~~
236 ~~applicant has at least 5 years of experience in the practice of~~
237 ~~public accountancy in the United States or in the practice of~~
238 ~~public accountancy or its equivalent in a foreign country that~~
239 ~~the International Qualifications Appraisal Board of the National~~
240 ~~Association of State Boards of Accountancy has determined has~~
241 ~~licensure standards that are substantially equivalent to those~~
242 ~~in the United States, or has at least 5 years of work experience~~
243 ~~that meets the requirements of subsection (5), the board must~~
244 ~~waive the requirements of subsection (4) which are in excess of~~
245 ~~a baccalaureate degree. All experience that is used as a basis~~
246 ~~for waiving the requirements of subsection (4) must be while~~
247 ~~licensed as a certified public accountant by another state or~~
248 ~~territory of the United States or while licensed in the practice~~
249 ~~of public accounting, accountancy or its equivalent, in a~~
250 ~~foreign country that the International Qualifications Appraisal~~
251 ~~Board of the National Association of State Boards of Accountancy~~
252 ~~has determined has licensure standards equal that are~~
253 ~~substantially equivalent to those in the United States, and the~~
254 international applicant has passed an exam pursuant to s.
255 473.306(5).

256 (b) Hold an active license in good standing to practice
257 public accounting, or its equivalent, in a foreign country that
258 the International Qualifications Appraisal Board of the National
259 Association of State Boards of Accountancy has not determined
260 has licensure standards equal to those in the United States, and
261 the international applicant has met the requirements for

580-01754-26

2026364c1

262 education, work experience, and good moral character under
263 subsections (4), (5), and (6) and has passed the Uniform CPA
264 Examination. The board shall have the authority to establish the
265 standards for experience that meet this requirement.

266 ~~(9) (10)~~ The board may refuse to certify for licensure any
267 applicant who is under investigation in another state for any
268 act that would constitute a violation of this act or chapter
269 455, until such time as the investigation is complete and
270 disciplinary proceedings are ~~have been~~ terminated.

271 Section 6. Paragraph (c) of subsection (1) of section
272 473.312, Florida Statutes, is amended to read:

273 473.312 Continuing education.—

274 (1)

275 (c) At least ~~Not less than~~ 5 percent of the total hours
276 required by the board must ~~shall~~ be in ethics applicable to the
277 practice of public accounting. ~~This requirement shall be~~
278 ~~administered by providers approved by the board,~~ and a majority
279 of the hours must ~~shall~~ include a review of ~~the provisions of~~
280 ~~chapter 455 and this chapter,~~ chapter 455, and the related
281 administrative rules. Such requirement must be administered by
282 reputable providers approved by the board. The board shall give
283 preference to corporations not for profit organized under
284 chapter 617 which are exempt from taxation under s. 501(c)(6) of
285 the Internal Revenue Code and which demonstrate their
286 experience, integrity, knowledge, practice, professional
287 responsibility, and representation of the largest numbers of
288 certified public accountants in this state.

289 Section 7. Subsections (1) and (3) of section 473.3141,
290 Florida Statutes, are amended to read:

580-01754-26

2026364c1

291 473.3141 Certified public accountants licensed in other
292 states.—

293 (1) ~~Except as otherwise provided in this chapter,~~ An
294 individual who holds an active license in good standing to
295 practice public accounting in another state or a territory of
296 the United States and who does not have an office in this state
297 has the privileges of Florida certified public accountants and
298 may provide public accounting services in this state without
299 obtaining a license under this chapter or notifying or
300 registering with the board or paying a fee if, at the time of
301 licensure by such other state or territory, the individual was
302 required to show evidence of having obtained at least a
303 baccalaureate degree and having passed the Uniform CPA
304 Examination†

305 (a) ~~Holds a valid license as a certified public accountant~~
306 ~~from a state that the board or its designee has determined by~~
307 ~~rule to have adopted standards that are substantially equivalent~~
308 ~~to the certificate requirements in s. 5 of the Uniform~~
309 ~~Accountancy Act in the issuance of licenses; or~~

310 (b) ~~Holds a valid license as a certified public accountant~~
311 ~~from a state that has not been approved by the board as having~~
312 ~~adopted standards in substantial equivalence with s. 5 of the~~
313 ~~Uniform Accountancy Act, but obtains verification from the~~
314 ~~board, or its designee, as determined by rule, that the~~
315 ~~individual's certified public accountant qualifications are~~
316 ~~substantially equivalent to the certificate requirements in s. 5~~
317 ~~of the Uniform Accountancy Act. The board shall define by rule~~
318 ~~what constitutes an office.~~

319 (3) An individual certified public accountant from another

580-01754-26

2026364c1

320 state or a territory of the United States who practices pursuant
321 to this section, and the firm that employs that individual, must
322 ~~shall~~ both consent, as a condition of the privilege of
323 practicing in this state:

324 (a) To the ~~personal and subject matter~~ jurisdiction and
325 disciplinary authority of the board;

326 (b) To comply with this chapter and the applicable board
327 rules;

328 (c) That if the individual's license as a certified public
329 accountant from another the state or a territory of the United
330 States becomes invalid ~~of the individual's principal place of~~
331 ~~business is no longer valid~~, the individual must ~~will~~ cease
332 offering or rendering public accounting services in this state,
333 individually and on behalf of a firm; and

334 (d) To the appointment of the ~~state~~ board that issued the
335 individual's license as the agent upon whom process may be
336 served in any action or proceeding by the board or department
337 against the individual or firm.

338 Section 8. Paragraph (c) of subsection (1), paragraph (d)
339 of subsection (2), and paragraph (c) of subsection (3) of
340 section 473.309, Florida Statutes, are amended to read:

341 473.309 Practice requirements for partnerships,
342 corporations, and limited liability companies; business entities
343 practicing public accounting.—

344 (1) A partnership may not engage in the practice of public
345 accounting, as defined in s. 473.302(8)(a), or meet the
346 requirements of s. 473.3101(1)(b), unless:

347 (c) At least one general partner is a certified public
348 accountant of this state and holds an active license or, in the

580-01754-26

2026364c1

349 case of a firm that must have a license pursuant to s.
350 473.3101(1)(c), at least one general partner is a certified
351 public accountant in some state and meets the requirements of s.
352 473.3141 ~~s. 473.3141(1)(a) or (b)~~.

353 (2) A corporation may not engage in the practice of public
354 accounting, as defined in s. 473.302(8)(a), or meet the
355 requirements of s. 473.3101(1)(b), unless:

356 (d) At least one shareholder of the corporation is a
357 certified public accountant and holds an active license in this
358 state or, in the case of a firm that must have a license
359 pursuant to s. 473.3101(1)(c), at least one shareholder is a
360 certified public accountant in some state and meets the
361 requirements of s. 473.3141 ~~s. 473.3141(1)(a) or (b)~~.

362 (3) A limited liability company may not engage in the
363 practice of public accounting, as defined in s. 473.302(8)(a),
364 or meet the requirements of s. 473.3101(1)(b), unless:

365 (c) At least one member of the limited liability company is
366 a certified public accountant and holds an active license in
367 this state or, in the case of a firm that must have a license
368 pursuant to s. 473.3101(1)(c), at least one member is a
369 certified public accountant in some state and meets the
370 requirements of s. 473.3141 ~~s. 473.3141(1)(a) or (b)~~.

371 Section 9. For the purpose of incorporating the amendment
372 made by this act to section 473.312, Florida Statutes, in a
373 reference thereto, paragraph (b) of subsection (1) of section
374 473.311, Florida Statutes, is reenacted to read:

375 473.311 Renewal of license.—

376 (1)

377 (b) A nonresident licensee seeking renewal of a license in

580-01754-26

2026364c1

378 this state shall be determined to have met the continuing
379 education requirements in s. 473.312, except for the
380 requirements in s. 473.312(1)(c), if the licensee has complied
381 with the continuing education requirements applicable in the
382 state in which his or her office is located. If the state in
383 which the nonresident licensee's office is located has no
384 continuing education requirements for license renewals, the
385 nonresident licensee must comply with the continuing education
386 requirements in s. 473.312.

387 Section 10. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

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

364

Bill Number or Topic

1/27/26

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name

Jason Harrell

Phone

850-345-6835

Address

119 S Monroe

Email

JasonH@fircpa.org

Street

Tallahassee

City

FL

State

32303

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Institute of CPAs (FICPA)

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 386

INTRODUCER: Senator Trumbull

SUBJECT: Farm Equipment

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
3.	<u>Becker</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 386 creates a process for consumers and manufacturers to remedy defective farm equipment.

If farm equipment is defective and does not conform to all applicable express written warranties, the bill permits a consumer to report the defect to the manufacturer or its authorized service agent during the manufacturer’s warranty period or during the 1-year period following the original delivery date of the farm equipment to allow the manufacturer or its authorized agent the opportunity to conform the equipment to the warranty.

The bill requires a manufacturer to replace defective farm equipment with comparable farm equipment or accept the return of the defective equipment from the consumer and refund the consumer the purchase price and related fees if the manufacturer or its authorized dealer cannot or otherwise fails to conform the farm equipment to any applicable express written warranty. This does not limit or impair the rights or remedies which are otherwise available to a consumer under chapter 681, F.S.

The bill is effective July 1, 2026.

II. Present Situation:

Lemon Law

Section 681.10, F.S., is the Florida “Motor Vehicle Warranty Enforcement Act” (Act).¹ The intent of this Act is that a good faith motor vehicle warranty complaint by a consumer be

¹ Section 681.10, F.S.

resolved by the manufacturer² within a specified timeframe.³ Ultimately, Florida’s “lemon law” provides remedies for consumers who purchase or lease new motor vehicles with “nonconformities”⁴ that have not been corrected within a reasonable number of attempts.⁵

Nonconformity of Motor Vehicles

A manufacturer of a motor vehicle notified of a defect in the vehicle by the consumer within 24 months⁶ of the delivery of the vehicle to the consumer, must make repairs to the vehicle so that it conforms to the warranty on the vehicle.⁷ After three attempts to repair the nonconformity, the consumer must give written notice by certified or express mail to the manufacturer, allowing the manufacturer one final chance to repair the vehicle.⁸

If the manufacturer cannot repair the vehicle to conform to the warranty after this final attempt, the manufacturer, within 40 days, must either repurchase the vehicle and refund the full purchase price to the consumer, less a reasonable offset for use,⁹ or if the consumer pays a reasonable offset for use, replace the vehicle with a vehicle acceptable to the consumer.¹⁰ However, if a manufacturer establishes a procedure that the Department of Legal Affairs (DLA) certifies as complying with the informal dispute settlement procedures in the Code of Federal Regulations,¹¹ and informs the consumer about how to file a claim, the consumer must follow that procedure before he or she can either receive a refund or a replacement vehicle.¹²

In order to have such a procedure certified, the manufacturer must submit the procedure to the DLA, and the DLA must certify the procedure, notify the manufacturer of any deficiencies in the application or the procedure, or deny certification.¹³

² Section 681.102(13), F.S., defines “manufacturer” as any person, whether a resident or nonresident of Florida, who manufactures or assembles motor vehicles, or who manufactures or assembles chassis for recreational vehicles, or who manufactures or installs on previously assembled truck or recreational vehicle chassis special bodies or equipment which, when installed, forms an integral part of the motor vehicle, or a “distributor” or an “importer” as those terms are defined in s. 320.60, F.S. A “dealer” as defined in s. 320.60, F.S. may not be deemed to be a manufacturer, a distributor, or an importer.

³ Section 681.101, F.S. However, it is not the intent of the Legislature that a consumer establish the presumption of a reasonable number of attempts as to each manufacturer that provides a warranty directly to the consumer.

⁴ Section 681.102 (15), F.S., defines “nonconformity” as a defect or condition that substantially impairs the use, value, or safety of a motor vehicle, but does not include a defect or condition that results from an accident, abuse, neglect, modification, or alteration of the motor vehicle by persons other than the manufacturer or its authorized service agent.

⁵ *See id.* Section 681.104, F.S., provides that a “reasonable” number of attempts is three or more unsuccessful attempts for the same nonconformity, as well as allowing the manufacturer one final attempt after receiving written notification from the consumer by registered or express mail.

⁶ This is called the “lemon law rights period.” *See* s. 681.102(9), F.S.

⁷ Section 681.103(1), F.S.

⁸ Section 681.104(1), F.S.

⁹ Section 681.102(19), F.S., defines “reasonable offset for use” as the number of miles attributable to a consumer up to the date of a settlement agreement or arbitration hearing, whichever occurs first, multiplied by the base selling or sale price of the vehicle as reflected on the purchase invoice, exclusive of taxes, government fees, and dealer fees, or in the case of a lease, the agreed upon value as reflected in the lease agreement and divided by 120,000, except in the case of a recreational vehicle, in which event it must be divided by 60,000.

¹⁰ Section 681.104(2)(a), F.S.

¹¹ *See* 16 C.F.R. part 703. This regulation provides rules for “Informal Dispute Mechanisms” under the Magnuson-Moss Warranty Act.

¹² Section 601.108(1), F.S.

¹³ Section 681.108(2), F.S. The DLA is required to review each certified procedure annually.

If a manufacturer has a certified procedure and the consumer and manufacturer cannot reach a decision on a dispute by use of the certified procedure, within 40 days after filing, the consumer may apply to the DLA to have the dispute removed to the Florida New Motor Vehicle Board for arbitration.¹⁴ If the DLA determines that it does not have sufficient evidence to resolve the dispute after providing the consumer with an opportunity to present additional evidence, the DLA may reject arbitration. If a dispute is rejected, the DLA must, by registered mail, notify the consumer and manufacturer and provide a brief explanation.¹⁵

A violation by a manufacturer of the “lemon law,” is considered an unfair or deceptive trade practice.¹⁶ Additionally, a consumer may file an action to recover damages caused by a violation of the “lemon law,” and the court must award a consumer who prevails in such action the amount of any pecuniary loss, litigation costs, reasonable attorney’s fees, and appropriate equitable relief.¹⁷

Farm Equipment

Currently, Florida does not have a “lemon law” specific to farm equipment, however, s. 604.40, F.S., permits all power-drawn, power-driven, or self-propelled equipment used on a farm or used to transport farm products to be stored, maintained, or repaired by the owner of such equipment within the boundaries of the owner’s farm and at least 50 feet away from any public road without limitation.¹⁸

The federal Magnuson-Moss Warranty Act only covers warranties for products normally used for personal, family, or household purposes, and since most farm equipment is used in the business or occupation of farming, it is not covered under that law.¹⁹ To remedy this gap, some states, including Arkansas and South Dakota have passed lemon laws that specifically cover farm equipment.²⁰

III. Effect of Proposed Changes:

Section 1 amends s. 604.40, F.S., to provide a process for protection against defective farm equipment. The bill defines “farm equipment” to mean all power-drawn, power-driven, or self-propelled equipment used on a farm or to transport farm products.

If farm equipment is defective and does not conform to all applicable express written warranties, the bill permits a consumer to report the defect to the manufacturer or its authorized service agent during the manufacturer’s warranty period or during the 1-year period following the

¹⁴ Section 681.109(1), F.S.

¹⁵ Section 681.109(8), F.S.

¹⁶ Section 681.111, F.S.

¹⁷ Section 681.112(1), F.S. An action must be commenced within 1 year after the expiration of the lemon law rights period.

¹⁸ Section 604.40, F.S.

¹⁹ See 15 U.S.C. §§ 2301–2312.

²⁰ See Ark. Code Ann. §§ 4-96-301–308 and S.D. Cod. Laws §§ 32-6D-1 through 32-6D-9. Minnesota and Virginia have had a “lemon law” specific to farm equipment for decades. See Minn. Stat. §§ 325F.6651 through 325F.6659 and Va. Code § 59.1-207.8. The basic structure of a farm equipment lemon law is similar to a motor vehicle lemon law and requires re-purchase or replacement of the equipment if there is a nonconformity that has not been repaired within a reasonable number of attempts.

original delivery date of the equipment to the consumer to allow the manufacturer or its authorized agent the opportunity to conform the equipment to the warranty. Upon receipt of such report, the manufacturer or its authorized agent must make such repairs as are necessary to conform the equipment to the warranty at no cost to the customer.

The bill requires the manufacturer or its authorized agent to replace the farm equipment with comparable farm equipment, or accept the return of the defective equipment from the consumer and refund the consumer the cash purchase price, including sales tax, license fees, registration fees, and any similar governmental charges if the manufacturer or its authorized dealer is not able to or otherwise fails to conform the farm equipment to any applicable express written warranty after a reasonable number of attempts.

It is presumed that the manufacturer has made a reasonable number of attempts to conform the farm equipment to the applicable express warranties if the same nonconformity has been the subject of repair three or more times by the manufacturer or its authorized agent, but the nonconformity continues to exist. This presumption only applies when the manufacturer or its authorized agent has received prior direct written notification from or on behalf of the consumer and has been offered an opportunity to cure the alleged defect.

The bill provides that it is an affirmative defense to any claim under ch. 604, F.S., that an alleged nonconformity does not substantially impair the farm equipment's use and market value, or a nonconformity is the result of abuse or neglect, or of modifications or alterations of the farm equipment not authorized by the manufacturer.

The bill does not limit or impair the rights or remedies which are otherwise available to a consumer under ch. 681, F.S. Further, any consumer who suffers a loss by reason of a violation of ch. 604, F.S., may bring a civil action to enforce such provision.

Section 2 provides that 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:

Florida's contracts clause states that "no bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed."²¹ Regarding the impairment of an existing contract by the retroactive application of a statute, the Florida Supreme Court recently said:

"[V]irtually no degree of contract impairment is tolerable." However, we also recognized that the holding that "virtually" no impairment is tolerable "necessarily implies that some impairment is tolerable." The question thus becomes how much impairment is tolerable and how to determine that amount. To answer that question, in *Pomponio* we proposed a balancing test that "allow[ed] the court to consider the actual effect of the provision on the contract and to balance a party's interest in not having the contract impaired against the State's source of authority and the evil sought to be remedied." "[T]his becomes a balancing process to determine whether the nature and extent of the impairment is constitutionally tolerable in light of the importance of the State's objective, or whether it unreasonably intrudes into the parties' bargain to a degree greater than is necessary to achieve that objective."

An impairment may be constitutional if it is reasonable and necessary to serve an important public purpose. However, where the impairment is severe, "[t]he severity of the impairment is said to increase the level of scrutiny to which the legislation will be subjected." There must be a "significant and legitimate public purpose behind the regulation."²²

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

None.

B. Private Sector Impact:

Florida consumers will have a process to remedy defective farm equipment.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

²¹ FLA. CONST. art. I, s. 10.

²² *Searcy, Denney, Scarola, Barnhart & Shipley, etc. v. State*, 209 So. 3d 1181, 1192 (Fla. 2017).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 604.40 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.

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

By Senator Trumbull

2-00198-26

2026386__

1 A bill to be entitled
2 An act relating to farm equipment; amending s. 604.40,
3 F.S.; defining the term "farm equipment"; conforming
4 provisions to changes made by the act; authorizing a
5 consumer to report farm equipment that is defective
6 and does not conform to specified warranties to the
7 manufacturer or its authorized service agent during a
8 specified timeframe to allow the manufacturer or its
9 authorized agent to conform such farm equipment to
10 such warranty; requiring the manufacturer or its
11 authorized agent to make such repairs to conform the
12 farm equipment to the warranty upon receipt of such
13 report; requiring that such repairs be at no cost to
14 the consumer; requiring the manufacturer or its
15 authorized agent to replace or accept the return of
16 the defective farm equipment under certain
17 circumstances; providing a presumption; providing for
18 the nonapplicability of the presumption; providing
19 affirmative defenses; providing civil remedies;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 604.40, Florida Statutes, is amended to
25 read:

26 604.40 Farm equipment; protection against defective farm
27 equipment.—

28 (1) As used in this section, the term "farm equipment"
29 means all power-drawn, power-driven, or self-propelled equipment

2-00198-26

2026386__

30 used on a farm or used to transport farm products.

31 (2) Notwithstanding any other law, ordinance, rule, or
32 policy to the contrary, farm equipment ~~all power-drawn, power-~~
33 ~~driven, or self-propelled equipment used on a farm or used to~~
34 ~~transport farm products~~ may be stored, maintained, or repaired
35 by the owner within the boundaries of the owner's farm and at
36 least 50 feet away from any public road without limitation.

37 ~~(2)~~ This subsection ~~section~~ does not apply to farm
38 equipment that is used in urban agriculture, as defined in s.
39 604.73(3).

40 (3)(a) If farm equipment is defective and does not conform
41 to all applicable express written warranties, the consumer may
42 report the defect to the manufacturer or its authorized service
43 agent during the manufacturer's warranty period or during the 1-
44 year period following the original delivery date of the farm
45 equipment to the consumer to allow the manufacturer or its
46 authorized agent the opportunity to conform the farm equipment
47 to the warranty. Upon receipt of such report, the manufacturer
48 or its authorized agent shall make such repairs as are necessary
49 to conform the equipment to the warranty. Such repairs shall be
50 at no cost to the consumer.

51 (b) The manufacturer or its authorized agent shall replace
52 the farm equipment with comparable farm equipment, or accept the
53 return of the defective farm equipment from the consumer and
54 refund the consumer the cash purchase price, including sales
55 tax, license fees, registration fees, and any similar
56 governmental charges if the manufacturer or its authorized
57 dealer is not able to or otherwise fails to conform the farm
58 equipment to any applicable express written warranty after a

2-00198-26

2026386__

59 reasonable number of attempts.

60 (c) It is presumed that the manufacturer has made a
61 reasonable number of attempts to conform the farm equipment to
62 the applicable express warranties if the same nonconformity has
63 been the subject of repair three or more times by the
64 manufacturer or its authorized agent but the nonconformity
65 continues to exist.

66 (d) In no event shall the presumption provided in paragraph
67 (c) apply to a manufacturer unless the manufacturer or its
68 authorized agent has received prior direct written notification
69 from or on behalf of the consumer and been offered an
70 opportunity to cure the alleged defect.

71 (e) It is an affirmative defense to any claim under this
72 chapter that:

73 1. An alleged nonconformity does not substantially impair
74 the farm equipment's use and market value; or

75 2. A nonconformity is the result of abuse or neglect, or of
76 modifications or alterations of the farm equipment not
77 authorized by the manufacturer.

78 (f) This chapter may not be construed to limit or impair
79 the rights or remedies which are otherwise available to a
80 consumer under chapter 681.

81 (g) Any consumer who suffers a loss by reason of a
82 violation of this chapter may bring a civil action to enforce
83 such provision.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Health and Human Services, *Chair*
Appropriations
Community Affairs
Health Policy
Judiciary
Rules

SENATOR JAY TRUMBULL

2nd District

January 19, 2026

Re: SB 386

Dear Chair Passidomo,

I respectfully request Senate Bill 386, Farm Equipment, be placed on the agenda for the next meeting of the Rules Committee.

SB 386 updates and strengthens protections for Florida farmers and ranchers who purchase major farm equipment.

This bill defines farm equipment, establishes consumer rights to report nonconforming equipment, and requires manufacturers or agents to repair or replace defective equipment at no cost. In addition, it provides clarity through a "reasonable number of attempts" standard.

Farm equipment failures can disrupt operations, impose unplanned costs, and threaten productivity and rural economic stability. SB 386 protects farmers, promotes accountability, and strengthens Florida's agricultural economy.

I appreciate your time and consideration of this request. If you have any questions or concerns, please do not hesitate to contact my office at (850) 487-5002.

Thank you,

A handwritten signature in black ink, appearing to read "Jay Trumbull".

Senator Jay Trumbull
District 2

REPLY TO:

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

386

Bill Number or Topic

1/27/20

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name

Jim SPEATT

Phone

850-228-1296

Address

119 S. Monroe St

Email

Jim.emagala@strategiesllc.com

Street

TLH

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FLORIDA Forestry Association

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 624

INTRODUCER: Senators Yarborough and Harrell

SUBJECT: Batterers' Intervention Program Activities

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kennedy</u>	<u>Tuszynski</u>	<u>CF</u>	Favorable
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	<u>Kennedy</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 624 authorizes batterers' intervention programs to offer "supplemental faith-based activities" to participants. However, no participant may be required to participate in a faith-based activity while in the program. The "activities" are supplemental to the core curriculum and, although not stated in the bill, might involve homework, journaling, group discussion, or additional support groups.

Batterers' intervention programs are court-ordered programs designed to address the root causes of domestic violence and hold a batterer accountable for his or her actions. The program must last at least 29 weeks and include 24 weekly sessions. The Department of Children and Families is tasked with certifying and monitoring these programs. There are currently 80 certified programs operating in the state.

The program is funded by user fees paid by the batterers who attend the program; therefore, the bill does not appear to have a significant fiscal impact on state government.

The bill is effective July 1, 2026.

II. Present Situation:

Batterers' Intervention Programs

Overview

A batterers' intervention program (BIP) is designed to address and change the behavior of an individual who has committed acts of domestic violence. According to an agency analysis, as of January 2026, the Department of Children and Families (DCF) currently certifies 80 programs in

the state.¹ These programs aim to enhance accountability,² reduce recidivism, and promote the safety of victims of domestic violence. These goals are pursued by educating participants on the impact of their actions and teaching them non-violent conflict resolution strategies.³ Unlike anger management programs, BIPs focus on power and control dynamics that fuel abusive behaviors.⁴ Additionally, the program is funded by user fees paid by the batterers who attend the programs which allows the participants to take responsibility for their acts of violence.⁵

Program Curriculum vs. “Supplemental” Activities

While DCF reviews and certifies each BIP provider’s program curriculum for compliance with administrative rules, a provider may offer additional “supplemental” activities for participants. These voluntary activities might include journaling, group discussions, homework, meetings of support groups, or something similar. According to a recent agency legislative analysis, DCF currently allows program providers to include “supplemental” faith-based activities to participants; however, this faith-based content cannot be required as a mandatory part of the program’s curriculum.⁶

Sentencing

If an individual is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, the court must impose a minimum term of 1 year of probation and require the defendant to attend and complete a batterers' intervention program as a condition of probation.⁷ The statute allows a court to waive this requirement if the court states on the record why a batterers' intervention program might be inappropriate. Unless a court determines that the defendant who is placed on probation does not meet the qualifications for the batterers’ intervention program, the program must be imposed.⁸

State Law and Administrative Rules

In 1995, the Florida Legislature enacted requirements for BIPs, including a minimum duration of 29 weeks and a curriculum based on cognitive behavioral therapy models that focus on power and control dynamics in abusive relationships. The program was initially established within the

¹ Florida Department of Children and Families, House Bill 491, *2026 Agency Legislative Bill Analysis* (on file with the Senate Committee on Judiciary).

² The Florida Department of Children and Families, Child Welfare and Child Protection, <https://www.myflfamilies.com/services/abuse/domestic-violence/programs/child-welfare-child-protection> (last visited Jan. 13, 2026).

³ Rule 65H-2.017, F.A.C.; The Florida State Courts, *What Is the Difference Between Anger Management and a Certified Batterer Intervention Program (BIP)*, available at: <https://www.flcourts.gov/content/download/864671/file/Differences%20between%20AM%20and%20BIP.pdf> (June 2023).

⁴ The Florida Department of Children and Families, *Common Differences Between Anger Management and Batterer Intervention Programs*, <https://www.myflfamilies.com/sites/default/files/2025-04/Common%20Differences%20Between%20Anger%20Management%20and%20Batterer%20Intervention%20Programs.pdf> (Sept. 2000).

⁵ Section 741.325(1)(e), F.S.

⁶ Florida Department of Children and Families, Senate Bill 894, *2025 Agency Legislative Bill Analysis* (on file with the Committee on Judiciary). This 2025 analysis addressed a bill very similar to SB 624 (2026).

⁷ Section 741.281, F.S.

⁸ *Id.*

Department of Corrections.⁹ In 2001, the Legislature transferred the regulatory authority of the program to the Department of Children and Family Services and directed DCF to oversee certification and compliance.¹⁰ Accordingly, the state does not offer the programs; rather, the state contracts with private entities that offer programs. The role of DCF is to certify and regulate the providers.

In September 2022, DCF finalized an administrative rule that establishes program curriculum requirements for batterers' intervention programs. The rule states that "The program curriculum shall not include ... [f]aith-based ideology associated with a particular religion or denomination."¹¹

Program Criteria

Generally, BIP curricula must follow a cognitive behavioral therapy¹² or psychoeducational intervention model,¹³ addressing power and control dynamics and incorporate elements that include:¹⁴

- The batterer taking responsibility for the violence.
- Viewing intimate partner violence as a learned behavior.
- Healthy expression of feelings.
- Communication and listening skills.
- Negotiation and conflict resolution skills.
- The effects of domestic violence on children.

The program curriculum may not include:

- Couples, marriage or family therapy, or any manner of victim participation.
- Anger management techniques that identify anger as the cause of domestic violence.
- Theories or techniques that identify poor impulse control as the primary cause of the domestic violence.
- Fair fighting techniques.
- Faith-based ideology associated with a particular religion or denomination.

The 80 programs operating statewide are available to circuit courts and individuals who require services.¹⁵ Of these programs, there are several organizations that are faith-based, including the Salvation Army, Healing Hearts Ministry Outreach, Community Hands of Hope, and Free Spirit

⁹ Ch. 95-195, ss. 4, 16, and 17, Laws of Fla.

¹⁰ Section 741.327, F.S.; Ch. 2001-183, s. 1, Laws of Fla.

¹¹ Fla. Admin. Code R. 65H-2.017(2)(e).

¹² A cognitive behavioral therapy model is defined as a therapeutic intervention that has been demonstrated to be effective for a range of problems whereby participants can learn to change their own thinking, problematic emotions, and behavior. Fla. Admin. Code R. 65H-2.014(8).

¹³ A psychoeducational intervention model is defined as a psychotherapeutic intervention that uses a critical thinking program model and structured didactic interventions with batterers. Fla. Admin. Code R. 65H-2.014(23).

¹⁴ See generally Fla. Admin. Code R. 65H-2.017.

¹⁵ Florida Department of Children and Families, House Bill 491, *2026 Agency Legislative Bill Analysis*, (on file with the Committee on Judiciary).

Evangelistic Outreach Ministries.¹⁶ These faith-based programs are certified by DCF and provide BIP programs without providing integrated faith-based content.

First Amendment Free Exercise Challenge; Recent Litigation on BIP Administrative Rules

The Department’s BIP curriculum standard, which prohibits faith-based ideology associated with a particular religion or denomination, was recently challenged in federal court on First Amendment grounds.¹⁷ The challenge was brought by a minister and former BIP provider, whose credentials were not renewed as a BIP provider because his curriculum incorporated a faith-based view of domestic violence. The district court issued a summary judgment ruling in favor of the Department and the minister appealed. The Eleventh Circuit Court of Appeals weighed the minister’s free speech and free exercise rights against the Department’s government speech authority. In September 2025, the court upheld the Department’s rule.

The First Amendment to the United States Constitution contains the Establishment and Free Exercise Clauses. Together those clauses read:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; ... ”¹⁸

This language has been interpreted by the U.S. Supreme Court to mean that the “government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” Yet, “At the same time, a government entity has the right to speak for itself.”¹⁹ This has generally been interpreted to mean that the federal and state governments cannot create laws that establish the belief in a specific religion nor can they prohibit citizens from exercising their religious beliefs freely. While the Free Speech Clause prohibits the government from regulating private speech it does not regulate government speech.²⁰

The court concluded “that the curriculum and presentation of court-ordered BIPs are government speech,” and therefore, the minister could not “sustain a claim under the Free Speech or Free Exercise Clause of the First Amendment.”²¹

III. Effect of Proposed Changes:

SB 624 authorizes batterers’ intervention programs to offer voluntary “supplemental faith-based activities” to participants. However, no participant may be required to participate in a faith-based activity while in the program. The “activities” that are supplemental to the core curriculum, although not stated in the bill, might involve homework, journaling, group discussion, or additional support groups.

¹⁶The Florida Department of Children and Families, *Find a Local Batterers’ Intervention Program*, available at: <https://www.myflfamilies.com/services/abuse/domestic-violence/resources/find-local-batterers-intervention-program> (last visited Jan. 15, 2026).

¹⁷ *Nussbaumer v. Secretary, Florida Department of Children and Families*, 150 F. 4th 1371 (11th Cir. 2025).

¹⁸ U.S. CONST. amend. I.

¹⁹ *Nussbaumer* at 1377 (quoting *Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972) and *Pleasant Grove City v. Summum*, 555 U.S. 460, 467 (2009)).

²⁰ *Id.* at 1377.

²¹ *Id.* at 1381.

These changes allow participants the option of participating in programs that offer faith-based activities and content. However, while the language allows supplemental faith-based activities, it clearly prevents the programs from *requiring* participation in any offered supplemental faith-based activities as a condition of completing the batterers' intervention program.

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 identified.

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 amends s. 741.325 of 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.

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

By Senator Yarborough

4-00826-26

2026624__

1 A bill to be entitled
2 An act relating to batterers' intervention program
3 activities; amending s. 741.325, F.S.; authorizing
4 batterers' intervention programs to offer supplemental
5 faith-based activities; prohibiting required
6 participation in such activities; providing an
7 effective date.

8

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

10

11 Section 1. Present subsection (2) of section 741.325,
12 Florida Statutes, is redesignated as subsection (3), and a new
13 subsection (2) is added to that section, to read:

14 741.325 Requirements for batterers' intervention programs.-

15 (2) A batterers' intervention program may offer

16 supplemental faith-based activities to participants.

17 Participation in such activities may not be required as part of
18 the program.

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 20, 2026

I respectfully request that **Senate Bill #624**, relating to Battersers' Intervention Program Activities, be placed on the:

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

A handwritten signature in blue ink that reads "Clay Yarborough".

Senator Clay Yarborough
Florida Senate, District 4

The Florida Senate

APPEARANCE RECORD

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

1-27-26

Meeting Date

624

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Beth Gearhart

Phone 352-603-2629

Address 15312 Sting Ave

Email just4craft@gmail.com

Street

Groveland FL 34736

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

1/27/26

The Florida Senate
APPEARANCE RECORD

624

Meeting Date

Rules

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Kevin Drinka

Phone

352-801-1256

Address

627 S. Main Ave.

Email

kevindrinka@yahoo.com

Street

Groveland, FL 34736

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

624

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

John Labriola

Phone

954-515-2084

Address

PO Box 650216

Email

John.Labriola@cf florida.net

Street

Miami

City

FL

State

33265

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Christian Family Coalition Florida

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

SB 624

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address on file

Street

Email aaron.d@fffamily.org

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Family Voice

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 7000

INTRODUCER: Governmental Oversight and Accountability Committee; and Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: OGSR/Persons Provided Public Emergency Shelter

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Bellamy</u>	<u>Proctor</u>		MS Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2.	<u>Bellamy</u>	<u>Kruse</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7000 saves from repeal the current public records exemption that exempts from public records inspections and copying requirements the address and telephone number of a person provided public emergency shelter during a storm or catastrophic event and held by an agency that provided such shelter.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the exempt status of the information.

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

The bill takes effect upon becoming a law.

II. Present Situation:

Florida Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business

¹ FLA. CONST. art. I, s. 24(a).

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.²

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.³ For instance, legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.⁵

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

[a]ll 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 which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated

² *Id.*; see *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Chapter 119, F.S., does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32, 36-37 (Fla. 1992) (providing that ch. 119, F.S., does not apply to legislative records); *Times Pub. Co. v. Ake*, 660 So. 2d 255, 255 (Fla. 1995) (providing the same but for judicial records).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act and confidential.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable public purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ 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.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully 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.²⁵ 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 sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

General exemptions from the public records requirements are typically contained in the Public Records Act.²⁷ Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.²⁸

Florida Division of Emergency Management

The Florida Division of Emergency Management (DEM) is established within the Executive Office of the Governor.²⁹ The director of the DEM is appointed by and serves at the pleasure of the Governor.³⁰ The primary role of the DEM is to manage and respond to disasters by coordinating with the Federal Government and political subdivisions of the state.³¹ These disasters include, but are not limited to, hurricanes, floods, and radiological emergencies, such as those arising from nuclear power.³² The main body of law which governs emergency management responsibilities, requirements, funding, and authority is the State Emergency Management Act, ss. 252.31-252.60, F.S.³³

Public Shelters

The State Emergency Management Act specifies that the DEM is responsible for maintaining a comprehensive statewide program of emergency management.³⁴ As part of this responsibility,

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S.

²⁵ FLA. CONST. art. I, s. 24(c). *See generally* s. 119.15, F.S. (providing that an exemption “may be created, revised, or maintained only if it serves an identifiable public purpose, and the exemption may be no broader than is necessary to meet the public purpose it serves”).

²⁶ Section 119.15(7), F.S.

²⁷ *See, e.g.*, s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure).

²⁸ *See, e.g.*, s. 213.053(2), F.S. (exempting from public disclosure information received by the DOR, including investigative reports and information).

²⁹ Section 14.2016, F.S.

³⁰ *Id.*

³¹ *Id.*

³² Section 252.35(2), F.S. (providing that the DEM is responsible for emergency management for natural disasters and public health emergencies); s. 252.34, F.S. (providing the definitions for emergency management, natural emergency, and public health emergency); s. 252.60(4), F.S. (providing DEM’s duties in response to radiological emergencies).

³³ *See* s. 252.31 (providing short title).

³⁴ Section 252.35, F.S.

the DEM must prepare a state comprehensive emergency management plan (CEMP) that is integrated into and coordinated with the emergency management plans and programs of the Federal Government.³⁵ The CEMP must include an evacuation component, a shelter component, and a post disaster response and recovery component.³⁶ As part of the shelter component, the CEMP includes the Statewide Emergency Shelter Plan.³⁷ The CEMP must also contain other provisions addressing specific aspects of emergency management outlined in statute.³⁸ The CEMP must be submitted to the President of the Senate, the Speaker of the House, and the Governor on February 1 of every even numbered year.³⁹

County governments have the duty of evacuating and sheltering the public during a declared local or state emergency.⁴⁰ The State Emergency Management Act requires each county in the state to create a local emergency management agency.⁴¹ Local emergency management agencies must develop a county emergency management plan that contains shelter provisions and is coordinated and consistent with the CEMP.⁴² Each local emergency management agency has jurisdiction over and serves the entire county; however, adjoining counties may enter into interjurisdictional emergency management agreements delineated by the Governor through executive order or rule.⁴³

There are two types of emergency shelters open to the public during a declared local or state emergency: general population shelters⁴⁴ and special needs shelters.⁴⁵

During a declared local or state emergency, and at the request of the director of a local emergency management agency, district school boards must provide access to their facilities if the use of the facilities is consistent with the county emergency management plan and program.⁴⁶ These facilities are the primary source of public evacuation shelters.⁴⁷

Additionally, as part of its statewide emergency shelter plan, the DEM administers a program to survey schools, universities, community colleges, state and local government-owned buildings (excluding hospitals, hospice care facilities, assisted living facilities, and nursing homes), and private facilities with written consent of the owner, to identify appropriately designed and located spaces to serve as hurricane evacuation shelters.⁴⁸ During a local or state emergency,

³⁵ Section 252.35(2), F.S.

³⁶ *Id.*

³⁷ Division of Emergency Management, *2024 Statewide Evacuation Shelter Plan*, available at https://www.floridadisaster.org/globalassets/final_statewide-emergency-shelter-plan_2024.pdf (last visited Aug. 19, 2025).

³⁸ Section 252.34(2)(a), F.S.

³⁹ *Id.*

⁴⁰ Section 252.38, F.S.

⁴¹ Section 252.38 (a), F.S.

⁴² *Id.*

⁴³ Section 252.38(3)(b), F.S.

⁴⁴ Section 252.385, F.S.

⁴⁵ Section 252.355, F.S.

⁴⁶ Section 252.38(1)(d), F.S.

⁴⁷ Division of Emergency Management, *2024 Statewide Evacuation Shelter Plan*, available at https://www.floridadisaster.org/globalassets/final_statewide-emergency-shelter-plan_2024.pdf (last visited Aug. 19, 2025).

⁴⁸ Section 252.385(2)(a), F.S.

spaces suitable as hurricane evacuation shelters shall be made available at the request of local emergency management agencies.⁴⁹

Generally, special needs shelters are available for people who meet the definition of special needs under the Florida Administrative Code⁵⁰ and require care that exceeds basic first aid provided at general population shelters.⁵¹ The DEM, in coordination with local emergency management agencies, is required to maintain a registry of people with special needs in the jurisdiction of such local emergency management agencies.

Public Records Exemption Relating to Emergency Shelters

State law does not require local emergency management agencies to collect information about a person who is provided general population or special needs public shelter during an emergency, however, nothing in law prevents the collection of this information. If available, local emergency management agencies must provide a complete special needs shelter roster to local law enforcement agencies upon request.⁵² All records, data, information, correspondence, and communications relating to the registration of people with special needs are confidential and exempt from public records disclosure requirements under the public records exemption in s. 252.355(5), F.S.

In 2021, s. 252.385(5), F.S., was enacted to exempt from public records inspection and copying requirements the address and telephone number of a person provided public shelter during a storm or catastrophic event:

The address and telephone number of a person provided public emergency shelter during a storm or catastrophic event and held by the agency, as defined in s. 119.011, that provided the emergency shelter is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.⁵³

If a local emergency management agency's county emergency management plan requires shelters to collect information from a person who is provided general population public shelter during a storm or catastrophic event, current law exempts the address and telephone number from public inspection and copying.

The public record exemption in s. 252.385(5), F.S. is set to be repealed on October 2, 2026, unless saved from repeal through reenactment by the Legislature.

⁴⁹ Section 252.385(4)(a), F.S.

⁵⁰ Florida Administrative Code R. 64-3.015 (2016) defines "person with special needs" to mean someone, who during periods of evacuation or emergency, requires sheltering assistance, due to physical impairment, mental impairment, cognitive impairment, or sensory disabilities.

⁵¹ Division of Emergency Management, *Important Shelter Information*, available at <https://www.floridadisaster.org/planprep/are/disability/evacuations-and-shelters/shelter-information/> (last visited Aug. 19, 2025).

⁵² Section 252.355(5), F.S.

⁵³ *Id.*

Open Government Sunset Review of the Public Records Exemption for Public Emergency Shelter Information

During the 2025 interim, Senate and House committee staff surveyed counties and their local emergency management agencies concerning the public record exemption in s. 252.385(5), F.S. These surveys were provided to each of the 67 counties of the State.⁵⁴

Staff received a total of 18 local emergency management agency responses. Of the 16 responses that provided feedback regarding the exemption in s. 252.385(5), F.S., 14 recommended that the Legislature reenact the public record exemptions “as is” without any changes. Additionally, of the 18 responses, 16 local emergency management agencies indicated they collect the names, addresses, or both, of a person who is provided public emergency shelter.⁵⁵

Public Record Exemption Findings

Legislative staff requested that the local emergency management agencies review the use of the public record exemption in s. 252.385(5), F.S. The responses did not report any issue interpreting or applying the exemption, and noted that the exemption was used, in particular, to protect records that could harm the safety of a vulnerable person provided public shelter during a storm or catastrophic event.⁵⁶

III. Effect of Proposed Changes:

The bill removes the scheduled repeal of the public records exemption for the address and telephone number of a person provided public shelter during a storm or catastrophic event and held by the agency that provided such shelter. This maintains the exempt status of such information.

The bill provides the act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

⁵⁴ Email sent from Rachel Walker, Policy Analyst, House Government Operations Subcommittee to local emergency managements agencies (September 26, 2025) (on file with Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

⁵⁵ Most local emergency management agencies collected names and addresses on a voluntary basis. A few require a name or address, as well as an ID to enter a public shelter located at a school.

⁵⁶ Emails sent from local emergency management agencies to Jon Bellamy, Legislative Analyst, Senate Military and Veterans Affairs, Space, and Domestic Security Committee (on file with Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. The bill continues a current public records exemption beyond its current date of repeal. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records copying and inspection requirements to state with specificity the public necessity justifying the exemption. The bill does not create or expand an exemption, and thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemption in the bill does not appear to be broader than necessary to accomplish the purpose of the law. The bill provides the specific information that would be made exempt to prevent the release of information that may jeopardize the safety of a vulnerable person provided public shelter during a storm or catastrophic event.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. **Government Sector Impact:**

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

The bill substantially amends section 252.385(5) of the Florida Statutes.

IX. Additional Information:

A. **Committee Substitute – Statement of Substantial Changes:**

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

CS by Governmental Oversight and Accountability on January 12, 2026:

Changes the effective date of the bill from October 1, 2026, to “upon becoming a law.”

B. **Amendments:**

None.

By the Committees on Governmental Oversight and Accountability;
and Military and Veterans Affairs, Space, and Domestic Security

585-01888-26

20267000c1

1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 252.385, F.S., which
4 provides an exemption from public records requirements
5 for the addresses and telephone numbers of persons
6 provided public emergency shelter and held by the
7 agency that provided the emergency shelter; deleting
8 the scheduled repeal of the exemption; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (5) of section 252.385, Florida
14 Statutes, is amended to read:

15 252.385 Public shelter space; public records exemption.—

16 (5) The address and telephone number of a person provided
17 public emergency shelter during a storm or catastrophic event
18 and held by the agency, as defined in s. 119.011, that provided
19 the emergency shelter is exempt from s. 119.07(1) and s. 24(a),
20 Art. I of the State Constitution. ~~This subsection is subject to~~
21 ~~the Open Government Sunset Review Act in accordance with s.~~
22 ~~119.15 and shall stand repealed on October 2, 2026, unless~~
23 ~~reviewed and saved from repeal through reenactment by the~~
24 ~~Legislature.~~

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 7002

INTRODUCER: Governmental Oversight and Accountability Committee; and Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: OGSR/Department of Military Affairs/United States Department of Defense

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Bellamy</u>	<u>Proctor</u>		MS Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2.	<u>Bellamy</u>	<u>Kruse</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7002 delays the repeal date from October 2, 2026, to October 2, 2031, for the current public records exemption relating to records held by the Department of Military Affairs (DMA) which:

- Are stored in a United States Department of Defense (DoD) system of records;
- Are transmitted using a DoD network or communications device; or
- Pertains to the DoD, pursuant to 10 U.S.C. s. 394.¹

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves the exemption from repeal by delaying the scheduled repeal date, thereby maintaining the exempt status of the information until October 2, 2031.

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

The bill takes effect upon becoming a law.

¹ Federal law 10 U.S.C. s. 394(a), which addresses military cybersecurity operations, provides for the Secretary of Defense to develop, prepare, and coordinate; make ready all armed forces for purposes of; and, when appropriately authorized to do so, conduct, military cyber activities or operations in cyberspace, including clandestine military activities or operations in cyberspace.

II. Present Situation:

Florida Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.² This 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.³

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.⁴ For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁵ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.⁶

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

[a]ll 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 which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

² FLA. CONST. art. I, s. 24(a).

³ *Id.*; see also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

⁴ Chapter 119, F.S., does not apply to legislative or judicial records. See, *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁵ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁶ Section 119.01(1), F.S.

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

Only the Legislature may create an exemption to public records requirements.¹⁰ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹¹ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹² and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act and confidential.¹⁴ 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.¹⁵ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁶

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁷ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁸ public records or open meetings exemptions, with specified exceptions.¹⁹ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.²⁰ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²¹ An exemption serves an identifiable public purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;²²

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id.*

¹² The bill may, however, contain multiple exemptions that relate to one subject.

¹³ FLA. CONST. art. I, s. 24(c).

¹⁴ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁵ *Id.*

¹⁶ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁷ Section 119.15, F.S.

¹⁸ 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.

¹⁹ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²⁰ Section 119.15(3), F.S.

²¹ Section 119.15(6)(b), F.S.

²² Section 119.15(6)(b)1., F.S.

- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²³ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²⁴

The Act also requires specified questions to be considered during the review process.²⁵ In examining an exemption, the Act directs the Legislature to carefully 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.²⁶ 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 sunset, the previously exempt records will remain exempt unless provided for by law.²⁷

General exemptions from the public records requirements are typically contained in the Public Records Act.²⁸ Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.²⁹

Federal System of Records

The Freedom of Information Act

The Freedom of Information Act (FOIA)³⁰ primarily governs the public's access to federal agency records. Under FOIA, an agency must promptly provide copies of government records to the public upon receiving a request.³¹ The request for such records must reasonably describe the records and be made in accordance with the agency's established procedural rules for the request.³² Federal agencies are exempt from disclosing records that are categorized into one of the following nine exemptions:

- Information authorized by executive order to be considered secret for national security or defense purposes.
- Related solely to internal personnel rules and practices of an agency.
- Information exempted by another federal statute.
- Trade secrets or financial information obtained from a person and privileged or confidential.

²³ Section 119.15(6)(b)2., F.S.

²⁴ Section 119.15(6)(b)3., F.S.

²⁵ Section 119.15(6)(a), F.S.

²⁶ FLA. CONST. art. I, s. 24(c). *See generally* s. 119.15, F.S.

²⁷ Section 119.15(7), F.S.

²⁸ *See, e.g.*, s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure).

²⁹ *See, e.g.*, s. 213.053(2), F.S. (exempting from public disclosure information received by the DOR, including investigative reports and information).

³⁰ 5 U.S.C. s. 552.

³¹ 5 U.S.C. s. 552(a)(3)(A).

³² 5 U.S.C. s. 552(a)(3)(A)(i) and (ii).

- Inter-agency or intra-agency communication that would not be available by law to a party other than an agency in litigation with the agency, provided the privilege shall not apply to records created 25 years or more before the date on which the records were requested.
- Personnel and medical files of an individual which would be an invasion of personal privacy.
- Certain information compiled by law enforcement.
- Information pertaining to examination, operating, or condition reports on behalf of or for the use of an agency responsible for regulation of financial institutions.
- Geological and geophysical information and data, including maps, concerning wells.³³

Information from a federal agency that is publicly available may be accessed by searching FOIA.gov.³⁴ If information is not available, an individual may submit a FOIA request to an agency's FOIA Office.³⁵

The Privacy Act of 1974 (Privacy Act)

The Privacy Act governs how personal identifying information held by federal agencies must be stored, may be accessed, and when the government may use or disclose such information.³⁶ A record is defined in the Privacy Act as

any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.³⁷

A federal agency that maintains a system of records³⁸ may not disclose such record without prior written consent of the individual or by written request of the individual to whom the record pertains.³⁹ There are 12 exemptions for certain records and system of records⁴⁰ and 12 exceptions to the written consent requirement.⁴¹ The Privacy Act authorizes disclosure in the following instances:

- To the officers and employees of the agency which maintains the record, who need the record in the performance of their duties;
- When the disclosure is made under the FOIA;
- For an established routine use;
- To the Census Bureau to carry out a census or survey;

³³ 5 U.S.C. s. 552(b).

³⁴ FOIA.gov, *Search Government Websites*, <https://www.foia.gov/search.html> (last visited Aug. 8, 2025).

³⁵ FOIA.gov, *How do I make a FOIA Request*, <https://www.foia.gov/how-to.html> (last visited Aug. 8, 2025).

³⁶ Meghan M. Stuessy, Congress.gov, *The Privacy Act of 1974: Overview and Issues for Congress*, CRS Report Number R47863, available at <https://www.congress.gov/crs-product/R47863> (last visited August 8, 2025).

³⁷ 5 U.S.C. s. 552a(a)(4).

³⁸ The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. 5 U.S.C. s. 552a(a)(5).

³⁹ 5 U.S.C. s. 552a(b).

⁴⁰ 5 U.S.C. s. 552a(d)(5), (j), and (k).

⁴¹ 5 U.S.C. s.552a(b).

- For statistical research or reporting without release of individually identifying data, provided that adequate notice is given;
- To the National Archives and Records Administration as a record of historical value;
- To another agency or an instrumentality of the government for a civil or criminal law enforcement activity;
- To an individual under a compelling circumstance affecting health or safety, and the person whose health or safety is affected is sent a notification of the disclosure;
- To either House of Congress, or one of its committees or subcommittees;
- To the Comptroller General in the course of duties of the General Accountability Office;
- Pursuant to the order of a court of competent jurisdiction; or
- To a consumer reporting agency.⁴²

Florida Department of Military Affairs (DMA)

The DMA is a state agency created under ch. 250, F.S.⁴³ The DMA provides management oversight and administrative support to the Florida National Guard (FNG).⁴⁴ The head of the DMA is the Adjutant General.⁴⁵ The Adjutant General must be a federally-recognized officer of the FNG, have served in the FNG for five of the last ten years, have attained the rank of colonel or higher, and be appointed by the Governor subject to Senate confirmation.⁴⁶

As Commander in Chief,⁴⁷ the Governor may order the FNG to active state duty in order to preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, respond to an emergency, or respond to any need for emergency aid to civil authorities.⁴⁸ The FNG may also be activated by the Federal government.⁴⁹

Employees of the DMA, as part of their state government duties, use the U.S. Department of Defense information network (DoDIN). DoDIN is the DoD's "end-to-end set of electronic information capabilities and associated processes for collecting, processing, storing, disseminating, and managing digital information on-demand to warfighters, policy makers, and support personnel, including owned and leased communications and computing systems and services, software (including applications), data, security services, and other associated services, and National Security Systems."⁵⁰

⁴² United States Department of Legal Affairs, *Privacy Reminders, Privacy Act "Exceptions"*, available at https://www.dla.mil/Portals/104/Documents/GeneralCounsel/FOIA/PrivacyReminders/FOIA_Reminder12.pdf?ver=pmD36CFRR8zarytVh_aWCg%3d%3d (last visited Oct. 2, 2025).

⁴³ Section 250.05, F.S.

⁴⁴ Department of Military Affairs, *The Florida Department of Military Affairs*, available at <https://dma.myflorida.com/> (last visited Aug. 8, 2025).

⁴⁵ Section 250.05(3), F.S.

⁴⁶ Section 250.10(1), F.S.

⁴⁷ Section 250.06, F.S.

⁴⁸ Section 250.05(4), F.S.

⁴⁹ 10 U.S.C. s. 12406.

⁵⁰ Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, *10 USC § 130e Decisions*, Department of Defense Information Network; October 19, 2018, PDF, available at https://pclt.defense.gov/Portals/140/FOIA/FOIA_Resources/10-19-2018_Determination.pdf (last visited Aug. 8, 2025).

In 2018, the DoD determined information regarding the architecture, engineering, and cybersecurity assessments of DoDIN system was exempt from public disclosure.⁵¹

Public Records related to the Florida Department of Military Affairs

Federal versus State Exemptions

Although portion of the DoDIN information is exempt pursuant to the FOIA, the FOIA does not apply to State agencies.⁵² Without a state exemption from public records disclosure requirements, the DMA employees that use the DoDIN may create a state agency record that is not exempt from public record disclosure pursuant to ch. 119, F.S. These records include information on military missions, units, deployments, troop concentrations, rules on the use of force, highly deployable units, and personal identifying information of the FNG servicemembers and the DoD employees.⁵³ The public necessity statement of the exemption created in s. 119.0712(4), F.S., stated that the dissemination of these records could pose a national security risk or harm the safety of the FNG servicemembers.⁵⁴

Department of Military Affairs Public Record Exemption

In 2021, CS/CS/CS/HB 1069, was passed and signed into law.⁵⁵ This public record exemption created s. 119.0712(4), F.S., and aligned Florida law with the FOIA and the Privacy Act. This makes records held by the DMA exempt from public records inspection and copying requirements which:

- Are stored in a DoD system of records;
- Are transmitted using a DoD network or communication device; or
- Pertain to the military cybersecurity operations law 10 U.S.C. s. 394.⁵⁶

Any information not made exempt by s. 119.0712(4), F.S., may be disclosed only after the DMA makes redactions in accordance with federal and state law.⁵⁷ The public may still access records pertaining to the DoD by using the FOIA submission process.

The public record exemption is set to be repealed on October 2, 2026, unless saved from repeal by the Legislature.

⁵¹ The exemption from public disclosure was based on exemption 3 of FOIA, which incorporates into the FOIA certain nondisclosure provisions that are contained in other federal statutes, because the information is exempted from public disclosure by 10 U.S.C. s. 130e. *Id.*; see Dep't of Justice, *Exemption 3*, in DEPARTMENT OF JUSTICE GUIDE TO THE FREEDOM OF INFORMATION ACT (Dec. 30, 2024), available at https://www.justice.gov/oip/foia-guide/exemption_3/dl (last visited Jan. 7, 2025) (explaining exemption 3 of FOIA).

⁵² *Wallace v. Guzman*, 687 So.2d 1351, 1353 (Fla. 3d DCA 1997); see also *Hous. Auth. of Daytona Beach v. Gomillion*, 639 So.2d 117, 118 (Fla. 5th DCA 1994).

⁵³ Department of Military Affairs, *2021 Agency Legislative Bill Analysis* (Jan. 21, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁵⁴ *Id.*

⁵⁵ Section 119.0712(4), F.S.; ch. 2021-86, s. 1 Laws of Fla.

⁵⁶ *Id.*

⁵⁷ Section 119.0712(4), F.S.

Open Government Sunset Review of the Public Records Exemption For the DoD Information Held by the DMA

During the 2025 interim, Senate and House staff jointly met with the DMA to review the public records exemption in s 119.0712(4), F.S.

Public Record Exemption Findings

The DMA did not report any issue interpreting or applying the exemption and noted that the exemption was used to protect records that could pose a national security risk or harm the safety of the FNG servicemembers.

Since December of 2022, the DMA has received 58 public records requests, 12 of which, in whole or part, were exempt from public records disclosure requirements pursuant to s. 119.0712(4), F.S. The DMA's preference is to preserve the current language of the exemption and to remove the sunset provision.⁵⁸

III. Effect of Proposed Changes:

CS/SB 7002 continues a public records exemption which is otherwise scheduled to be repealed on October 2, 2026, by delaying the scheduled repeal until October 2, 2031. The public records exemption applies to information held by the DMA that is stored in a DoD system of records, transmitted using a DoD network or communications device; or pertains to the DoD, pursuant to 10 U.S.C. s. 394.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

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 continues a current public records exemption beyond its current date of repeal. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

⁵⁸ Email from Colonel Jason Hunt, Commander, 83rd Troop Command, Florida National Guard, to Tim Proctor, Staff Director, Senate Committee on Military and Veterans Affairs, Space, and Domestic Security. (September 20, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. The bill does not create or expand an exemption and thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law.

The Open Government Sunset Review Act, in pertinent part, requires the review to consider (a) what specific records are affected by the exemption and (b) what is the identifiable public purpose or goal of the exemption.⁵⁹ The Act further allows an exemption to be created, revised, or maintained only if it serves an identifiable public purpose, and the exemption is no broader than necessary to meet the public purpose it serves.⁶⁰

The “identifiable public purpose” for the public records disclosure exemption in this bill is noted in the public necessity statement contained in ch. 2021-86, s. 2, Laws of Fla. That statement provides:

The Legislature finds that it is a public necessity that information held by the Department of Military Affairs and stored in a United States Department of Defense system of records, transmitted using a United States Department of Defense network or communications device, or pertaining to the United States Department of Defense, pursuant to 10 U.S.C. s. 394, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The disclosure of such sensitive military information within these systems such as information on military missions, units, personnel, deployments, and troop concentration could adversely affect military members and national security. For this reason, it is necessary that such sensitive military information held by the Department of Military Affairs be protected from disclosure to the same degree that is required under federal law. Therefore, the Legislature finds that it is a public necessity that such information be made exempt from public record requirements and that such exemption be applied retroactively.

Based on this public necessity statement, it appears the intent of the Legislature is to protect sensitive military information, such as information on military missions, units,

⁵⁹ Section 119.15((6)(a)1. and 3., F.S.

⁶⁰ Section 119.15(6)(b), F.S.

personnel, deployments, and troop concentrations that could affect military members and national security.

The statutory language authorizing the exemption identifies the specific records affected. In this instance, the exemption applies to “information held by the Department of Military Affairs that is stored in a United States Department of Defense system of records, transmitted using a United States Department of Defense network or communication device, or pertaining to the United States Department of Defense, pursuant to 10 U.S.C. s. 394.” This statutory language appears to exempt any information, rather than sensitive military information only, stored in a DoD system of records or transmitted via a DoD computer or electronic device. As written, this public records exemption may be overbroad to meet the public purpose of protecting sensitive military information. If the DMA interprets the exemption to apply to sensitive military information only, the exemption may be applied consistently with the more narrowly-defined public purpose.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency’s review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

The bill substantially amends section 119.0172(4) of the Florida Statutes.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on January 12, 2026:

Delays the scheduled repeal date of the current public records exemption for certain information held by the Department of Military Affairs until October 2, 2031.

- B. **Amendments:**

None.

By the Committees on Governmental Oversight and Accountability;
and Military and Veterans Affairs, Space, and Domestic Security

585-01889-26

20267002c1

1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.0712, F.S., which
4 provides an exemption from public records requirements
5 for certain information held by the Department of
6 Military Affairs stored in a United States Department
7 of Defense system of records, transmitted using a
8 United States Department of Defense network or
9 communications device, or pertaining to the United
10 States Department of Defense; extending the scheduled
11 repeal date of the exemption; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (4) of section 119.0712, Florida
17 Statutes, is amended to read:

18 119.0712 Executive branch agency-specific exemptions from
19 inspection or copying of public records.—

20 (4) DEPARTMENT OF MILITARY AFFAIRS.—Information held by the
21 Department of Military Affairs that is stored in a United States
22 Department of Defense system of records, transmitted using a
23 United States Department of Defense network or communications
24 device, or pertaining to the United States Department of
25 Defense, pursuant to 10 U.S.C. s. 394, is exempt from s.
26 119.07(1) and s. 24(a), Art. I of the State Constitution. Any
27 information not made exempt by this subsection may be disclosed
28 only after the department makes any redactions in accordance
29 with applicable federal and state laws. This exemption applies

585-01889-26

20267002c1

30 to information made exempt by this subsection which is held by
31 the department before, on, or after the effective date of the
32 exemption. This subsection is subject to the Open Government
33 Sunset Review Act in accordance with s. 119.15 and shall stand
34 repealed on October 2, 2031 ~~2026~~, unless reviewed and saved from
35 repeal through reenactment by the Legislature.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 7004

INTRODUCER: Criminal Justice Committee

SUBJECT: OGSR/Conviction Integrity Unit Reinvestigation Information

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Cellon</u>	<u>Stokes</u>		CJ Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Cellon</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 7004 saves from repeal the current public records exemption that exempts from public records copying and inspection requirements the information or materials generated by a state attorney's conviction integrity unit while it is reinvestigating cases of previously convicted persons to review plausible claims of actual innocence.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reenacted by the Legislature. This bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the current exempt status of the information.

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

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This 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.²

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*; see *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency-or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ 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 subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²²

¹² FLA. CONST. art. I, s. 24(c).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ 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.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.²⁵

Agency Investigations

Section 119.071(2), F.S., contains general exemptions from the public records law for agency investigations. For purposes of ch. 119, F.S., the term “agency” means:

any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.²⁶

Public Records Exemption Under Review

In 2021, the Legislature created s. 119.071(2)(q), F.S., which made conviction integrity unit reinvestigation information exempt from s. 119.07(1), F.S., and article I, s. 24(a) of the State Constitution.

The information is exempt for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a criminal case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation.²⁷

In creating the exemption, the Legislature provided a public necessity statement articulating the following reasons for the exemption:

²³ 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?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Section 119.011(2), F.S.

²⁷ Section 119.071(2)(q)1.,2., F.S.

- Public release of conviction integrity unit reinvestigation information could result in the disclosure of sensitive information, such as the identity or location of an alternate suspect, a witness, or other evidence needed to exonerate a wrongfully convicted person, which could compromise the investigation of a wrongly convicted person's case.
- It is necessary to protect this information in order to encourage witnesses, who might otherwise be reluctant to come forward, to be forthcoming with evidence of a crime.
- It is in the interest of pursuing justice for persons who may have been wrongfully convicted that all conviction integrity unit reinvestigation information be protected until investigation of the claim of actual innocence is no longer capable of further investigation.
- The harm that may result from the release of such information outweighs any public benefit that may be derived from its disclosure, and that it is in the interest of the public to safeguard, preserve, and protect information relating to a claim of actual innocence by a person who may have been convicted of a crime that he or she did not commit.²⁸

The exemption of the information stands repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.²⁹

Conviction Integrity Review Units

A Conviction Integrity unit (sometimes referred to as a conviction integrity review (CIR) unit) is a unit established within a state attorney's office for the purpose of reviewing plausible claims of actual innocence.³⁰ In Florida, CIR units exist in state attorney offices in five of the twenty judicial circuits.³¹

All five of the CIR units have essentially the same procedures in place to begin an investigation. First, the CIR unit determines whether the case passes an initial screening. Some of the CIR units report that they rely upon an independent review panel of legal experts to work with the units to

²⁸ Chapter 2021-182, s. 2, Laws of Florida.

²⁹ Section 119.071(2)(q)1.2., F.S.

³⁰ Section 119.071(2)(q)1.a., F.S. For an example of how a CIR conducts and completes a review of a plausible claim of innocence, see the 2019 Case Report from a Fourth Judicial Circuit (Jacksonville) CIR investigation that resulted in the exoneration of two men, available at [cir_investigative_report_final_3-28-19_r.pdf](https://www.sao4th.com/about/programs-and-initiatives/conviction-integrity-review/). (last visited Oct. 9, 2025).

³¹ Office of the State Attorney for the Fourth Judicial Circuit, *Conviction Integrity Review*, available at <https://www.sao4th.com/about/programs-and-initiatives/conviction-integrity-review/>; Office of the State Attorney for the Ninth Judicial Circuit, *Conviction Integrity Policy*, available at <https://sao9.net/resources/conviction-integrity/>; Office of the State Attorney for the Thirteenth Circuit, *Conviction Review Unit*, available at <https://hillsboroughsao.gov/about/programs/>; Office of the State Attorney for the Fifteenth Judicial Circuit, *Conviction Review Unit*; available at <https://sa15.org/conviction-review-unit/>; Office of the State Attorney for the Seventeenth Circuit, *Conviction Review Unit*, available at <https://browardsao.com/conviction-review-unit/>. Additionally, two circuits have “hybrid” conviction review processes. In 2003, the Eleventh Circuit State Attorney’s Office created the Justice Project, an office initially formed to review claims of innocence based on DNA evidence. The office has expanded its scope to review all plausible claims of innocence. See Office of the State Attorney for the Eleventh Judicial Circuit, available at Our Work; Signature Programs; Justice Project. <https://miamisao.com/our-work/signature-programs/justice-project/>. Finally, the Eighth Judicial Circuit reports that no formal “unit” exists, but under certain circumstances, the office will review cases for concerns of actual innocence or unfair sentences. See Office of the State Attorney for the Eighth Judicial Circuit, survey on file with the Senate Criminal Justice Committee. (all sites last visited Oct. 9, 2025).

review and evaluate the cases under investigation. Ultimately, the CIR units require that the case present a plausible claim of innocence for the CIR investigation to take place.³²

The term “conviction integrity unit reinvestigation information” means information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case.³³ The term does not include:

- Information, materials, or records generated by a state attorney's office during an investigation done for the purpose of responding to motions made pursuant to Rule 3.800, Rule 3.850, or Rule 3.853, Florida Rules of Criminal Procedure, or any other collateral proceeding.
- Petitions by applicants to the conviction integrity unit.
- Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from s. 119.07(2)(q), F.S.³⁴

Conviction Integrity Review Units Survey Responses

To determine whether and to what degree the public records exemption under review is utilized by the existing CIR units, legislative staff surveyed the state’s 20 state attorneys.³⁵ The survey showed that there are five active CIR units in the state.³⁶

Number of Case Investigations

Since the public records exemption was created in 2021, the five circuits’ CIR units have initiated the following number of cases that passed the initial petition phase and moved to the investigative phase:

- Fourth Circuit CIR: Of the 108 case investigations initiated 31 were active at the time of the survey responses in August 2025.
- Ninth Circuit CIR: At the time of the survey, the CIR had 98 cases awaiting initial review and 44 cases in the active investigation stage.
- Thirteenth Circuit CIR: Of the 312 petitions for investigation received, approximately 21 investigations were undertaken. Three investigations are still active.

³² Office of the State Attorney for the Fourth Judicial Circuit, *Conviction Integrity Review*, available at <https://www.sao4th.com/about/programs-and-initiatives/conviction-integrity-review/>; Office of the State Attorney for the Ninth Judicial Circuit, *Conviction Integrity Policy*, available at <https://sao9.net/resources/conviction-integrity/>; Office of the State Attorney for the Thirteenth Circuit, *Conviction Review Unit*, available at <https://hillsboroughsao.gov/about/programs/>; Office of the State Attorney for the Fifteenth Judicial Circuit, *Conviction Review Unit*; available at <https://sa15.org/conviction-review-unit/>; Office of the State Attorney for the Seventeenth Circuit, *Conviction Review Unit*, available at <https://browardsao.com/conviction-review-unit/>.

³³ Section 119.071(2)(q)1.b., F.S.

³⁴ Section 119.071(2)(q)1.(I)-(III), F.S.

³⁵ All survey responses are available *on file with the Senate Criminal Justice Committee*.

³⁶ Office of the State Attorney for the Fourth Judicial Circuit, *Conviction Integrity Review*, available at <https://www.sao4th.com/about/programs-and-initiatives/conviction-integrity-review/>; Office of the State Attorney for the Ninth Judicial Circuit, *Conviction Integrity Policy*, available at <https://sao9.net/resources/conviction-integrity/>; Office of the State Attorney for the Thirteenth Circuit, *Conviction Review Unit*, available at <https://hillsboroughsao.gov/about/programs/>; Office of the State Attorney for the Fifteenth Judicial Circuit, *Conviction Review Unit*; available at <https://sa15.org/conviction-review-unit/>; Office of the State Attorney for the Seventeenth Circuit, *Conviction Review Unit*, available at <https://browardsao.com/conviction-review-unit/>. (all sites last visited October 9, 2025).

- Fifteenth Circuit CIR: With 37 investigations having been initiated since 2021, 18 are still open.
- Seventeenth Circuit CIR: The Seventeenth Circuit CIR reports that between September 2019 and July 2025, the CIR had 460 inquiries with 203 closed cases. The CIR also reports approximately 70 petitions were open in June 2025 in various stages of review. The response does not specify any active or closed investigations.³⁷

Public Requests for the Protected Information Under Review

The survey asked the CIR units the approximate number of public records requests received *per year* for the exempt information under review and the type of entity requesting the information. The CIR units responded as follows to survey questions:

- Fourth Circuit CIR: One request made by the media.
- Ninth Circuit CIR: One request made by an applicant for his or her case to be investigated by the CIR requested exempt information.
- Thirteenth Circuit CIR: Five requests made by media and individuals.
- Fifteenth Circuit CIR: Four requests made by media.
- Seventeenth Circuit CIR: Approximately one or two per year made by defendants, family and friends of defendants, and media.³⁸

All CIR units report that they have received no complaints about the public record exemption under review. Based on information in the survey responses, the five CIR units are in complete agreement that the status of the public record exemption should remain active beyond October 2, 2026, its current repeal date.³⁹

III. Effect of Proposed Changes:

The bill removes the scheduled repeal of the public records exemption created in s. 119.071(2)(q), F.S., for information and materials generated by a conviction integrity unit while it is reinvestigating cases of previously convicted persons to review plausible claims of actual innocence.

The bill maintains the exempt status of information and materials generated by a conviction integrity unit while it is reinvestigating a case as defined in s. 119.07(2)(q), F.S., by deleting the scheduled October 2, 2026, repeal date.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

³⁷ Responses from the five CIRs are available *on file with the Senate Criminal Justice Committee*.

³⁸ *Id.*

³⁹ *Id.*

have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption from the public records inspection and copying requirements. This bill does not expand an exemption; thus, the bill does not require a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption from the public records inspection and copying requirements to state with specificity the public necessity justifying the exemption. This bill does not expand an exemption; thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption from the public records inspection and copying requirements to be no broader than necessary to accomplish the stated purpose of the law. The release of the records protected from public records disclosure requirements could harm the integrity of an investigation if disclosed while the investigation is active. The exemptions in the bill, therefore, do not appear to be broader than necessary to accomplish the purposes of the laws.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

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 the Committee on Criminal Justice

591-01151-26

20267004__

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.071, F.S., which
4 provides an exemption from public records requirements
5 for certain conviction integrity unit reinvestigation
6 information; abrogating the scheduled repeal of the
7 exemption; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (q) of subsection (2) of section
12 119.071, Florida Statutes, is amended to read:

13 119.071 General exemptions from inspection or copying of
14 public records.—

15 (2) AGENCY INVESTIGATIONS.—

16 (q)1. As used in this paragraph, the term:

17 a. "Conviction integrity unit" means a unit within a state
18 attorney's office established for the purpose of reviewing
19 plausible claims of actual innocence.

20 b. "Conviction integrity unit reinvestigation information"
21 means information or materials generated during a new
22 investigation by a conviction integrity unit following the
23 unit's formal written acceptance of an applicant's case. The
24 term does not include:

25 (I) Information, materials, or records generated by a state
26 attorney's office during an investigation done for the purpose
27 of responding to motions made pursuant to Rule 3.800, Rule
28 3.850, or Rule 3.853, Florida Rules of Criminal Procedure, or
29 any other collateral proceeding.

591-01151-26

20267004__

30 (II) Petitions by applicants to the conviction integrity
31 unit.

32 (III) Criminal investigative information generated before
33 the commencement of a conviction integrity unit investigation
34 which is not otherwise exempt from this section.

35 2. Conviction integrity unit reinvestigation information is
36 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
37 Constitution for a reasonable period of time during an active,
38 ongoing, and good faith investigation of a claim of actual
39 innocence in a case that previously resulted in the conviction
40 of the accused person and until the claim is no longer capable
41 of further investigation. ~~This paragraph is subject to the Open
42 Government Sunset Review Act in accordance with s. 119.15 and
43 shall stand repealed on October 2, 2026, unless reviewed and
44 saved from repeal through reenactment by the Legislature.~~

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 7006

INTRODUCER: Regulated Industries Committee

SUBJECT: OGSR/Florida Public Service Commission

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Schrader</u>	<u>Imhof</u>		RI Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Schrader</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 7006 saves from repeal the current public meeting and records exemptions codified in s. 350.01(9), F.S., for portions of a hearing conducted by the Florida Public Service Commission (PSC) wherein proprietary confidential business information that is confidential or exempt from s. 119.07(1), F.S., pursuant to ss. 364.183, 366.093, 367.156, or 368.108, F.S., is discussed. Section 350.01(9), F.S., provides that such exempt portions of a meeting may not be off the record, and the exempt portions of such meetings must be recorded and transcribed. However, such recordings and transcripts are confidential and exempt from s. 119.07(1), F.S., and article I, s. 24(a) of the State Constitution.

The exemptions are required to allow the PSC to close portions of its meetings where confidential business information is discussed. These exemptions allow the PSC to continue its specialized role of fact-finding and making decisions in the public interest in utility regulatory matters where the primary aspects of a matter are so inextricably intertwined with confidential information, and the volume of that information was so substantial, that it would otherwise have to refer such matters to the Florida Division of Administrative Hearings in order to conduct a full and fair hearing. Such a circumstance would contrast with the PSC's practice of generally conducting all utility regulatory proceedings within its jurisdiction itself.

The Open Government Sunset Review Act requires the Legislature to review each public record and public meeting exemption five years after enactment. These exemptions are scheduled to repeal on October 2, 2026. The bill removes the scheduled repeals to continue the exempt status of the records and portions of the meetings.

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

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This 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.²

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.³ For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.⁵

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

[a]ll 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 which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*; see also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Chapter 119, F.S., does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

General exemptions from the public records requirements are typically contained in the Public Records Act.¹⁶ Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.¹⁷

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁸ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁹ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.²⁰

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ *See, e.g.*, s. 119.071(1)(a), F.S., exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure.

¹⁷ *See, e.g.*, s. 213.053(2), F.S., exempting from public disclosure information received by the Department of Revenue, including investigative reports and information.

¹⁸ FLA. CONST., art. I, s. 24(b).

¹⁹ *Id.*

²⁰ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law”²¹ or the “Sunshine Law,”²² requires all meetings of any board or commission of any state or local agency or authority at which official acts are taken be open to the public.²³ The board or commission must provide the public reasonable notice of such meetings.²⁴ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²⁵ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁶ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²⁷ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁸

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.²⁹ The exemption must explicitly lay out the public necessity justifying the exemption and be no broader than necessary to accomplish the stated purpose of the exemption.³⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.³¹

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.³² 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.³³ In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.³⁴

²¹ *Times Pub. Co. v. Williams*, 222 So.2d 470, 472 (Fla. 2d DCA 1969).

²² *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693, 695 (Fla. 1969).

²³ Section 286.011(1)-(2), F.S.

²⁴ *Id.*

²⁵ Section 286.011(6), F.S.

²⁶ Section 286.011(2), F.S.

²⁷ Section 286.011(1), F.S.

²⁸ Section 286.011(3), F.S.

²⁹ FLA. CONST., art. I, s. 24(c).

³⁰ *Id.*

³¹ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

³² Section 350.001, F.S.

³³ Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Nov. 14, 2025).

³⁴ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Nov. 14, 2025).

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid³⁵ and may order the addition or repair of infrastructure as necessary.³⁶ The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities³⁷ (defined as “public utilities” under ch. 366, F.S.).³⁸ 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.³⁹ 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. 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.⁴⁰ Florida also has 27 municipally-owned gas utilities and four special gas districts.⁴¹

Rural Electric Cooperatives in Florida

At present, Florida has 18 rural electric cooperatives, with 16 of these cooperatives being distribution cooperatives and two being generation and transmission cooperatives.⁴² These cooperatives operate in 57 of Florida’s 67 counties and have more than 2.7 million customers.⁴³ 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 mass. Each cooperative is governed by a board of cooperative members elected by the cooperative’s membership.⁴⁴

³⁵ Section 366.04(5) and (6), F.S.

³⁶ Section 366.05(1) and (8), F.S.

³⁷ Section 366.05, F.S.

³⁸ Section 366.02(8), F.S.

³⁹ Florida Public Service Commission, *About the PSC*, *supra* note 34.

⁴⁰ Florida Municipal Electric Association, *About Us*, <https://www.flpublicpower.com/about-us> (last visited Nov. 14, 2025).

⁴¹ 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> (last visited Dec. 16, 2025). A “special gas district” is a dependent or independent special district, setup pursuant to ch. 189, F.S., to provide natural gas service. 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.”

⁴² Florida Electric Cooperative Association, *Members*, <https://feca.com/members/> (last visited Nov. 14, 2025).

⁴³ Florida Electric Cooperative Association, *Our History*, <https://feca.com/our-history/> (last visited Nov. 14, 2025).

⁴⁴ *Id.*

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).⁴⁵ 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.⁴⁶

Electric IOU and gas IOU rates and revenues are regulated by the PSC and the utilities must file periodic earnings reports, which allow the PSC to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.⁴⁷ If a utility believes it is earning below a reasonable level, it can petition the PSC for a change in rates.⁴⁸

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.⁴⁹

Water and Wastewater Utilities

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, [F.S.] includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2024, the PSC had jurisdiction over 153 investor-owned water and/or wastewater utilities in 40 of Florida's 67 counties.⁵⁰

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation," and others.⁵¹ The PSC

⁴⁵ Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, *supra* note 41, at 4.

⁴⁶ *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.

⁴⁷ PSC, *2024 Annual Report*, p. 6, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2024.pdf> (last visited Nov. 11, 2025).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, *supra* note 41, at 4.

⁵¹ Section 367.022, F.S.

also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

Municipal Water and Sewer Utilities in Florida

A municipality⁵² may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.⁵³

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

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

PSC Public Records Exemptions

Section 350.121, F.S., protects from public records inspection and copying requirements records, documents, papers, maps, books, tapes, photographs, files, sound recordings, and other business material, regardless of form or characteristics obtained by the PSC through an inquiry. Much of this material is confidential and exempt from public disclosure pursuant to s. 119.07(1), F.S.

In addition, ss. 364.183, 366.093, 367.156, and 368.108, F.S., provide processes for communications services, public utilities, water and wastewater utilities, and gas transmission and distribution companies, respectively, to protect from public disclosure proprietary confidential business information provided pursuant to discovery in a PSC docket or proceeding. Such proprietary confidential business information is confidential and exempt from public disclosure pursuant to s. 119.07(1), F.S.

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,⁵⁴ with specified exceptions.⁵⁵ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment. To save an

⁵² Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."

⁵³ Section 180.02, F.S., *see also* s. 180.06, F.S.

⁵⁴ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered substantially amended if it is expanded to include more records or information or to include meetings.

⁵⁵ 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.

exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.⁵⁶ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.⁵⁷ 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 subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;⁵⁸
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;⁵⁹ or
- It protects trade or business secrets.⁶⁰

The act also requires specified questions to be considered during the review process.⁶¹ 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 again required.⁶² If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.⁶³

Closure of PSC Meetings

In addition to the above, in 2021, the Legislature created a public meeting exemption in s. 350.01(9), F.S., to protect those portions of a PSC meeting wherein proprietary confidential business information that is confidential or exempt from s. 119.07(1), pursuant to ss. 364.183, 366.093, 367.156, or 368.108, F.S., is discussed. The subsection provides that such exempt portions of a meeting may not be off the record, and the exempt portions of such meeting must

⁵⁶ Section 119.15(3), F.S.

⁵⁷ Section 119.15(6)(b), F.S.

⁵⁸ Section 119.15(6)(b)1., F.S.

⁵⁹ Section 119.15(6)(b)2., F.S.

⁶⁰ Section 119.15(6)(b)3., F.S.

⁶¹ 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?

⁶² FLA. CONST. art. I, s. 24(c).

⁶³ Section 119.15(7), F.S.

be recorded and transcribed. However, such recording and transcripts are confidential and exempt from s. 119.07(1), F.S., and article I, s. 24(a) of the State Constitution, unless a court of competent jurisdiction, after an in-camera review, determines that the hearing was not specifically restricted to the discussion of proprietary confidential business information made confidential and exempt pursuant to ss. 364.183, 366.093, 367.156, or 368.108, F.S. In which case, the previously protected portions of the meeting which revealed non-exempt information may be disclosed by the PSC.

Section 350.01(8), F.S., requires that, without exception, every meeting, workshop, hearing, or other proceeding which is attended by two or more PSC commissioners, and each such meeting, workshop, hearing, or other proceeding where a decision that concerns the rights or obligations of any person is made by the PSC, must be streamed live on the Internet. In addition, a recorded copy of the meeting, workshop, hearing, or proceeding must be available on the PSC's website.

This requirement, prior to the passage of the public meeting exemption under review here, presented difficulty for the PSC, and parties practicing before it, when confidential information must be discussed or argued during a PSC proceeding. According to the PSC, it "established practices and procedures that have allowed hearings to be conducted in a manner that complies with the Sunshine Law and protects confidential information from disclosure."⁶⁴ For most such hearings "the confidential material has been a relatively minor portion of any particular issue, and the parties have worked around public disclosure by stipulating to certain matters and keeping discussions of confidential matters... minimal and without mention of critical details."⁶⁵ However, prior to the enactment of s. 350.01(9), F.S., the PSC was faced with a proceeding "where fact-finding on one or more issues was so inextricably intertwined with confidential information, and the volume of that information was so substantial, that it could not afford the parties a full and fair hearing in the public and also protect the sensitive confidential information." In order to properly conduct the proceeding, the PSC had to refer the docket to Florida's Division of Administrative Hearings (DOAH) since Florida's Sunshine Law did not apply at DOAH and the proceeding could be closed to the public.⁶⁶ This was a departure from the PSC's usual process where it generally conducts its own proceedings using its "specialized knowledge and expertise" as a fact finder.⁶⁷

By referring the matter to DOAH, the PSC had to give up its typical role as a fact-finder, as the DOAH administrative law judge (ALJ) becomes the fact-finder with the "sole authority to weigh the evidence and credibility of witnesses,"⁶⁸ instead of the PSC. The PSC's role is reduced to considering a Recommended Order issued by the ALJ with limited ability to revise the factual findings of the ALJ.⁶⁹ This prevented the PSC from relying upon its typical role as an arm of the

⁶⁴ Public Service Commission Response to Open Government Sunset Review Questionnaire Regarding Section 350.01(9), F.S., Aug. 4, 2025 (on file with the Regulated Industries Committee).

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Citizens of State v. Fay*, 396 So. 3d 549, 554–55 (Fla. 2024).

⁶⁸ Public Service Commission Response to Open Government Sunset Review Questionnaire Regarding Section 350.01(9), F.S., *supra* note 64, and *see* ss. 120.569 and 120.57, F.S.

⁶⁹ Public Service Commission Response to Open Government Sunset Review Questionnaire Regarding Section 350.01(9), F.S., *supra* note 64, and s. 120.57(1)(l), F.S., which states, in part, that an agency may not reject or modify an ALJ's finding of fact in a recommended order unless it finds "that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law."

legislative branch⁷⁰ with a broad grant of legislative authority over regulated utilities and limited the PSC from fully utilizing its considerable and specialized expertise in utility regulation and to make decisions in the public interest.⁷¹

Open Government Sunset Review Findings and Recommendations

The staff of the Senate Committee on Regulated Industries and the House of Representatives Ethics, Elections & Open Government Subcommittee⁷² jointly developed a survey requesting that the Florida Public Service Commission provide feedback on the public meeting and records exception in s. 350.01(9), F.S.

In addition, the Senate Committee on Regulated Industries staff sent additional surveys to Florida's Office of Public Counsel and selected representatives from Florida's public electric and gas utility and water and wastewater utility industries.

Staff of the Senate Committee on Regulated Industries received a total of seven responses to this survey. All these responses indicated that the exemption should be reenacted "as is."

III. Effect of Proposed Changes:

Section 1 amends s. 350.01(9), F.S. to remove the scheduled repeal date—which is October 2, 2026—of the current public meeting and records exemptions for portions of a hearing conducted by the Florida Public Service Commission (PSC) wherein proprietary confidential business information that is confidential or exempt from s. 119.07(1), pursuant to ss. 364.183, 366.093, 367.156, or 368.108, F.S., as discussed. The subsection provides that such exempt portions of a meeting may not be off the record and the exempt portions of such meeting must be recorded and transcribed. However, such recordings and transcripts are confidential and exempt from s. 119.07(1), F.S., and article I, s. 24(a) of the Constitution. The amendment would thereby continue this public meeting and record exemption.

Section 2 provides that the bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

⁷⁰ Section 350.001, F.S.

⁷¹ See *Floridians Against Increased Rates, Inc. v. Clark*, 371 So. 3d 905, 910 (Fla. 2023), *Citizens of State v. Pub. Serv. Com'n*, 425 So. 2d 534, 540 (Fla. 1982), *Gulf Coast Elec. Co-op., Inc. v. Johnson*, 727 So. 2d 259, 262 (Fla. 1999), and *Floridians Against Increased Rates, Inc. v. Clark*, 371 So. 3d 905, 910 (Fla. 2023), for examples of such authority and citations to the PSC's expertise.

⁷² Renamed the Government Operations Subcommittee by House Rule 7.1(a)(8)a.

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records or public meetings requirements. This bill continues a current public records and public meetings exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues the current public records and public meetings exemptions without expansion and thus does not require a statement of public necessity.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption from the public records inspection and copying requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect regulated utilities' confidential business information from disclosure at PSC hearings. This bill exempts only those portions of records and meetings that contain relevant information and therefore does not appear to be broader than necessary to accomplish the purposes of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends s. 350.01(9), F.S. 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 the Committee on Regulated Industries

580-01170-26

20267006__

1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 350.01, F.S.; deleting
4 the scheduled repeal of an exemption from public
5 meeting requirements for portions of a hearing before
6 the Florida Public Service Commission wherein certain
7 proprietary confidential business information is
8 discussed; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (9) of section 350.01, Florida
13 Statutes, is amended to read:

14 350.01 Florida Public Service Commission; terms of
15 commissioners; vacancies; election and duties of chair; quorum;
16 proceedings; public records and public meetings exemptions.—

17 (9) Notwithstanding the provisions of subsection (8), those
18 portions of a hearing conducted by the commission wherein
19 proprietary confidential business information that is
20 confidential or exempt from s. 119.07(1), pursuant to s.
21 364.183, s. 366.093, s. 367.156, or s. 368.108, is discussed are
22 exempt from s. 286.011 and s. 24(b), Art. I of the State
23 Constitution. No exempt portion of a hearing may be off the
24 record, and all exempt portions shall be recorded and
25 transcribed. Such recordings and transcripts are confidential
26 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution, unless a court of competent jurisdiction, after an
28 in camera review, determines that the hearing was not restricted
29 to the discussion of proprietary confidential business

580-01170-26

20267006__

30 information made confidential and exempt pursuant to s. 364.183,
31 s. 366.093, s. 367.156, or s. 368.108. In the event of such a
32 judicial determination, only that portion of the recording and
33 transcript which reveals nonexempt information may be disclosed
34 to a third party. ~~This subsection is subject to the Open
35 Government Sunset Review Act in accordance with s. 119.15 and
36 shall stand repealed on October 2, 2026, unless reviewed and
37 saved from repeal through reenactment by the Legislature.~~

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

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

Rules

Committee

7006

Bill Number or Topic

Amendment Barcode (if applicable)

Name NR Hines

Phone

Address

Email NR @ floridarisings

Street

Tallahassee FL 32303

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Rising

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

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

S-001 (08/10/2021)

01/27/26

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 70096

Bill Number or Topic

Rules

Committee

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

Amendment Barcode (if applicable)

Name Amina Spahic

Phone _____

Address _____
Street

Email _____

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida For All

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 7008

INTRODUCER: Regulated Industries Committee

SUBJECT: OGSR/Florida Gaming Control Commission

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Baird</u>	<u>Imhof</u>		RI Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Baird</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 7008 saves from repeal the current public meeting and public records exemptions codified in s. 16.716, F.S., for portions of a meeting conducted by the Florida Gaming Commission wherein exempt or confidential and exempt that has been obtained by the Commission is discussed. Section 16.716, F.S., provides that those exempt portions of a meeting may not be off the record, and the exempt portions of such meetings must be recorded. However, any such recording, any minutes, and any records generated during the closed portion of the meeting are confidential and exempt from public inspection and copying requirements.

The exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves the exemptions from repeal by deleting the scheduled repeal date, thereby maintaining the exempt status of the portions of Commission meetings closed as a result of discussion of exempt or confidential and exempt information, as well as the confidential and exempt status of the recording, minutes, and records generated during closed portions of such meetings.

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

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business

¹ FLA. CONST. art. I, s. 24(a).

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.²

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.³ For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.⁵

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

[a]ll 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 which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated

² *Id.*; see, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Chapter 119, F.S., does not apply to legislative or judicial records. See, *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

General exemptions from the public records requirements are typically contained in the Public Records Act.¹⁶ Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.¹⁷

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁸ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁹ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.²⁰

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law”²¹ or the “Sunshine Law,”²² requires all meetings of any board or commission of any state or local agency or authority at which official acts are taken be open to the public.²³ The board or commission must provide the public reasonable notice of such meetings.²⁴ Public meetings may not be held at

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ *See, e.g.*, s. 119.071(1)(a), F.S., exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure.

¹⁷ *See, e.g.*, s. 213.053(2), F.S., exempting from public disclosure information received by the Department of Revenue, including investigative reports and information.

¹⁸ FLA. CONST., art. I, s. 24(b).

¹⁹ *Id.*

²⁰ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

²¹ *Times Pub. Co. v. Williams*, 222 So.2d 470, 472 (Fla. 2d DCA 1969).

²² *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693, 695 (Fla. 1969).

²³ Section 286.011(1)-(2), F.S.

²⁴ *Id.*

any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in a manner that unreasonably restricts the public's access to the facility.²⁵ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁶ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²⁷ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁸

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.²⁹ The exemption must explicitly lay out the public necessity justifying the exemption and be no broader than necessary to accomplish the stated purpose of the exemption.³⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.³¹

Florida Gaming Control Commission

In 2021, the Florida Legislature created the Florida Gaming Control Commission (FGCC) to regulate gaming activities throughout the state.³² The FGCC is a five-member independent regulatory body.³³

The FGCC is authorized to exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the federal Indian Gaming Regulatory Act, 24 U.S.C. s. 2701 et seq. and any other forms of gambling authorized by the State Constitution or law, excluding the Lottery games authorized by section 15 of Article X of the State Constitution and ch. 24, F.S.

The FGCC is housed within the Department of Legal Affairs but is a separate budget entity and serves as the agency head. It is not subject to the control, supervision, or direction of the Department of Legal Affairs or the Attorney General.³⁴

The FGCC is also authorized to:

²⁵ Section 286.011(6), F.S.

²⁶ Section 286.011(2), F.S.

²⁷ Section 286.011(1), F.S.

²⁸ Section 286.011(3), F.S.

²⁹ FLA. CONST., art. I, s. 24(c).

³⁰ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption.

³¹ *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption to save it.

³² Section 16.712, F.S.

³³ FGCC members are appointed by the Governor and subject to confirmation by the Senate for a 4 year term: One member must have at least 10 years of experience in law enforcement and criminal investigations, one must be a certified public accountant with at least 10 years of experience in accounting and auditing, and one must be an attorney admitted to the Florida Bar for at least the preceding 10 years. *See* s. 16.71(2), F.S.

³⁴ Section 16.71, F.S.

- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the FGCC's regulatory and executive functions.
- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S. (Slot Machines), or ch. 849, F.S. (Gambling).
- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage people from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency, information that is reported by sports governing bodies or other parties to the FGCC relating to:
 - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
 - Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing, suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
 - The use of data deemed unacceptable by the commission or the Seminole Tribal Gaming Commission.
- Provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that may warrant further investigation of nonproprietary information by such entities to ensure integrity of wagering activities in the state.
- Review any matter within the scope of the jurisdiction of the FGCC.
- Review the regulation of licensees, permitholders, or persons regulated by the FGCC and the procedures used by the FGCC to implement and enforce the law.
- Review the procedures of the FGCC which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S. (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S. (Slot Machines), or ch. 849, F.S. (Gambling), to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.

- Exercise all other powers and perform any other duties prescribed by the legislature, and
- Adopt rules to implement these provisions.

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,³⁵ with specified exceptions.³⁶ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.³⁷ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁸ 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 subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;³⁹
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;⁴⁰ or
- It protects trade or business secrets.⁴¹

The act also requires specified questions to be considered during the review process.⁴² In examining an exemption, the act directs the Legislature to question the purpose and necessity of reenacting the exemption.

³⁵ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is substantially amended if it is expanded to include more records or information or to include meetings.

³⁶ 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.

³⁷ Section 119.15(3), F.S.

³⁸ Section 119.15(6)(b), F.S.

³⁹ Section 119.15(6)(b)1., F.S.

⁴⁰ Section 119.15(6)(b)2., F.S.

⁴¹ Section 119.15(6)(b)3., F.S.

⁴² 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?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.⁴³ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.⁴⁴

Public Record and Meeting Exemption Under Review

In 2021, the Legislature passed s. 16.716, F.S., which allows the FGCC to retain the exempt or confidential and exempt⁴⁵ status of information it obtains.⁴⁶ Such information may be released by the FGCC, upon written request, to another agency or governmental entity in the performance of the FGCC's official duties and responsibilities. Any agency or governmental entity receiving such information must maintain its exempt or confidential and exempt status to keep information shielded from regular public records laws.⁴⁷

Section 16.716(b)1., F.S., also created a public meeting exemption to protect those portions of a FGCC meeting wherein exempt or confidential and exempt information obtained by the FGCC is discussed. The FGCC typically holds monthly public meetings where notice is posted on their website at <https://flgaming.gov/meetings/>. If there is a portion of a meeting that would reveal the exempt or confidential and exempt information, then the FGCC chair must publicly announce the necessity for closing the meeting before closure.⁴⁸ The chair's declaration of necessity for closure and the specific reasons for such necessity shall be stated in writing in a record that shall be a public record and shall be filed with the official records of the FGCC.⁴⁹ The portion of the meeting that is closed must be preserved as a public record and include all discussion and proceedings, and the names of all persons present.⁵⁰ The recording of the closed portion of a meeting, as well as any minutes or records generated during that portion, are confidential and exempt until such time as the information is no longer exempt or confidential and exempt.⁵¹

The 2021 public necessity statement provided that:⁵²

⁴³ FLA. CONST. art. I, s. 24(c).

⁴⁴ Section 119.15(7), F.S.

⁴⁵ There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. 04-09 (2004).

⁴⁶ Section 16.716, F.S.

⁴⁷ Section 16.716(1)(a), F.S.

⁴⁸ Section 16.716(1)(b)1.a., F.S.

⁴⁹ Section 16.716(1)(b)1.b., F.S.

⁵⁰ Section 16.716(1)(b)1.c., F.S.

⁵¹ Section 16.716(1)(b)3., F.S.

⁵² FLA. CONST. art. I, s. 24(c), requires each public record and meeting exemption to "state with specificity the public necessity justifying the exemption."

In the absence of this public records [and meetings] exemption, sensitive confidential or exempt information, including criminal intelligence information and criminal investigative information, would be disclosed, thus eliminating the protected status of the information obtained by the commission. If the commission is unable to maintain the exempt or confidential and exempt status of the information received, the commission would be unable to effectively and efficiently perform its duties and responsibilities.⁵³

Pursuant to the OGSR Act, the exemptions will repeal on October 2, 2026, unless reenacted by the Legislature.

Open Government Sunset Review of the Public Records and Open Meeting Exemptions for the Florida Gaming Control Commission

During the 2025 interim, the staff of the Senate Regulated Industries Committee and the House Government Operations Subcommittee met jointly with the staff of the FGCC regarding the exemptions under review. The FGCC staff also completed the Senate committee questionnaire concerning the exemptions under review.⁵⁴

Public Record Exemption Findings

The FGCC indicated that the public record exemption affected non-sworn commission investigators, law enforcement, including Division of Gaming Enforcement personnel, criminal organizations, permitholders and licensees, news media, and the public. The types of records that were protected include: criminal intelligence information and criminal investigative information obtained by non-sworn commission investigators (*see*, e.g. s. 550.0251(9), F. S., information designated as a trade secret).⁵⁵

The FGCC also indicated that the protected record information under s. 16.716, F.S., could not be protected any other way and recommended that the exemption should be reenacted in its current form.⁵⁶

Public Meeting Exemption Findings

The FGCC indicated that when the commission exercises its executive and regulatory powers delegated under s. 16.712, F.S., the commissioners may be required to review and discuss information that is exempt from public disclosure under ch. 119, F.S., including criminal and administrative investigative information and information designated as a trade secret.⁵⁷

⁵³ Ch. 2021-270, Laws of Fla. (creating s. 16.716, F.S., effective May 25, 2021).

⁵⁴ *Open Government Sunset Review Questionnaire*, completed and submitted to the Senate Committee on Regulated Industries staff on August 4, 2025, by Mr. Ross Marshman, Acting Executive Director, on behalf of the Florida Gaming Control Commission (on file with Senate Committee on Regulated Industries).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

The FGCC also noted that except for s. 16.716, F.S., there are no other provisions to shield criminal intelligence information, criminal investigative information, investigative information collected by non-sworn investigators, and information designated as a trade secret from been disclosed during the public meetings of the commission. The FGCC further explained that s. 286.011, F.S., standing alone, does not allow the commission to close portions of public meetings solely because exempt information is to be discussed. Section 286.011, F.S., only references certain forms of litigation as a sufficient basis to close a public meeting.⁵⁸

The FGCC staff recommended that the exemption be reenacted in its current form.⁵⁹

Representatives from the gaming and pari-mutuel industries were also sent the questionnaire, yielding a single response recommending to reenact the public meeting exemption.⁶⁰

III. Effect of Proposed Changes:

Section 1 amends s. 16.716, F.S., to remove the scheduled repeal date of the current public meetings and records exemption for portions of a FGCC meeting wherein exempt or confidential and exempt information obtained by the FGCC is discussed. This section further provides that such exempt portions of a meeting may not be off the record, and that the exempt portions of such meeting must be recorded. However, such recordings, any minutes and records generated during that portion of the meeting are confidential and exempt from s. 119.07(1), F.S., and article I, s. 24(a) of the Constitution until such time as the information is no longer exempt or confidential and exempt.

Section 2 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption from the

⁵⁸ *Id.* See also s. 286.011(8), F.S., regarding pending litigation.

⁵⁹ *Id.*

⁶⁰ See *Open Government Sunset Review Questionnaire*, completed and submitted to the Senate Committee on Regulated Industries staff on September 29, 2025, by Mr. Gary Rutledge, Attorney, on behalf of clients : 831 Federal Highway Acquisition d/b/a/ The Big Easy Casino, St. Petersburg Kennel Club (Derby Lane), Sarasota Kennel Club, Fronton Holdings (Ft. Pierce), Tampa Bay Downs, Tampa Greyhound and Washington County Kennel Club (Ebro), (on file with Senate Committee on Regulated Industries).

public records inspection and copying requirements. This bill does not expand an exemption; thus, the bill does not require a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption from the public records inspection and copying requirements to state with specificity the public necessity justifying the exemption. This bill does not expand an exemption; thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption from the public records inspection and copying requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemptions in the bill do not appear to be broader than necessary to accomplish the purposes of the laws.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 16.716 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.

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

By the Committee on Regulated Industries

580-01171-26

20267008__

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 16.716, F.S., which
4 provides an exemption from public records and public
5 meeting requirements for exempt or confidential and
6 exempt information obtained by the Florida Gaming
7 Control Commission; deleting the scheduled repeal of
8 the exemption; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 16.716, Florida Statutes, is amended to
13 read:

14 16.716 Florida Gaming Control Commission public records and
15 public meetings exemptions.—

16 (1)~~(a)~~ Any information obtained by the Florida Gaming
17 Control Commission which is exempt or confidential and exempt
18 from s. 119.07(1) or s. 24(a), Art. I of the State Constitution
19 shall retain its exempt or confidential and exempt status. The
20 information may be released by the commission, upon written
21 request, to an agency, as defined in s. 119.011, or a
22 governmental entity in the performance of the commission's
23 official duties and responsibilities. An agency or a
24 governmental entity receiving such information from the
25 commission shall maintain the exempt or confidential and exempt
26 status of the information.

27 (2)~~(b)1.~~ Any portion of a meeting of the commission during
28 which information that is exempt or confidential and exempt is
29 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the

580-01171-26

20267008__

30 State Constitution.

31 (a)~~a.~~ The chair of the commission shall advise the
32 commission at a public meeting that, in connection with the
33 performance of a commission duty, it is necessary that the
34 commission hear or discuss information that is exempt or
35 confidential and exempt.

36 (b)~~b.~~ The chair's declaration of necessity for closure and
37 the specific reasons for such necessity shall be stated in
38 writing in a record that shall be a public record and shall be
39 filed with the official records of the commission.

40 (c)~~c.~~ The entire closed session shall be recorded. The
41 recording shall include the times of commencement and
42 termination of the closed session, all discussion and
43 proceedings, and the names of all persons present. No portion of
44 the session may be off the record. Such recording shall be
45 maintained by the commission.

46 (d)~~2.~~ Only members of the commission, Department of Legal
47 Affairs staff, or commission staff supporting the commission's
48 function and other persons whose presence is necessary for the
49 presentation of exempt or confidential and exempt information
50 shall be allowed to attend the exempted portions of the
51 commission meetings. The commission shall ensure that any
52 closure of its meetings as authorized by this subsection
53 ~~paragraph~~ is limited so that the general policy of this state in
54 favor of public meetings is maintained.

55 (e)~~3.~~ A recording of, and any minutes and records generated
56 during, that portion of a commission meeting which is closed to
57 the public pursuant to this subsection ~~paragraph~~ are
58 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

580-01171-26

20267008__

59 of the State Constitution until such time as the information is
60 no longer exempt or confidential and exempt.

61 ~~(2) This section is subject to the Open Government Sunset~~
62 ~~Review Act in accordance with s. 119.15 and is repealed on~~
63 ~~October 2, 2026, unless reviewed and saved from repeal through~~
64 ~~reenactment by the Legislature.~~

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 7012

INTRODUCER: Governmental Oversight and Accountability Committee; and Transportation Committee

SUBJECT: OGSR/Department of Highway Safety and Motor Vehicles

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Shutes</u>	<u>Vickers</u>		TR Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2.	<u>Shutes</u>	<u>Kruse</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7012 saves from repeal the current public record exemptions that make confidential and exempt from public inspection and copying requirements information held by the Department of Highway Safety and Motor Vehicles (DHSMV) as a result of an investigation or examination of:

- Suspected violations of ch. 319, F.S., relating to motor vehicle titles;
- Suspected violations of ch. 320, F.S., relating to motor vehicle registrations and motor vehicle dealer and manufacturer licensing;
- Suspected violations of ch. 322, F.S., relating to driver licenses and identification cards; and
- Suspected violations of s. 319.1414, F.S., by private rebuilt inspection providers.

These exemptions are subject to the Open Government Sunset Review Act and stand to be repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves these exemptions from repeal by deleting the scheduled repeal date.

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

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This 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.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

[a]ll 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 which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*; see also *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ 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:

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ 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.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.²⁵

DHSMV Investigations and Examinations

The Department of Highway Safety and Motor Vehicles (DHSMV) has jurisdiction to administer multiple chapters of the Florida Statutes with various degrees of investigative authority. In 2021, the Legislature created four public record exemptions for information received by DHSMV as a result of certain investigations and examinations.²⁶

The exemptions cover records of active administrative investigations or examinations conducted by the DHSMV relating to private rebuilt vehicle inspection providers (PRVIPs),²⁷ motor vehicle certificates of title,²⁸ motor vehicle registrations, motor vehicle dealers and manufacturers,²⁹ driver licenses, and identification cards.³⁰

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ 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?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Ch. 2021-237, L.O.F.

²⁷ Section 319.1414(5), F.S.

²⁸ Section 319.25(7), F.S.

²⁹ Section 320.861(5), F.S.

³⁰ Section 322.71(5), F.S.

The DHSMV may release information that is made confidential and exempt in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency’s official duties and responsibilities. The exemptions apply only during the pendency of administrative investigations. Once an investigation ceases to be active, administrative action by the DHSMV has concluded, or the records are made part of a hearing or court proceeding, the respective exemption no longer applies, and the records may be released to the public.

The covered records include any consumer complaints submitted to the DHSMV, regulatory investigations performed by the DHSMV employees, and the resulting investigative files. Details of an active administrative investigation are known only to the DHSMV’s investigators and other authorized DHSMV employees.³¹

DHSMV Response to Public Records Questionnaire

To determine how the DHSMV is utilizing the public record exemptions, legislative staff requested the DHSMV to complete a questionnaire and provide supporting documentation relating to the operation of the relevant programs.

The table below summarizes the number of administrative investigations by program type by fiscal year:³²

Program Type	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26	Total
Driver License Fraud Unit	3,350	4,277	3,734	3,320	3,300	1,572*	19,553
Motor Vehicle Fraud Unit	1,231	1,154	1,103	1,512	1,324	252*	6,576
Rebuilt (Department)	15,798	15,185	17,333	8,157	3,357	561*	60,391
Rebuilt (PRVIP)	69,261	88,278	101,146	105,145	114,779	16,711*	495,320
Combined Total							581,840

The DHSMV response stated that, similar to the parallel exemption for active criminal investigative information, the purpose of the exemptions is to protect the integrity of active administrative investigations by preventing the subject or other unauthorized persons from learning the investigative details at a time when such knowledge could assist the subject evade detection of violations.³³

³¹ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: OGSR Questionnaires, regarding public records exemptions for investigations and examinations (September 19, 2025)

³² Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: Meeting Follow-Up, regarding public records exemptions for investigations and examinations (October 8, 2025)

³³ *Id.*

The DHSMV noted that prior to the enactment of these exemptions, it received public record requests from subjects of administrative investigations or the subjects' attorneys, seeking the DHSMV's complete investigative files in those matters.³⁴

The DHSMV requested that the Legislature reenact the public record exemptions as currently codified.³⁵

III. Effect of Proposed Changes:

The bill removes the scheduled repeal of the four public record exemptions for certain investigatory and examination information received or created by DHSMV.

Section 1 amends s. 319.1414, F.S., to remove the scheduled repeal date for the public record exemption relating to investigations or examinations of suspected violations by private rebuilt inspection providers.

Section 2 amends s. 319.25, F.S., to remove the scheduled repeal date for the public record exemption relating to investigations or examinations of suspected violations of ch. 319, F.S., relating to motor vehicle titles.

Section 3 amends s. 320.861, F.S., to remove the scheduled repeal date for the public record exemption relating to investigations or examinations of suspected violations of ch. 320, F.S., relating to motor vehicle registrations and motor vehicle dealer and manufacturer licensing.

Section 4 amends s. 322.71, F.S., to remove the scheduled repeal date for the public record exemption relating to investigations or examinations of suspected violations of ch. 322, F.S., relating to driver licenses and identification cards.

The bill maintains the confidential and exempt status of the items above by deleting the scheduled October 2, 2026, repeal date.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

³⁴ *Id.*

³⁵ DHSMV, *supra* note 31 at 5.

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill does not create or expand an exemption, and thus, the bill does not require a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. This bill does not create or expand an exemption and thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The release of the protected information could harm the integrity of an investigation. The exemptions in the bill, therefore, do not appear to be broader than necessary to accomplish the purposes of the laws.

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 identified.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. **Government Sector Impact:**

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.1414, 319.25, 320.861, and 322.71.

IX. Additional Information:

A. **Committee Substitute – Statement of Substantial Changes:**

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

CS by Governmental Oversight and Accountability on January 12, 2026:

Changes the effective date of the bill from October 1, 2026, to “upon becoming a law.”

B. **Amendments:**

None.

By the Committees on Governmental Oversight and Accountability;
and Transportation

585-01890-26

20267012c1

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 319.1414, F.S., which
4 provides an exemption from public records requirements
5 for information received by the Department of Highway
6 Safety and Motor Vehicles as a result of an
7 investigation or examination of a department-
8 authorized private rebuilt inspection provider;
9 removing the scheduled repeal of the exemption;
10 amending ss. 319.25, 320.861, and 322.71, F.S., which
11 provide exemptions from public records requirements
12 for information received by the department as a result
13 of an investigation or examination of a person
14 suspected of having violated certain laws, rules, or
15 orders; removing the scheduled repeal of such
16 exemptions; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (5) of section 319.1414, Florida
21 Statutes, is amended to read:

22 319.1414 Department-authorized private rebuilt inspection
23 providers; investigations; examinations; proceedings; subpoenas
24 and other process; witnesses; oaths; rules.—

25 (5) Information received by the department as a result of
26 an investigation or examination conducted pursuant to this
27 section is confidential and exempt from s. 119.07(1) and s.
28 24(a), Art. I of the State Constitution until the investigation
29 or examination ceases to be active or administrative action

585-01890-26

20267012c1

30 taken by the department has concluded or been made part of a
31 hearing or court proceeding. The department may release
32 information that is made confidential and exempt under this
33 subsection in furtherance of its official duties and
34 responsibilities or, if released to another governmental agency,
35 in the furtherance of that agency's official duties and
36 responsibilities. ~~This subsection is subject to the Open
37 Government Sunset Review Act in accordance with s. 119.15 and
38 shall stand repealed on October 2, 2026, unless reviewed and
39 saved from repeal through reenactment by the Legislature.~~

40 Section 2. Subsection (7) of section 319.25, Florida
41 Statutes, is amended to read:

42 319.25 Cancellation of certificates; investigations;
43 examinations; proceedings; subpoenas and other process;
44 witnesses; oaths; rules.-

45 (7) Information received by the department as a result of
46 an investigation or examination conducted pursuant to this
47 section is confidential and exempt from s. 119.07(1) and s.
48 24(a), Art. I of the State Constitution until the investigation
49 or examination ceases to be active or administrative action
50 taken by the department has concluded or been made part of a
51 hearing or court proceeding. The department may release
52 information that is made confidential and exempt under this
53 subsection in furtherance of its official duties and
54 responsibilities or, if released to another governmental agency,
55 in the furtherance of that agency's official duties and
56 responsibilities. ~~This subsection is subject to the Open
57 Government Sunset Review Act in accordance with s. 119.15 and
58 shall stand repealed on October 2, 2026, unless reviewed and~~

585-01890-26

20267012c1

59 ~~saved from repeal through reenactment by the Legislature.~~

60 Section 3. Subsection (5) of section 320.861, Florida
61 Statutes, is amended to read:

62 320.861 Investigations; subpoenas and other process; oaths;
63 rules.—

64 (5) Information received by the department as a result of
65 an investigation or examination conducted pursuant to this
66 section is confidential and exempt from s. 119.07(1) and s.
67 24(a), Art. I of the State Constitution until the investigation
68 or examination ceases to be active or administrative action
69 taken by the department has concluded or been made part of a
70 hearing or court proceeding. The department may release
71 information that is made confidential and exempt under this
72 subsection in furtherance of its official duties and
73 responsibilities or, if released to another governmental agency,
74 in the furtherance of that agency's official duties and
75 responsibilities. ~~This subsection is subject to the Open
76 Government Sunset Review Act in accordance with s. 119.15 and
77 shall stand repealed on October 2, 2026, unless reviewed and
78 saved from repeal through reenactment by the Legislature.~~

79 Section 4. Subsection (5) of section 322.71, Florida
80 Statutes, is amended to read:

81 322.71 Investigations; examinations; proceedings; subpoenas
82 and other process; witnesses; oaths; rules.—

83 (5) Information received by the department as a result of
84 an investigation or examination conducted pursuant to this
85 section is confidential and exempt from s. 119.07(1) and s.
86 24(a), Art. I of the State Constitution until the investigation
87 or examination ceases to be active or administrative action

585-01890-26

20267012c1

88 taken by the department has concluded or been made part of a
89 hearing or court proceeding. The department may release
90 information that is made confidential and exempt under this
91 subsection in furtherance of its official duties and
92 responsibilities or, if released to another governmental agency,
93 in the furtherance of that agency's official duties and
94 responsibilities. ~~This subsection is subject to the Open
95 Government Sunset Review Act in accordance with s. 119.15 and
96 shall stand repealed on October 2, 2026, unless reviewed and
97 saved from repeal through reenactment by the Legislature.~~

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 7014

INTRODUCER: Governmental Oversight and Accountability Committee; and Commerce and Tourism Committee

SUBJECT: OGSR/Department of Legal Affairs

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>McMillan</u>	<u>McKay</u>		CM Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2.	<u>McMillan</u>	<u>Kruse</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7014 delays the repeal dates from October 2, 2026, to October 2, 2031, for two public record exemptions related to investigations into social media platforms. The public record exemptions make confidential and exempt from public inspection and copying requirements information received by the Department of Legal Affairs or a law enforcement agency into whether a social media platform has committed an antitrust violation or failed to meet certain transparency and notification requirements.

These exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves the exemptions from repeal by delaying the scheduled repeal dates, thereby maintaining the confidential and exempt status of the information until October 2, 2031.

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

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This 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.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

[a]ll 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 which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*; *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ 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:

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ 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.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.²⁵

Antitrust Violations

Antitrust laws “prohibit anticompetitive conduct and mergers that deprive American consumers, taxpayers, and workers of the benefits of competition.”²⁶ Federal antitrust law includes the Sherman Antitrust Act,²⁷ the Clayton Act,²⁸ and the Federal Trade Commission Act.²⁹ These laws are principally enforced by the U.S. Department of Justice (DOJ) and the Federal Trade Commission (FTC), but can also be enforced by state attorneys general and private plaintiffs.

In 1980, the Legislature passed the Florida Antitrust Act,³⁰ which, in large part, mirrors the federal Sherman Antitrust Act.³¹ The Florida Antitrust Act prohibits contracts, combinations, or conspiracies in restraint of trade or commerce³² as well as monopolization or attempted

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ 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?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ U.S. Department of Justice, [The Antitrust Laws](#) (last visited Dec. 3, 2025).

²⁷ 5 U.S.C. ss. 1-7.

²⁸ 15 U.S.C. ss. 12-27; 29 U.S.C. ss. 52 and 53.

²⁹ 15 U.S.C. ss. 41-58.

³⁰ Sections 542.15 – 542.36, F.S.

³¹ See s. 542.16, F.S.

³² Section 542.18.F.S.

monopolization of any part of trade or commerce.³³ A violation of the Florida Antitrust Act is punishable by up to three years imprisonment and fines up to \$1 million for a corporation and \$100,000 for any other person.³⁴ The act also contains a private right of action for any person injured by certain antitrust violations.³⁵

Antitrust Violator Vendor List

If an entity that operates a social media platform³⁶ has been convicted of or held civilly liable for antitrust violations, the Department of Management Services must place the entity, or an affiliate of the entity, on the Antitrust Violator Vendor List (list).³⁷ The entity or affiliate placed on the list may not:

- Submit a bid, proposal, or reply for any new contract to provide any goods or services to a public entity;
- Submit a bid, proposal, or reply for a new contract with a public entity for the construction or repair of a public building or public work;
- Submit a bid, proposal, or reply on new leases of real property to a public entity;
- Be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a new contract with a public entity; or
- Transact new business with a public entity.³⁸

Public entities are prohibited from accepting a bid, proposal, or reply from, awarding a new contract to, or transacting new business with any entity or affiliate on the list.³⁹

The Attorney General, through the Department of Legal Affairs (DLA), may temporarily place any entity charged or accused of violating a state or federal antitrust law in a civil or criminal proceeding brought by the Attorney General, a state attorney, the FTC, or the DOJ on the list until the proceeding has concluded.⁴⁰ However, before the entity may be temporarily placed on the list, the Attorney General must make a finding of probable cause that the entity has likely violated the underlying antitrust laws.⁴¹

If probable cause exists, the Attorney General must notify the entity in writing of its intent to temporarily place the entity's name on the list, and of the entity's right to a hearing, the procedure that must be followed, and the applicable time requirements.⁴² If the entity does not request a hearing, the Attorney General must enter a final order temporarily placing the entity's name on the list. If the entity does request a hearing, the burden is on the Attorney General to prove that it is in the public interest to place the entity on the list.⁴³

³³ Section 542.19, F.S.

³⁴ Section 542.21, F.S.

³⁵ Sections 542.21 and 542.23, F.S.

³⁶ Sections 287.137(1)(f) and 501.2041(1)(g), F.S.

³⁷ Section 287.137(2), F.S.

³⁸ *Id.*

³⁹ Section 287.137(2)(b), F.S.

⁴⁰ Section 287.137(3)(d), F.S.

⁴¹ *Id.*

⁴² Section 287.137(3)(d)2., F.S. A person may not be placed on the list without receiving a notice of intent from the Attorney General.

⁴³ Section 501.137(3)(d)3.-5., F.S.

Unlawful Acts and Practices by Social Media Platforms

In 2021, the Legislature created s. 501.2041, F.S., to require a social media platform⁴⁴ to take the following actions:

- Publish the standards it uses or has used for determining how to censor, deplatform, and shadow ban;
- Apply censorship, deplatforming, and shadow banning standards in a consistent manner;
- Inform each user about any changes to its user rules, terms, and agreements before implementing the changes;
- Notify users before censoring or shadow banning their content;⁴⁵
- Provide a mechanism that allows a user to request the number of other individual platform participants who were provided or shown the user's content;
- Provide, upon request, a user with the number of other individual platform participants who were provided or shown the user's content;
- Categorize algorithms used for post-prioritization and shadow banning;
- Allow a user to opt out of post-prioritization and shadow banning algorithm categories to allow sequential or chronological posts and content;
- Provide users with an annual notice on the use of algorithms for post-prioritization and shadow banning; and
- Allow a user who has been deplatformed to access or retrieve all of the user's information, content, material, and data for at least 60 days after the user receives notice.

A social media platform is prohibited from applying post-prioritization or shadow-banning algorithms for content and material posted by or about a political candidate during their candidacy. Additionally, a social media platform is prohibited from taking action to censor, deplatform, or shadow ban a journalistic enterprise based on the content of its publication or broadcast.⁴⁶

A social media platform that fails to comply with s. 501.2041, F.S., commits an unfair or deceptive act or practice. If the DLA, by its own inquiry or as a result of a complaint, suspects that a violation is imminent, occurring, or has occurred, the DLA may investigate the suspected violation in accordance with the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). In an investigation by the DLA into alleged violations, the DLA's investigative powers include,

⁴⁴ Section 501.2041, F.S., defines "social media platform" as any information service, system, Internet search engine, or access software provider that: (1) provides or enables computer access by multiple users to a computer server, including an Internet platform or a social media site; (2) operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity; (3) does business in Florida; and (4) satisfies at least one of the following thresholds: has annual gross revenues in excess of \$100 million, as adjusted in January of each odd-numbered year to reflect any increase in the Consumer Price Index, or has at least 100 million monthly individual platform participants globally.

⁴⁵ Section 501.2041, F.S., provides that a notification must be in writing, be delivered via electronic mail or direct electronic notification to the user within 7 days after the censoring action, include a thorough rationale explaining the reason that the social media platform censored the user, and include a precise and thorough explanation of how the social media platform became aware of the censored content or material.

⁴⁶ Section 501.2041, F.S., provides that the prohibition does not apply if the content or material is obscene as defined in s. 847.001, F.S. Section 847.001, F.S., defines "obscene" as the status of material which: (1) the average person, applying contemporary community standards, would find, taken as a whole, appeals to prurient interests; (2) depicts or describes, in a patently offensive way, sexual conduct; and (3) taken as a whole, lacks serious literary, artistic, political, or scientific value.

but are not limited to, the ability to subpoena any algorithm used by a social media platform related to any alleged violation.

A user may only bring a private cause of action against a social media platform for failing to notify such user of an act of censoring or deplatforming, or for failing to apply censorship, deplatforming, and shadow banning standards in a consistent manner. The court may award the following damages to a user:

- Up to \$100,000 in statutory damages per proven claim;
- Actual damages;
- If aggravating factors are present, punitive damages;
- Other forms of equitable relief, including injunctive relief; and
- If the user was deplatformed, costs and reasonable attorney fees.

Ongoing Litigation

In 2021, NetChoice and the Computer & Communications Industry Association (NetChoice)⁴⁷ challenged the constitutionality of SB 7072 (now s. 501.2041, F.S.), in the United States District Court for the Northern District of Florida.⁴⁸ NetChoice claimed that the law violates their free speech rights, and argued that social media platforms are exercising editorial judgement when they moderate content on their platforms.⁴⁹ Additionally, NetChoice argued that the law is preempted by federal law.⁵⁰ The district court granted NetChoice's motion for a preliminary injunction.⁵¹

The state appealed, and the United States Court of Appeals for the Eleventh Circuit concluded that the provisions of SB 7072 (now s. 501.2041, F.S.) that restrict a social media platform's ability to engage in content moderation violate the First Amendment.⁵² Furthermore, the Eleventh Circuit found that the provision requiring a social media platform to provide "thorough rationale" for every content moderation decision it makes violates the First Amendment.⁵³ Thus, the Eleventh Circuit substantially affirmed the preliminary injunction against enforcement of the law.⁵⁴

In 2024, the Supreme Court vacated the Eleventh Circuit's decision and remanded the case back to the Eleventh Circuit for further proceedings.⁵⁵

Currently in Florida, the case remains in the discovery phase, and a trial date is set for July 13, 2026.

⁴⁷ These are trade associations that represent internet and social media companies like Facebook, Twitter (X), and Google.

⁴⁸ See *NetChoice, LLC v. Moody*, 546 F.Supp.3d 1082 (N.D. Florida 2021).

⁴⁹ *Id.* In the case, NetChoice argued that social media companies are exercising editorial judgement similar to the editorial judgment of a newspaper editor.

⁵⁰ *Id.* NetChoice argued that the law is preempted by 27 U.S.C. §230(c)(2).

⁵¹ *Id.* The district court concluded that the provisions of the law that make social media platforms liable for deprioritizing content or removing content are likely preempted by federal law, as well as found that the law's provisions violate the social media platforms' First Amendment rights by restricting their editorial judgement.

⁵² See *NetChoice, LLC v. Moody*, 34 F.4th 1196 (11th Cir. 2022).

⁵³ *Id.*

⁵⁴ *Id.* The Eleventh Circuit affirmed in part, vacated in part, and remanded.

⁵⁵ See *Moody v. NetChoice, LLC*, 603 U.S. 707 (2024).

Florida Deceptive and Unfair Trade Practices Act (FDUTPA)

The DLA and the State Attorney, as enforcing authorities, may seek the following remedies:

- Declaratory judgments;
- Injunctive relief;
- Actual damages on behalf of consumers and businesses;
- Cease and desist orders; and
- Civil penalties of up to \$10,000 per willful violation.⁵⁶

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction where a person is aggrieved by a FDUTPA violation; and
- Actual damages, attorney fees, and court costs, where a person has suffered a loss due to a FDUTPA violation.⁵⁷

Public Record Exemptions under Review

In 2021, the Legislature created a public record exemption for all information received by the DLA or a law enforcement agency in an investigation into whether a social media platform committed an antitrust violation (based on a case brought by a governmental entity) or⁵⁸ failed to meet certain transparency and notification requirements.⁵⁹

All information received by DLA pursuant to an investigation by DLA or a law enforcement agency is confidential and exempt from public record requirements,⁶⁰ until such time as the investigation is completed or ceases to be active. During an active investigation, confidential information may be disclosed by the DLA in the performance of its official duties and responsibilities or to another governmental entity in performance of its duties and responsibilities.⁶¹

Once an investigation is complete or once an investigation ceases to be active, the following information received by DLA remains confidential and exempt from public record requirements:

- All information to which another public records exemption applies.
- Personal identifying information.
- A computer forensic report.
- Information that would otherwise reveal weaknesses in a business's data security.

⁵⁶ Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Section 501.2075, F.S. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

⁵⁷ Section 501.211(1) and (2), F.S.

⁵⁸ Section 287.137(8), F.S.

⁵⁹ Section 501.204(10), F.S.

⁶⁰ There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied* 892 So.2d 1015 (Fla. 2004); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records, to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. (1985).

⁶¹ Sections 287.137(8)(b) and 501.2041(10)(b), F.S.

- Proprietary business information.⁶²

The 2021 public necessity statement⁶³ provided several reasons for the public record exemptions under review. Among those reasons, the Legislature stated that the premature release of the protected information “could frustrate or thwart the investigation and impair the ability of the Attorney General and the Department of Legal Affairs to effectively and efficiently administer” the relevant provisions of law.⁶⁴ Further, the exemptions exist to “continue to protect from public disclosure all information to which another public record exemption applies once an investigation is completed or ceases to be active.”⁶⁵

Pursuant to the OGS Act, the public record exemptions will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.⁶⁶

Open Government Sunset Reviews regarding investigations of social media platforms

The staff of the Senate Commerce and Tourism Committee, the Senate Governmental Oversight and Accountability Committee, and the House Government Operations Subcommittee jointly met with the DLA to ascertain whether the public records exemptions codified in ss. 287.137 and 501.2041(10), F.S., remain necessary.

Public Record Exemption Findings

The DLA indicated that the public records exemption in s. 501.2041, F.S., has not been utilized due to ongoing litigation regarding the constitutionality of the provisions in s. 501.2041, F.S. The DLA additionally indicated that, as to the exemption in s. 287.137, F.S., the office has not yet attempted to temporarily place any person on the antitrust violators vendors list and, therefore, has not used the exemption. Thus, the bill delays for five years the sunset review date for, and the repeal of, the public records exemptions to allow the legislative staff to gather data on the public records exemption when in use.

III. Effect of Proposed Changes:

Without action by the Legislature to extend or remove the repeal date, the exemptions in ss. 287.137 and 501.2041(10), F.S., will repeal on October 2, 2026.

Sections 1 and 2 amend ss. 287.137 and 501.2041, F.S., respectively, to delay the repeal dates for two public record exemptions related to investigations into social media platforms. The bill extends the repeal dates from October 2, 2026, to October 2, 2031. The public record exemptions make confidential and exempt from public inspection and copying requirements all information received by the Department of Legal Affairs or a law enforcement agency in an investigation into whether a social media platform committed an antitrust violation based on a case brought by

⁶² Sections 287.137(8)(c) and 501.2041(10)(c), F.S.

⁶³ [Article I, s. 24\(c\), FLA. CONST.](#), requires each public record exemption to “state with specificity the public necessity justifying exemption.”

⁶⁴ Ch. 2021-33, L.O.F.

⁶⁵ *Id.*

⁶⁶ Sections 287.137(8)(e) and 501.2041(10)(e), F.S.

a governmental entity or committed an unlawful act or practice by failing to meet certain transparency and notice requirements.

Section 3 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

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 delays for five additional years two current public record exemptions. The bill does not create or expand an exemption. Thus, the bill does not require a two-thirds vote for enactment.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. The bill does not create or expand an exemption. Thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption from the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemption in the bill is limited to information that, if released, could frustrate an investigation or result in economic harm or cybersecurity threats against private social media platforms and, therefore, 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends sections 287.137 and 501.2041(10) of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Governmental Oversight and Accountability on January 12, 2026:

Adds a provision delaying the repeal of a public records exemption codified in s. 287.137, F.S., relating to information received by DLA or a law enforcement agency regarding antitrust investigations of social media platforms. The repeal of the exemption will be delayed until October 2, 2031.

B. Amendments:

None.

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

585-01891-26

20267014c1

1 A bill to be entitled
2 An act relating to review under the Open Government
3 Sunset Review Act; amending s. 287.137, F.S., which
4 provides an exemption from public records requirements
5 for certain information received in investigations by
6 the Attorney General or a law enforcement agency into
7 social media platform activities; extending the
8 scheduled repeal date of the exemption; amending s.
9 501.2041, F.S., which provides an exemption from
10 public records requirements for certain information
11 received in investigations by the Department of Legal
12 Affairs or a law enforcement agency into violations by
13 certain social media platforms; extending the
14 scheduled repeal date of the exemption; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (8) of section 287.137, Florida
20 Statutes, is amended to read:

21 287.137 Antitrust violations; denial or revocation of the
22 right to transact business with public entities; denial of
23 economic benefits.—

24 (8) (a) All information received by the Attorney General
25 under paragraph (3) (d) pursuant to an investigation by the
26 Attorney General or a law enforcement agency is confidential and
27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
28 Constitution until such time as the investigation is completed
29 or ceases to be active. This exemption shall be construed in

585-01891-26

20267014c1

30 conformity with s. 119.071(2)(c).

31 (b) During an active investigation, information made
32 confidential and exempt pursuant to paragraph (a) may be
33 disclosed by the Attorney General:

34 1. In the performance of his or her official duties and
35 responsibilities; or

36 2. To another governmental entity in performance of its
37 official duties and responsibilities.

38 (c) Once an investigation is completed or ceases to be
39 active, the following information received by the Attorney
40 General shall remain confidential and exempt from s. 119.07(1)
41 and s. 24(a), Art. I of the State Constitution:

42 1. All information to which another public records
43 exemption applies.

44 2. Personal identifying information.

45 3. A computer forensic report.

46 4. Information that would otherwise reveal weaknesses in a
47 business's data security.

48 5. Proprietary business information.

49 (d) For purposes of this subsection, the term "proprietary
50 business information" means information that:

51 1. Is owned or controlled by the business;

52 2. Is intended to be private and is treated by the business
53 as private because disclosure would harm the business or its
54 business operations;

55 3. Has not been disclosed except as required by law or a
56 private agreement that provides that the information will not be
57 released to the public;

58 4. Is not publicly available or otherwise readily

585-01891-26

20267014c1

59 ascertainable through proper means from another source in the
60 same configuration as received by the Attorney General; and

61 5. Includes:

62 a. Trade secrets as defined in s. 688.002.

63 b. Competitive interests, the disclosure of which would
64 impair the competitive advantage of the business that is the
65 subject of the information.

66 (e) This subsection is subject to the Open Government
67 Sunset Review Act in accordance with s. 119.15 and shall stand
68 repealed on October 2, 2031 ~~2026~~, unless reviewed and saved from
69 repeal through reenactment by the Legislature.

70 Section 2. Subsection (10) of section 501.2041, Florida
71 Statutes, is amended to read:

72 501.2041 Unlawful acts and practices by social media
73 platforms.—

74 (10) (a) All information received by the department pursuant
75 to an investigation by the department or a law enforcement
76 agency of a violation of this section is confidential and exempt
77 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
78 until such time as the investigation is completed or ceases to
79 be active. This exemption shall be construed in conformity with
80 s. 119.071(2) (c).

81 (b) During an active investigation, information made
82 confidential and exempt pursuant to paragraph (a) may be
83 disclosed by the department:

84 1. In the performance of its official duties and
85 responsibilities; or

86 2. To another governmental entity in performance of its
87 official duties and responsibilities.

585-01891-26

20267014c1

88 (c) Once an investigation is completed or ceases to be
89 active, the following information received by the department
90 shall remain confidential and exempt from s. 119.07(1) and s.
91 24(a), Art. I of the State Constitution:

- 92 1. All information to which another public records
93 exemption applies.
- 94 2. Personal identifying information.
- 95 3. A computer forensic report.
- 96 4. Information that would otherwise reveal weaknesses in a
97 business's data security.
- 98 5. Proprietary business information.

99 (d) For purposes of this subsection, the term "proprietary
100 business information" means information that:

- 101 1. Is owned or controlled by the business;
- 102 2. Is intended to be private and is treated by the business
103 as private because disclosure would harm the business or its
104 business operations;
- 105 3. Has not been disclosed except as required by law or a
106 private agreement that provides that the information will not be
107 released to the public;
- 108 4. Is not publicly available or otherwise readily
109 ascertainable through proper means from another source in the
110 same configuration as received by the department; and
- 111 5. Includes:
 - 112 a. Trade secrets as defined in s. 688.002.
 - 113 b. Competitive interests, the disclosure of which would
114 impair the competitive advantage of the business that is the
115 subject of the information.

116 (e) This subsection is subject to the Open Government

585-01891-26

20267014c1

117 Sunset Review Act in accordance with s. 119.15 and shall stand
118 repealed on October 2, 2031 ~~2026~~, unless reviewed and saved from
119 repeal through reenactment by the Legislature.

120 Section 3. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 7016

INTRODUCER: Commerce and Tourism Committee

SUBJECT: OGSR/Administration of Small Business Loan Programs Held by an Economic Development Agency

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Renner</u>	<u>McKay</u>		CM Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Renner</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 7016 saves from repeal the current public records exemption that exempts from public inspection and copying requirements certain financial information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The exemption protects tax returns, financial information, and credit information.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the exempt status of the information.

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

The bill takes effect upon becoming law.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This 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.²

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*; see *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

[a]ll 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 which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ 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 subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ 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.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.²⁵

Small Business Loan Programs

The Department of Commerce (Florida Commerce) administers several state and federally funded small business loan programs, including:

- Small Business Emergency Bridge Loan Program²⁶
 - Provides short-term, zero-interest working capital loans to “bridge the gap” between the time a disaster impacts a business and when a business has secured longer-term funding.
- Rebuild Florida Business Loan Fund²⁷
 - Utilizes a revolving loan fund designed to address gaps in available, affordable capital for businesses.
- Rural Community Development Revolving Loan Program²⁸
 - Facilitates the use of existing federal, state, and local financial resources by providing local governments with access to financial assistance.
- State Small Business Credit Initiative²⁹
 - Provides resources and capital to facilitate business growth and economic development to targeted business populations.
- Black Business Loan Program³⁰
 - Provides loans, loan guarantees, or investments to black business enterprises.

²³ 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?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Florida Department of Commerce, *Small Business Emergency Bridge Loan Program*, available at <https://floridacommerce.my.site.com/RebuildFloridaBusinessLoanFund/s/loan-programs?program=emergency-bridge-loan> (last visited Dec. 9, 2025).

²⁷ Florida Department of Commerce, *Rebuild Florida Business Loan Fund*, available at <https://floridacommerce.my.site.com/RebuildFloridaBusinessLoanFund/s/loan-programs?program=florida-resiliency-loan> (last visited Dec. 9, 2025).

²⁸ Section 288.065, F.S.

²⁹ Florida Department of Commerce, *State Small Business Credit Initiative*, available at <https://floridajobs.org/FloridaSSBCI> (last visited Dec. 9, 2025).

³⁰ Sections 288.7102-,288.714, F.S.

Public Record Exemption under Review

In 2021, the Legislature created a public record exemption for certain information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. Specifically, the law exempts tax returns, financial information, credit history information, credit reports, and credit scores from public record inspection and copying requirements.³¹ An economic development agency may disclose this information in an aggregated and anonymized format to a small business loan program.

An economic development agency is defined as:

- The Department of Commerce;
- Any industrial development authority created under part III of ch. 159, F.S., or by special law;
- Space Florida;
- A local government public economic agency or, in the absence of a public economic agency, the local government officers or employees designated to promote the general business or industrial interests of the local government;
- Any research and development authority created under part V of ch. 159, F.S.; or
- Any private agency, person, partnership, corporation, or business entity when authorized by the state or local government to promote the general business or industrial interests of the state or that local government.³²

The 2021 public necessity statement³³ provided that the release of the protected information “could be used by fraudulent contractors, predatory lenders, thieves, or individuals seeking to impose on the applicant or borrower.”³⁴ Therefore, the exemption exists to “ensure that applicants and borrowers are not harassed, intimidated, or potentially defrauded.”³⁵

Pursuant to the Act, the public record exemption will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.³⁶

During the 2025 interim, Senate and House staff met jointly with staff from Florida Commerce to discuss the public record exemption under review. Florida Commerce staff indicated that they have had no issue interpreting or applying the exemption and were unaware of any litigation concerning the exemption. Florida Commerce staff explained that, prior to the exemption, borrowers participating in state and federally funded small business loan programs were exposed to fraud. For that reason, Florida Commerce staff recommended reenacting the exemption as is. Senate and House committee staff also surveyed counties and cities concerning the public records exemption under review. All responding counties and cities stated that they did not participate in any state or federally funded small business loan programs.

³¹ Section 288.075(7)(a)1.-3., F.S.

³² Section 288.075(1)(a), F.S.

³³ Article I, s. 24(c), FLA. CONST., requires each public record exemption to “state with specificity the public necessity justifying exemption.”

³⁴ Chapter 2021-23, L.O.F.

³⁵ *Id.*

³⁶ Section 288.075(7), F.S.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal date for the public records exemption for certain financial information, such as tax returns and credit reports, held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The public record exemption will repeal on October 2, 2026, if the bill does not become a law.

The effective date of the bill is upon becoming law.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without expansion. Thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption from the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect financial information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The exemption applies only to certain types of financial information, such as tax returns and credit reports, from public records requirements. 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 288.075 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.

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

By the Committee on Commerce and Tourism

577-01762-26

20267016__

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 288.075, F.S., which
4 provides an exemption from public records requirements
5 for certain information relating to the administration
6 of small business loan programs held by an economic
7 development agency; deleting the scheduled repeal of
8 the exemption; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (c) of subsection (7) of section
13 288.075, Florida Statutes, is amended to read:

14 288.075 Confidentiality of records.—

15 (7) LOAN PROGRAMS.—

16 ~~(c) This subsection is subject to the Open Government~~
17 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
18 ~~repealed on October 2, 2026, unless reviewed and saved from~~
19 ~~repeal through reenactment by the Legislature.~~

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: HB 167

INTRODUCER: Representatives McClure and Gentry

SUBJECT: Former Phosphate Mining Lands

DATE: January 26, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Collazo	Kruse	RC	Favorable

I. Summary:

HB 167 establishes a defense from strict liability in lawsuits brought by the Department of Environmental Protection or others for a cause of action based on a natural geological substance on the site of a former phosphate mine.

For a defendant to be exempt from strict liability under the defense created by the bill, the defendant must prove that:

- A notice identifying the property as a former phosphate mine has been recorded within the county where the property is located.
- The Department of Health has conducted a gamma radiation survey of the land parcel at the request of a landowner.

For any lawsuit based on strict liability, negligence, or similar conduct related to an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, the bill requires the plaintiff to include a radiation survey meeting certain requirements with the complaint.

The bill takes effect July 1, 2026.

II. Present Situation:

Phosphate Mining

Phosphate rock contains the mineral phosphorus, an ingredient used in some fertilizers to help plants grow strong roots.¹ Phosphate rock contains small amounts of naturally-occurring

¹ U.S. Environmental Protection Agency (EPA), *Radioactive Material from Fertilizer Production*, <https://www.epa.gov/radtown/radioactive-material-fertilizer-production> (last visited Jan. 21, 2026).

radioactive² elements called radionuclides. Uranium and radium are two kinds of radionuclides.³ The natural breakdown of uranium and radium results in radon, which is a radioactive gas that can move through the ground and accumulate in buildings over time.⁴

Prior to mining for phosphate, mining operators must first prepare the site by obtaining certain permits and surveying and clearing the land.⁵ The phosphate is mined by excavating the top 15 to 30 feet of earth to remove the phosphate rock.⁶

The phosphate rock is removed with clay and sand that is then dumped into a pit to create a slurry; the slurry is then piped to a beneficiation plant where the phosphate is separated from the sand and clay.⁷ After undergoing the beneficiation process, the clay is pumped through pipelines into large impoundment areas, known as clay settling areas, where it is stored indefinitely. The sand, which may include residual concentrations of radionuclides, is pumped through pipelines back to the mined area and used in reclamation.⁸

When processing phosphate rock to make fertilizer, the phosphorous is removed by dissolving the rock in an acidic solution.⁹ The solid waste that remains is called phosphogypsum.¹⁰ To limit the public's exposure to radon, which is created as a result of radium decay of phosphogypsum, the phosphogypsum is piled into stacks on private property located away from the public.¹¹

Phosphate Mines in Florida

Phosphate mining is the fifth largest mining industry in the U.S. in terms of the amount of material mined.¹² Florida is the largest known U.S. source of phosphates, accounting for more than 60 percent of U.S. production.¹³ Within Florida, phosphate mining primarily occurs in an

² These elements emit radiation at a specific rate that is measured in terms of a half-life. A half-life is the time required for half of the radioactive atoms present to decay. This process can take seconds or millions of years, depending on the radionuclide. EPA, *Radionuclides*, <https://www.epa.gov/radiation/radionuclides> (last visited Jan. 21, 2026).

³ *Id.*

⁴ EPA, *Radionuclide Basics: Radon*, <https://www.epa.gov/radiation/radionuclide-basics-radon> (last visited Jan. 21, 2026).

⁵ Department of Environmental Protection (DEP), *Phosphate*, <https://floridadep.gov/water/mining-mitigation/content/phosphate> (last visited Jan. 21, 2026).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*; Department of Health (DOH), *Environmental Radiation Programs*, <https://www.floridahealth.gov/licensing-regulations/radiation-control/environmental-radiation-programs/> (last visited Jan. 21, 2026). According to DOH, Florida's phosphate deposits contain varying concentrations of uranium and radium. Although generally the radiation dose received from these concentrations is insignificant, the dose can become significant if the concentration increases through mining the ore. To monitor this situation, DOH takes soil, air, and water samples both before and after mining occurs and measures the radiation levels. *Id.*

⁹ EPA, *Radioactive Material from Fertilizer Production*.

¹⁰ EPA, *Phosphogypsum*, <https://www.epa.gov/radiation/phosphogypsum> (last visited Jan. 21, 2026).

¹¹ *Id.*; EPA, *Radioactive Material from Fertilizer Production*.

¹² EPA, *Radioactive Material from Fertilizer Production*, <https://www.epa.gov/radtown/radioactive-material-fertilizer-production> (last visited Jan. 21, 2026).

¹³ U.S. Geological Survey, *LCMAP Assessment: Phosphate Mining in Florida*, <https://geonarrative.usgs.gov/lcmap-assessment-phosphate-mining-florida/> (last visited Jan. 21, 2026).

area known as Bone Valley.¹⁴ This area consists of approximately 1.3 million acres within Hardee, Hillsborough, Manatee, and Polk counties.¹⁵

There are 28 phosphate mines in Florida, of which 11 mines are currently active, and 10 mines are 100 percent reclaimed and released from reclamation obligations.¹⁶ The remaining mines are either not started or are shut down. Phosphate mines typically range in size from approximately 5,000 to 100,000 acres.¹⁷

Phosphate mining disturbs between 3,000 to 6,000 acres annually in Florida.¹⁸ Approximately 25 to 30 percent of these lands are wetlands or other surface waters.¹⁹

Reclamation

The Legislature has found that mining phosphate serves as an important economic interest for the state but also recognizes that it is a temporary land use.²⁰ As such, all lands mined after July 1, 1975, are required to be reclaimed after mining is completed.²¹ The Department of Environmental Protection (DEP) is responsible for creating and enforcing rules regarding phosphate mining, including phosphate mine reclamation.²²

The process of reclamation begins with an applicant submitting a conceptual plan²³ application for reclamation at least 6 months prior to beginning site preparation²⁴ or mining operations,²⁵ whichever occurs first.²⁶ To be approved, a conceptual plan has to meet certain safety, water quality, flooding and draining, waste disposal, and other criteria.²⁷ Reclamation and restoration of mining lands must be completed within 2 years of the actual completion of mining operations.²⁸ Each year on March 1, after the approval of a conceptual reclamation plan, each operator is required to submit an annual mining and reclamation report describing the mining and reclamation activities for the previous calendar year and the proposed mining and reclamation for the current year.²⁹

¹⁴ DEP, *Phosphate*, <https://floridadep.gov/water/mining-mitigation/content/phosphate> (last visited Jan. 21, 2026).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Section 378.202(1), F.S.

²¹ Section 378.204, F.S. These lands are referred to as mandatory land, whereas lands mined prior to July 1, 1975, were exempt from reclaim regulations and are called nonmandatory land. *See id.*

²² Section 378.205(2), F.S.

²³ “Conceptual plan” means a graphic and written description of general activities to be undertaken across the whole mine to comply with the reclamation standards. Fla. Admin. Code R. 62C-16.0021(5).

²⁴ “Site preparation” means those physical activities involving clearing or modification of the land surface conducted before initiating mining or mining operations, excluding prospecting, or agricultural practices or agricultural activities that are not initiated to directly serve future mining operations. Fla. Admin. Code R. 62C-16.0021(20).

²⁵ “Mining operation” means those physical activities other than prospecting and site preparation which are necessary for extraction, waste disposal, storage, or dam maintenance prior to abandonment. Fla. Admin. Code R. 62C-16.0021(10).

²⁶ Fla. Admin. Code R. 62C-16.0032(2)(a).

²⁷ Fla. Admin. Code R. 62C-16.0051.

²⁸ Section 378.209(1), F.S.; Fla. Admin. Code R. 62C-16.0051(12)(b)4.

²⁹ Fla. Admin. Code R. 62C-16.0091(1).

During the process of reclamation, credentialed representatives of DEP are authorized to enter lands for the purpose of inspecting them to ensure compliance with reclamation regulations.³⁰ Once an operator of a phosphate mine has completed its reclamation and restoration requirements within a reclamation parcel, it may request a release of the reclamation parcel in writing.³¹ Within 90 days after receiving a written request for release, DEP will conduct a final inspection of the land.³² If DEP does not find that all the reclamation and restoration requirements have been met, it will notify the operator of the deficiencies that must be corrected.³³ When DEP approves of the reclamation and restoration of a parcel, an operator is released from its reclamation and tax obligations for the phosphate mining parcel.³⁴

Radiation Surveys

Radon that naturally occurs in soil is generally not a health concern, however, exposure to radon at higher levels and over prolonged periods of time can cause a serious hazard to human health by increasing the risk of developing lung cancer.³⁵ The Department of Health (DOH) takes samples from the soil, air, and water from phosphate mining parcels before mining begins and after reclamation has been completed to monitor the radioactivity of phosphate mining sites.³⁶ These samples include gamma radiation exposure measurements, soil radon emanation determinations, soil radium determinations, air monitoring, and surface and ground water monitoring of areas that are potentially impacted by mining activities.³⁷ DOH requires a mining company to pay fees for such monitoring.³⁸

Radiation Measurement Specialists

Any person who tests or mitigates the presence of radon for a fee must be certified by DOH.³⁹ Additionally, the American Board of Health Physics and the National Registry of Radiation Protection Technologists have certification programs for specialists engaging in radiation measurements.

A health physicist who is certified by the board must do the following to become certified:

- Obtain a bachelor's or graduate degree from an accredited college or university in physical science, engineering, or biological science.
- Complete at least six years of responsible professional experience in health physics, with three years of that being applied health physics. A degree may be substituted for two years of experience.
- Submit a list of professional references.
- Submit a written report demonstrating that the candidate has produced professional level work in health physics.

³⁰ Fla. Admin. Code R. 62C-16.0067(1).

³¹ Fla. Admin. Code R. 62C-16.0068(1).

³² Fla. Admin. Code R. 62C-16.0068(2).

³³ Fla. Admin. Code R. 62C-16.0068(3)(a).

³⁴ Fla. Admin. Code R. 62C-16.0068(3)(b).

³⁵ EPA, *Phosphogypsum*, <https://www.epa.gov/radiation/phosphogypsum> (last visited Jan. 21, 2026).

³⁶ DOH, *Environmental Radiation Programs*, <https://www.floridahealth.gov/licensing-regulations/radiation-control/environmental-radiation-programs/> (last visited Jan. 21, 2026); Fla. Admin. Code R. 64E-5.1002.

³⁷ Fla. Admin. Code R. 64E-5.1002.

³⁸ Fla. Admin. Code R. 64E-5.1003. Gamma radiation exposure measurements are made at the rate of one per acre. *Id.*

³⁹ Fla. Admin. Code R. 64E-5.1203(1).

- Pass a two-part exam.⁴⁰

A radiation protection technologist who is certified by the registry must do the following to become certified:

- Have a high school diploma or equivalent.
- Be at least 21 years old at the time of applying.
- Submit evidence of operational abilities as a Radiation Protection Technologist, showing at least five years of experience. Experience can be substituted for training or formal education.
- Pass an examination.⁴¹

Legal Liability Standards

Strict Liability

Strict liability is a legal concept in civil and criminal actions that holds a defendant liable for committing an action, regardless of his or her intent or mental state.⁴² In a civil action involving strict liability, the plaintiff does not need to prove the defendant was negligent.

Negligence

Tortious conduct, or torts, are typically divided into two categories: intentional torts or unintentional acts known as negligence. Negligence is the failure to behave with the level of care that a reasonable person would have exercised under the same circumstances.⁴³ To prevail in a negligence lawsuit, the party seeking the remedy must prove four elements: a legal duty was owed by the defendant to the plaintiff; the defendant breached that duty; the plaintiff's injury was caused by the defendant's breach; and damages resulted from that injury.⁴⁴

Water Quality Assurance Act

In 1983, the Legislature passed the Water Quality Assurance Act⁴⁵ to address pollution in surface and ground waters across the state.⁴⁶ To ensure the preservation of the state's water resources, the Act prohibits discharges, pollutants, or hazardous substances into or upon the surface or ground waters of the state.⁴⁷ DEP is the agency authorized to establish and enforce programs to

⁴⁰ American Board of Health Physics, *Prospectus for the American Board of Health Physics*, 4-6 (Jun. 2024), available at <https://www.aahp-abhp.org/wp-content/uploads/2024/10/Prospectus-for-the-ABHP-June-2024.pdf>.

⁴¹ National Registry of Radiation Protection Technologists, *Exam Requirements, Fees and Schedules*, <https://www.nrrpt.org/index.cfm/m/7/> (last visited Jan. 21, 2026).

⁴² Cornell Law School, *Strict Liability*, https://www.law.cornell.edu/wex/strict_liability (last visited Jan. 21, 2026).

⁴³ Cornell Law School, *Negligence*, <https://www.law.cornell.edu/wex/negligence> (last visited Jan. 21, 2026).

⁴⁴ *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

⁴⁵ See ch. 83-310, s. 84, Laws of Fla. (codifying ss. 376.30-376.317, F.S.).

⁴⁶ See generally s. 376.30, F.S.; see also Alexa J. Lamm and Pei-wen Huang, *Water Quality Assurance Act: What is it and how can we talk about it?*, University of Florida Institute for Food and Agricultural Sciences (UF/IFAS), Center for Public Issues Education, available at https://www.piecenter.com/pep/wp-content/uploads/PEP_WQAA_Final.pdf (last visited Jan. 21, 2026).

⁴⁷ Section 376.302(1), F.S.

rehabilitate any polluted waters or lands.⁴⁸ As part of its authority, DEP may sue any person⁴⁹ to enforce the liabilities imposed by the Act.⁵⁰

Additionally, the Act creates a private cause of action for all damages resulting from a discharge⁵¹ or other condition of pollution covered by the Act if the discharge was not specifically authorized by ch. 403, F.S.⁵² The Act defines pollution as the presence on the land or in the waters of the state of pollutants in quantities that are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.⁵³

The Act imposes strict liability on a polluter, meaning it is only necessary to show the prohibited discharge or other pollutive condition occurred; it is not necessary to prove the polluter acted negligently.⁵⁴ The Act expressly imposes strict liability on an owner or operator of a facility, or on any person who caused a discharge or other polluting condition at a facility.⁵⁵

Because the Act imposes a strict liability standard, if a defendant is sued under the Act, the only defense a defendant may plead and prove to avoid liability is that the occurrence was solely the result of any of the following conditions or a combination of conditions:

- An act of war.
- An act of government.⁵⁶
- An act of God.⁵⁷
- An act or omission of a third party under certain conditions.⁵⁸

Liability under the Act is joint and several.⁵⁹ However, if more than one discharge has occurred and the damage is divisible and can be attributed to a particular defendant or defendants, each

⁴⁸ Section 376.30(3), F.S.

⁴⁹ “Person” means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity. Section 376.301(29), F.S.

⁵⁰ Section 376.303(1)(j), F.S.

⁵¹ “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface and ground waters of the state not regulated by the Pollutant Discharge Prevention and Control Act (ss. 376.011-376.21, F.S.). Section 376.301(13), F.S.

⁵² Section 376.313(3), F.S. Chapter 403, F.S., relates to environmental control, including pollution control, environmental regulation, and water supply and water treatment plants.

⁵³ Section 376.301(37), F.S.

⁵⁴ Section 376.308(1), F.S.

⁵⁵ Section 376.308(1)(a), F.S.

⁵⁶ Section 376.308(2)(b), F.S. This includes state, federal, or local acts of government, unless the person claiming the defense is a governmental body, in which case the defense is available only by acts of other governmental bodies.

⁵⁷ Section 376.308(2)(c), F.S. This includes only unforeseeable acts exclusively occasioned by the violence of nature without the interference of any human agency.

⁵⁸ Section 376.308(2), F.S.; *see also* s. 376.308(1)(c), F.S. (providing that defenses also exist for an owner of a petroleum storage facility or a drycleaning or wholesale supply facility where certain circumstances apply).

⁵⁹ Sections 376.313(3) and 376.308(4), F.S. Joint and several liability refers to instances when two or more parties are liable for a tortious act, and each party may be found to be independently liable for the full extent of the injury stemming from the tortious act. Cornell Law School, *Joint and Several Liability*, https://www.law.cornell.edu/wex/joint_and_several_liability (last visited Jan. 21, 2026).

defendant is liable only for the costs associated with his or her damages. The burden is on the defendant to demonstrate the divisibility of the damages.⁶⁰

However, the Act does not define the term “damages.” In a 2010 case involving a claim arising under s. 376.313(3), F.S., the Florida Supreme Court applied a definition from a different section of chapter 376, F.S., which defines damages as “the documented extent of any destruction to or loss of any real or personal property, or the documented extent...of any destruction of the environment and natural resources, including all living things except human beings, as the direct result of the discharge of a pollutant.”⁶¹ In 2019, the Court receded from this definition, and held the meaning of “all damages” in s. 376.313(3), F.S., includes personal injury damages.⁶²

III. Effect of Proposed Changes:

The bill establishes a defense from strict liability in lawsuits brought by the Department of Environmental Protection (DEP) or others for a cause of action based on a natural geological substance on the site of a former phosphate mine. Former phosphate mine owners and operators must satisfy certain conditions to rely upon the defense.

The Water Quality Assurance Act imposes strict liability on persons or entities that are responsible for environmental pollution. The strict liability defense established by the bill applies to lawsuits brought by both DEP and private parties.

Section 1 of the bill amends s. 376.308(2), F.S., to add the defense to the statutory list of defenses a defendant may plead and prove to avoid strict liability under the Water Quality Assurance Act.

Specifically, a defendant may avoid strict liability under the Act if the condition giving rise to the cause of action is a natural geological substance of a former phosphate mine⁶³ for which:

- A notice identifying the property as a former phosphate mine has been recorded in accordance with s. 378.213(1), F.S.; and
- The Department of Health (DOH) has conducted a radiation survey of the property at the request of a landowner pursuant to s. 404.0561(1), F.S.

Sections 378.213 and 404.0561, F.S., are both new statutes created by the bill and are discussed in detail below.

Section 2 of the bill creates s. 378.213, F.S., regarding notice to the public that certain specified lands are former phosphate mine sites. The bill provides that a landowner may record a notice in the official records of the county in which the land is located which identifies the landowner’s property as a former phosphate mine. The recorded notice must be in substantially the following form:

⁶⁰ Section 376.308(4), F.S.

⁶¹ *Curd v. Mosaic Fertilizer, LLC*, 39 So. 3d 1216, 1221 (Fla. 2010); s. 376.031(5), F.S.

⁶² *Charles L. Lieupo v. Simon’s Trucking, Inc.*, 286 So. 3d 143, 147 (Fla. 2019).

⁶³ The bill defines “former phosphate mine” as an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561, F.S., which is created by the bill, and state reclamation requirements of ss. 378.201-378.212, F.S., but does not include a phosphogypsum stack.

NOTICE

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

The bill provides that such recording serves as notice that the land is a former phosphate mine. The bill defines “former phosphate mine” as an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561, F.S., which is created by the bill, and the state reclamation requirements of ss. 378.201-378.212, F.S., but does not include a phosphogypsum stack.⁶⁴

Section 3 of the bill creates s. 404.0561, F.S., regarding the survey of former phosphate mining lands. The bill provides that, upon petition by a current landowner, DOH must conduct a gamma radiation survey of a former phosphate land parcel within 120 days after receipt of the petition to determine the radioactivity levels. The survey must document gamma radiation exposure measurements and the locations of the measurements.

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

Section 4 of the bill creates s. 768.405, F.S., regarding documentation of radiation levels. The bill requires plaintiffs to include a radiation survey of the property with any complaint they file for an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, including the presence of mining overburden, solid waste from the extraction, or beneficiation of phosphate rock from a phosphate mine. The radiation survey requirement applies to any civil action based on strict liability under state law,⁶⁵ negligence, or similar conduct. The requirement also applies to any other similar claim related to the mining of phosphatic rock or reclamation of a mined area.

The bill requires the survey to be prepared by a person certified as either a health physicist by the American Board of Health Physics or as a radiation protection technologist by the National Registry of Radiation Protection Technologists.

The bill also requires the survey to be representative and document the measured gamma radiation on the property. It must include:

- Background values determined in accordance with the Environmental Protection Agency’s Multi-agency Radiation Survey and Site Investigation Manual.
- Measurement locations.
- Testing equipment used.
- Testing methodology used, including the equipment calibration date and protocol.

⁶⁴ “Phosphogypsum stack” means any defined geographic area associated with a phosphoric acid production facility in which phosphogypsum is disposed of or stored, other than within a fully enclosed building, container, or tank. Section 403.4154(1)(d), F.S.

⁶⁵ Section 376.313(3), F.S.

- Name of the person performing the survey and a description of the person's relevant training, education, and experience.

The survey must be verified under penalty of perjury as provided under state law.⁶⁶

Section 5 of the bill provides that 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:

The bill may have an indeterminate positive fiscal impact on owners or operators of former phosphate mines who may have a defense to strict liability under the Water Quality Assurance Act. The bill may have an indeterminate negative fiscal impact on plaintiffs associated with hiring a health physicist or radiation protection technologist. The requirement to conduct a radiation survey before commencing litigation regarding the discharge of pollution relating to phosphate mining may reduce the potential for lawsuits where there has been no harm.

⁶⁶ See s. 92.525, F.S. (providing for the verification of documents and penalties for persons making false declarations).

C. Government Sector Impact:

In the Department of Health's 2026 Agency Legislative Bill Analysis for HB 167, the department cited the need for an additional \$3,000,000 per year in funding to carry out the surveys authorized by the bill.⁶⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 376.308 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 378.213, 404.0561, and 768.405.

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

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

None.

B. Amendments:

None.

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

⁶⁷ DOH, *2026 Agency Legislative Bill Analysis of HB 167* (Nov. 18, 2025), available at <https://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=37018>.

1 A bill to be entitled
 2 An act relating to former phosphate mining lands;
 3 amending s. 376.308, F.S.; providing conditions for a
 4 cause of action against certain former phosphate mine
 5 sites; creating s. 378.213, F.S.; authorizing
 6 landowners to record certain notice of former
 7 phosphate mines; specifying requirements for such
 8 notice; defining the term "former phosphate mine";
 9 creating s. 404.0561, F.S.; requiring the Department
 10 of Health to conduct gamma radiation surveys of former
 11 phosphate land parcels upon petition; creating s.
 12 768.405, F.S.; requiring that specified documentation
 13 of radiation levels be submitted in certain civil
 14 actions related to phosphate mining; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 **Section 1. Paragraph (e) is added to subsection (2) of**
 20 **section 376.308, Florida Statutes, to read:**

21 376.308 Liabilities and defenses of facilities.—

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

51 in accordance with s. 404.0561 and state reclamation
 52 requirements of ss. 378.201-378.212, but does not include a
 53 phosphogypsum stack as defined in s. 403.4154(1)(d).

54 **Section 3. Section 404.0561, Florida Statutes, is created**
 55 **to read:**

56 404.0561 Survey of former phosphate mining lands.—

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

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

73 **Section 4. Section 768.405, Florida Statutes, is created**
 74 **to read:**

75 768.405 Documentation of radiation levels.—In any civil

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

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

The Florida Senate

APPEARANCE RECORD

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

Bill Number or Topic

1/27/24

Meeting Date

167

Rules

Committee

Amendment Barcode (if applicable)

Name Colton Madill

Phone 850-766-7983

Address 136 S. Bronough St.

Email cmadilla@flchamber.com

Street

Tallahassee FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Chamber of Commerce

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/27/26

Meeting Date

HB 167

Bill Number or Topic

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

Rules

Committee

Amendment Barcode (if applicable)

Name

Adam Basford

Phone

3525389299

Address

516 N Adams

Email

abasford@aif.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Associated Industries of FL

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

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

**Following card received
after public testimony**

The Florida Senate

APPEARANCE RECORD

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

01/27/24

Meeting Date

HB167

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Amina Spanic

Phone _____

Address _____
Street

Email _____

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida For All

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Agriculture,
Environment, and General Government, *Vice Chair*
Appropriations
Education Postsecondary
Education Pre-K - 12
Health Policy
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR LORI BERMAN

Democratic Leader
26th District

MEMORANDUM

To: Senator Passidomo
From: Senator Berman
Subject: Absence
Date: January 22, 2026

Good afternoon, Chair Passidomo,

Please excuse my absence from the Rules Committee on January 27, 2025. In my absence, Senator Davis has agreed to present SB 296 and SB 298 on my behalf. Please let me know if you have any questions.

All the best,

A handwritten signature in cursive script that reads "Lori Berman" followed by a horizontal line.

REPLY TO:

- 2300 High Ridge Road, Suite 161, Boynton Beach, Florida 33426 (561) 292-6014 FAX: (888) 284-6491
- 228 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Education Pre-K - 12, *Chair*
Education Postsecondary, *Vice Chair*
Appropriations Committee on Criminal and
Civil Justice
Appropriations Committee on Pre-K - 12 Education
Children, Families, and Elder Affairs
Criminal Justice
Fiscal Policy
Rules

JOINT COMMITTEE:
Joint Legislative Auditing Committee

SENATOR COREY SIMON

3rd District

January 26, 2026

The Honorable Kathleen Passidomo

Chair, Committee on Rules

402 Senate Building

404 South Monroe Street

Tallahassee, FL 32399-1100

Dear Chair Passidomo,

I respectfully request an excused absence from the January 27th, 2026, meeting of the Committee on Rules.

I appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Simon".

Senator Corey Simon

CourtSmart Tag Report

Room: KB 412
Caption: Senate Rules Committee

Case No.:
Judge:

Type:

Started: 1/27/2026 9:02:46 AM
Ends: 1/27/2026 10:15:42 AM

Length: 01:12:57

9:02:53 AM Chair Passidomo calls the meeting to order
9:02:56 AM Roll call
9:03:35 AM Quorum announced
9:03:47 AM Chair with opening comments
9:04:19 AM Tab 2 CS/SB 62 Candidate Qualification by Senator Arrington
9:04:23 AM Senator Arrington explains the bill
9:05:45 AM No questions
9:05:48 AM No appearance forms
9:05:50 AM No debate
9:05:54 AM Senator Arrington waives close
9:05:57 AM Roll call
9:06:34 AM CS/SB 62 is reported favorably
9:06:46 AM Tab 3 CS/SB 156 Criminal Offenses Against Law Enforcement Officers and Other Personnel by Senator Leek
9:06:58 AM Senator Leek explains the bill
9:09:25 AM No questions
9:09:27 AM Appearance Forms
9:09:36 AM Michael Chambliss, City of Daytona Beach, speaks
9:12:06 AM Aaron Wayt, FL Assn of Criminal Defense Lawyers, speaks
9:17:16 AM Senator Pizzo with question
9:17:23 AM Mr. Wayt
9:17:43 AM Senator Pizzo
9:17:50 AM Mr. Wayt
9:18:05 AM William B. Smith, FL PBA, waives
9:18:08 AM Jennifer Cook Pritt, The Florida Police Chiefs Association, waives
9:18:16 AM Molly Hudson, Volusia Sheriff's Office, waives
9:18:26 AM Allie McNair, Florida Sheriff's Association, waives
9:18:30 AM Debate
9:18:35 AM Senator Jones
9:18:53 AM Senator Leek closes
9:20:00 AM Roll call
9:20:38 AM CS/SB 156 is reported favorably
9:20:49 AM Tab 19 CS/SB 7014 OGSR/Social Media Platform Investigations
9:20:55 AM Senator Leek explains the bill
9:21:32 AM No questions
9:21:34 AM No appearance forms
9:21:37 AM No debate
9:21:40 AM Senator Leek waives close
9:21:42 AM Roll call
9:22:21 AM CS/SB 7014 is reported favorably
9:22:30 AM Tab 20 SB 7016 OGSR/Administration of Small Business Loan Programs Held by an Economic Development Agency
9:22:38 AM Senator Leek explains the bill
9:23:15 AM No questions
9:23:16 AM No appearance forms
9:23:18 AM No debate
9:23:21 AM Senator Leek waives close
9:23:23 AM Roll call
9:23:56 AM CS/SB 7016 is reported favorably
9:24:05 AM Tab 12 SB 624 Batterers' Intervention Program Activities by Senator Yarborough
9:24:14 AM Senator Yarborough explains the bill
9:24:32 AM No questions

9:24:35 AM Appearance Forms
9:24:46 AM Beth Gearhart speaks
9:25:41 AM Kevin Drinka speaks
9:29:11 AM John Labriola, Christian Family Coalition Florida, waives
9:29:20 AM Aaron DiPietro, Florida Family Voice, waives
9:29:24 AM Debate
9:29:28 AM Senator Harrell
9:30:11 AM Senator Yarborough closes
9:30:15 AM Roll call
9:30:49 AM SB 624 is reported favorably
9:31:01 AM Tab 18 CS/SB 7012 OGSR/Department of Highway Safety and Motor Vehicles
9:31:06 AM Senator Massullo explains the bill
9:31:48 AM No questions
9:31:53 AM No debate
9:31:55 AM Senator Massullo waives close
9:31:57 AM Roll call
9:32:27 AM CS/SB 7012 is reported favorably
9:32:36 AM Tab 21 HB 167 Former Phosphate Mining Lands by Representative McClure
9:32:42 AM Senator Burgess explains the bill
9:33:45 AM No questions
9:33:48 AM Appearance Forms
9:33:53 AM Colton Madill, Florida Chamber of Commerce, waives
9:33:58 AM Adam Basford, Associated Industries of Florida, waives
9:34:03 AM No debate
9:34:06 AM Senator Burgess waives close
9:34:08 AM Roll call
9:34:44 AM HB 167 is reported favorably
9:34:54 AM Tab 1 CS/SB 48 Housing by Senator Gaetz
9:35:00 AM Senator Gaetz explains the bill
9:36:11 AM Amendment Barcode 257354
9:36:16 AM Senator Gaetz explains the amendment
9:36:29 AM No questions
9:36:32 AM No appearance forms
9:36:36 AM No debate
9:36:39 AM Senator Gaetz waives close
9:36:43 AM Amendment is adopted
9:36:49 AM Late-fled Amendment Barcode 327374
9:36:52 AM Without objection amendment is introduced
9:36:57 AM Senator Gaetz explains the amendment
9:37:13 AM No questions
9:37:18 AM No debate
9:37:23 AM Senator Gaetz waives close
9:37:25 AM Amendment is adopted
9:37:27 AM Back on the Bill
9:37:33 AM No questions
9:37:36 AM Appearance Forms
9:37:43 AM Samantha Padgett, Florida Restaurant & Lodging Assoc., waives
9:37:49 AM Matt Herndon, United Way of Florida, Tampa Bay Partnership, waives
9:37:54 AM Brendon Burke, The Florida Homebuilders Association, waives
9:38:00 AM Colton Madill, Florida Chamber of Commerce, waives
9:38:04 AM Murphy Kennedy Giering, Florida Realtors, waives
9:38:09 AM Doug Wheeler, The James Madison Institute, waives
9:38:15 AM Ivonne Fernandez, AARP, waives
9:38:20 AM Daniel Martinez, Americans for Prosperity, waives
9:38:28 AM Debate
9:38:31 AM Senator Osgood
9:40:27 AM Senator Gaetz closes
9:40:35 AM Roll call
9:41:12 AM CS/SB 48 is reported favorably
9:41:20 AM Tab 5 SB 288 Rural Electric Cooperatives by Senator Rodriguez
9:41:27 AM Senator Rodriguez explains the bill
9:42:30 AM No questions

9:42:32 AM Appearance Forms
9:42:35 AM Daniel Martinez, Americans for Prosperity, waives
9:42:44 AM Drew Love, Florida Electric Cooperatives Association, waives
9:42:46 AM No debate
9:42:50 AM Senator Rodriguez waives close
9:42:53 AM Roll call
9:43:28 AM SB 288 is reported favorably
9:43:37 AM Tab 10 CS/SB 364 Public Accountancy by Senator Gruters
9:43:45 AM Senator Rodriguez explains the bill
9:44:28 AM No questions
9:44:31 AM Appearance Forms
9:44:37 AM Jason Harrell, Florida Institute of CPA's, waives
9:44:40 AM No debate
9:44:44 AM Senator Rodriguez waives close
9:44:46 AM Roll call
9:45:22 AM CS/SB 364 is reported favorably
9:45:36 AM Tab 7 SB 292 Public Records/Appellate Court Clerks by Senator Rouson
9:45:41 AM Senator Rouson explains the bill
9:46:48 AM No questions
9:46:50 AM Appearance Forms
9:46:54 AM Sean Burnfin, Florida Conference of DCA Judges, waives
9:47:00 AM No debate
9:47:03 AM Senator Rouson waives close
9:47:05 AM Roll call
9:47:48 AM SB 292 is reported favorably
9:47:59 AM Tab 8 CS/SB 296 Victims of Domestic Violence and Dating Violence by Senator Berman
9:48:07 AM Senator Davis explains the bill
9:50:06 AM No questions
9:50:07 AM Appearance Forms
9:50:19 AM Mike Crook, State Chair of Christian Coalition, waives
9:50:32 AM Emilee Nevaril waives
9:50:42 AM Patricia DeWitt, AAUW of Florida, speaks
9:51:42 AM James Beasley, ACFS, waives
9:51:46 AM Kim Beasley, AAUW, waives
9:51:52 AM Darren Mason, Crime Survivors Speak, waives
9:51:56 AM Elizabeth Ford waives
9:52:01 AM Emily Owens, AAUW, waives
9:52:08 AM Eileen Bisgard, AAUW Gainesville, waives
9:52:12 AM Lisa Herrmann Carlson, AAUW FL-St. Augustine, waives
9:52:20 AM Katie Bohnett, Alliance for Safety & Justice, waives
9:52:28 AM Richard Pinsky, Dominic Maron Ferrell Foundation, waives
9:52:34 AM No debate
9:52:39 AM Senator Davis waives close
9:52:42 AM Roll call
9:53:19 AM CS/SB 296 is reported favorably
9:53:27 AM Tab 9 CS/SB 298 Public Records/Victims of Domestic Violence and Dating Violence by Senator Berman
9:53:33 AM Senator Davis explains the bill
9:54:02 AM No questions
9:54:03 AM Appearance Forms
9:54:07 AM Mike Crook, State Chair Christian Coalition, waives
9:54:11 AM Emilee Nevaril waives
9:54:17 AM Katie Bohnett, Alliance for Safety & Justice, waives
9:54:21 AM Darren Mason, Crime Survivors Speak, waives
9:54:27 AM No debate
9:54:29 AM Senator Davis waives close
9:54:32 AM Roll call
9:55:07 AM CS/SB 298 is reported favorably
9:55:17 AM Tab 11 SB 386 Farm Equipment by Senator Trumbull
9:55:26 AM Senator Trumbull explains the bill
9:55:44 AM No questions
9:55:46 AM Appearance Form
9:55:50 AM Jim Spratt, Florida Forestry Association, waives

9:55:57 AM No debate
9:56:08 AM Senator Trumbull closes
9:56:26 AM Roll call
9:57:06 AM SB 386 is reported favorably
9:57:18 AM Tab 13 CS/SB 7000 OGSR/Persons Provided Emergency Shelter
9:57:29 AM Senator Wright explains the bill
9:57:49 AM No questions
9:57:52 AM No appearance forms
9:57:54 AM No debate
9:57:56 AM Senator Wright waives close
9:57:59 AM Roll call
9:58:37 AM CS/SB 7000 is reported favorably
9:58:45 AM Tab 14 CS/SB 7002 OGSR/Department of Military Affairs/United States Department of Defense
9:58:55 AM Senator Wright explains the bill
9:59:11 AM No questions
9:59:14 AM No appearance forms
9:59:16 AM No debate
9:59:20 AM Senator Wright waives close
9:59:23 AM Roll call
9:59:39 AM CS/SB 7002 is reported favorably
10:00:02 AM Tab 15 SB 7004 OGSR/Conviction Integrity Unit Reinvestigation Information
10:00:17 AM Senator Martin explains the bill
10:01:15 AM No questions
10:01:21 AM No appearance forms
10:01:21 AM Senator Martin waives close
10:01:25 AM Roll call
10:01:57 AM SB 7004 is reported favorably
10:02:10 AM Tab 16 SB 7006 OGSR/Public Service Commission
10:02:18 AM Senator Bradley explains the bill
10:03:00 AM No questions
10:03:04 AM Appearance forms
10:03:09 AM NR Hines, Florida Rising, waives
10:03:16 AM Amina Spahic, Florida For All, waives
10:03:21 AM No debate
10:03:24 AM Senator Bradley waives close
10:03:35 AM Roll call
10:04:18 AM SB 7006 is reported favorably
10:04:28 AM Tab 17 SB 7008 OGSR/Florida Gaming Commission
10:04:35 AM Senator Bradley explains the bill
10:04:52 AM No questions
10:04:54 AM No appearance forms
10:04:56 AM No debate
10:04:57 AM Senator Bradley waives close
10:05:02 AM Roll call
10:05:48 AM SB 7008 is reported favorably
10:05:58 AM Tab 4 SB 168 Public Nuisances by Senator Truenow
10:06:28 AM Senator Truenow explains the bill
10:07:23 AM No questions
10:07:27 AM Appearance form
10:07:31 AM Aaron Dipietro, Florida Family Voice, waives
10:07:37 AM No debate
10:07:40 AM Senator Truenow waives close
10:07:42 AM Roll call
10:08:25 AM SB 168 is reported favorably
10:08:35 AM Tab 6 CS/CS/SB 290 Department of Agriculture and Consumer Services by Senator Truenow
10:08:47 AM Senator Truenow TP's the bill
10:09:15 AM Chair Passidomo allows public testimony
10:09:47 AM Senator Truenow
10:10:43 AM Edwin Henry speaks
10:14:21 AM Chair Passidomo
10:14:41 AM Motions for Votes After
10:14:47 AM Senator Boyd

10:14:56 AM Senator Martin
10:14:59 AM Senator Burgess
10:15:07 AM Senator Bradley
10:15:14 AM Senator Burton
10:15:23 AM Without Objection motions adopted
10:15:29 AM Senator Burgess moves to adjourn
10:15:32 AM Without objection - meeting adjourned