

Agenda Order

Tab 1	CS/SB 302 by EN, Garcia; Compare to H 01035 Nature-based Solutions for Improving Coastal Resilience				
618832	D	S	AEG, Garcia	Delete everything after	02/03 04:02 PM
Tab 2	SB 394 by Leek; Identical to H 00099 Reinsurance Intermediary Managers				
Tab 3	SB 480 by Harrell; Information Technology				
816038	D	S	AEG, Harrell	Delete everything after	02/03 12:17 PM
Tab 4	CS/SB 546 by EN, Mayfield (CO-INTRODUCERS) Harrell; Identical to CS/H 00441 Conservation Lands				
Tab 5	SB 636 by Leek; Identical to H 01297 Beach Management				
244086	A	S	AEG, Leek	Delete L.58 - 59:	02/03 03:53 PM
Tab 6	SB 774 by Pizzo (CO-INTRODUCERS) Arrington, DiCeglie, Berman, Bernard; Identical to H 00451 911 Public Safety Telecommunicator Employment-related Mental or Nervous Injuries				
Tab 7	CS/SB 796 by RI, Bradley; Identical to CS/H 00805 Veterinary Medicine				
Tab 8	CS/SB 1028 by BI, Gruters; Similar to H 00943 Citizens Property Insurance Corporation				
Tab 9	SB 1050 by Calatayud; Similar to CS/CS/H 00089 Veterinary Prescription Disclosure				
Tab 10	CS/SB 1066 by EN, Brodeur; Identical to CS/H 00981 Tributaries of the St. Johns River				
195568	A	S	AEG, Brodeur	Delete L.67 - 98:	02/03 12:19 PM
Tab 11	SB 1120 by Brodeur; Identical to H 00701 Water Management Districts				
Tab 12	CS/SB 1230 by EN, Harrell; Similar to CS/H 01019 Perfluoroalkyl and Polyfluoroalkyl Substances				
Tab 13	CS/SB 1288 by EN, Harrell; Similar to CS/H 01219 Waterbody Designations/Andrew "Red" Harris Shoal				
Tab 14	SB 1682 by Trumbull; Identical to CS/H 01103 Local Administration of Vessel Restrictions				
464856	A	S	AEG, Trumbull	btw L.228 - 229:	02/03 12:19 PM

COMMITTEE MEETING EXPANDED AGENDA**APPROPRIATIONS COMMITTEE ON AGRICULTURE,
ENVIRONMENT, AND GENERAL GOVERNMENT****Senator Brodeur, Chair**
Senator Berman, Vice Chair**MEETING DATE:** Wednesday, February 4, 2026**TIME:** 3:45—6:00 p.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building**MEMBERS:** Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Arrington, DiCeglie, Grall, Massullo, McClain, Pizzo, Rodriguez, Sharief, and Truenow

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Review and Discussion of Fiscal Year 2026-2027 Budget Issues Relating to: Department of Agriculture and Consumer Services Department of Citrus Department of Environmental Protection Fish and Wildlife Conservation Commission Department of Business and Professional Regulation Department of Financial Services Office of Financial Regulation Offices of Insurance Regulation Florida Gaming Control Commission Department of Lottery Department of Management Services Division of Administrative Hearings Florida Commission of Human Relations Public Employees Relations Commission Public Service Commission Department of Revenue		
1	CS/SB 302 Environment and Natural Resources / Garcia (Compare H 1035)	Nature-based Solutions for Improving Coastal Resilience; Requiring the Department of Environmental Protection to adopt rules and guidelines for nature-based solutions for improving coastal resilience; requiring the department, in consultation with the Division of Insurance Agent and Agency Services of the Department of Financial Services, to conduct a statewide feasibility study regarding the value of nature-based solutions being used for a specified purpose, etc. EN 12/02/2025 Fav/CS AEG 02/04/2026 FP	
2	SB 394 Leek (Identical H 99)	Reinsurance Intermediary Managers; Defining the term "controlling"; revising the definition of the term "reinsurance intermediary manager" to exclude certain underwriting managers, etc. BI 01/13/2026 Favorable AEG 02/04/2026 RC	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Wednesday, February 4, 2026, 3:45—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 480 Harrell	Information Technology; Providing for a type two transfer of the duties and functions of the Florida Digital Service from the Department of Management Services to the Division of Integrated Government Innovation and Technology; creating the Division of Integrated Government Innovation and Technology (DIGIT) within the Executive Office of the Governor; requiring DIGIT to operate as the state enterprise organization for information technology governance and as the lead entity responsible for understanding needs and environments, creating standards and strategy, supporting state agency technology efforts, and reporting on the state of information technology in this state, etc. AEG 02/04/2026 AP	
4	CS/SB 546 Environment and Natural Resources / Mayfield (Identical CS/H 441)	Conservation Lands; Requiring the Division of State Lands to publish certain information on its website before the Acquisition and Restoration Council or the Board of Trustees of the Internal Improvement Trust Fund meets to review the proposed sale of conservation lands; requiring that certain parcels proposed for exchange be appraised in accordance with certain criteria; requiring the governing board of a water management district to publish certain information on its website before meeting to review the proposed sale or exchange of certain lands, etc. EN 01/13/2026 Fav/CS AEG 02/04/2026 RC	
5	SB 636 Leek (Identical H 1297)	Beach Management; Requiring the Department of Environmental Protection to review certain data when designating certain beaches as critically eroded and in need of restoration and nourishment; requiring that certain beaches, whose local government preserved funds for a certain purpose and which possess specified features, be designated as critically eroded; revising the list of areas that may receive designation as an area of critical state concern, etc. EN 01/13/2026 Favorable AEG 02/04/2026 FP	

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Wednesday, February 4, 2026, 3:45—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 774 Pizzo (Identical H 451)	911 Public Safety Telecommunicator Employment-related Mental or Nervous Injuries; Defining the term "911 public safety telecommunicator"; providing that specified provisions relating to certain medical benefits for mental or nervous injuries for first responders also apply to 911 public safety telecommunicators, etc. GO 01/20/2026 Favorable AEG 02/04/2026 FP	
7	CS/SB 796 Regulated Industries / Bradley (Identical CS/H 805, Compare CS/H 607, H 871, S 1382)	Veterinary Medicine; Citing this act as the "Veterinary Workforce Innovation Act"; increasing the amount of time for which prescriptions based solely on a veterinary telehealth evaluation may be issued for certain drugs; providing requirements for veterinary professional associates to receive certificates of registration from the Department of Business and Professional Regulation; requiring the department to make a list of veterinary professional associate registrants publicly available on its website; authorizing the department to rescind the registration of a veterinary professional associate under certain circumstances, etc. RI 01/12/2026 Fav/CS AEG 02/04/2026 RC	
8	CS/SB 1028 Banking and Insurance / Gruters (Similar H 943)	Citizens Property Insurance Corporation; Prohibiting the corporation from issuing or renewing coverage for commercial residential and commercial nonresidential risks under certain circumstances; requiring the corporation to establish a personal lines clearinghouse for specified purposes; authorizing approved surplus lines clearinghouse insurers to participate in the commercial lines clearinghouse; specifying the circumstances under which policyholders of the corporation are not eligible for new commercial lines residential coverage from the corporation, etc. BI 01/13/2026 Fav/CS AEG 02/04/2026 FP	

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Appropriations Committee on Agriculture, Environment, and General Government
Wednesday, February 4, 2026, 3:45—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 1050 Calatayud (Similar CS/CS/H 89)	Veterinary Prescription Disclosure; Requiring a veterinarian or authorized member of veterinary staff to inform a client of the right to receive a written prescription to be filled at a pharmacy of the client's choice or the option to have the prescription filled at the veterinary establishment; requiring that the disclosure include an acknowledgement signed by the client; providing that such acknowledgement be documented in the patient's medical records, etc. RI 01/20/2026 Favorable AEG 02/04/2026 RC	
10	CS/SB 1066 Environment and Natural Resources / Brodeur (Identical CS/H 981)	Tributaries of the St. Johns River; Citing this act as the "Northeast Florida Rivers, Springs, and Community Investment Act"; requiring the Department of Environmental Protection, by a specified date, to hire a project lead to oversee the implementation of the act; requiring the department to develop, by a specified date, a project plan for the restoration of the Ocklawaha River; providing that the project plan is an environmental restoration or enhancement project subject to a general permit from the department and water management districts; creating the Northeast Florida River and Springs Recreation and Economic Development Advisory Council, etc. EN 01/20/2026 Fav/CS AEG 02/04/2026 AP	
11	SB 1120 Brodeur (Identical H 701, Compare H 593, H 1161, S 802, S 1636)	Water Management Districts; Requiring the Commission on Ethics to investigate a lobbyist or principal who has made a prohibited expenditure and to provide the Governor with a report of its findings and recommendations regarding such investigation; requiring the South Florida Water Management District, in cooperation with the Department of Environmental Protection, to provide a detailed report that includes the total estimated remaining cost of implementation of the Comprehensive Everglades Restoration Plan and the status of applicable performance indicators for all project components; authorizing water management districts to levy certain ad valorem taxes on specified property for certain purposes; requiring that the preliminary budget for each water management district include a section that contains the district's capital improvement plan for the current fiscal year and the next fiscal year, etc. AEG 02/04/2026 AP	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Wednesday, February 4, 2026, 3:45—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	CS/SB 1230 Environment and Natural Resources / Harrell (Similar CS/H 1019)	Perfluoroalkyl and Polyfluoroalkyl Substances; Prohibiting, beginning on a specified date, certain use and the sale, purchase, or distribution of aqueous film-forming foam; prohibiting, beginning on a specified date, the possession and use of aqueous film-forming foam; requiring certain public entities disposing of domestic wastewater biosolids to annually conduct specified samplings and submit the results to the department, etc. EN 01/20/2026 Fav/CS AEG 02/04/2026 FP	
13	CS/SB 1288 Environment and Natural Resources / Harrell (Similar CS/H 1219)	Waterbody Designations/Andrew “Red” Harris Shoal; Designating the Andrew “Red” Harris Shoal; directing the Department of Environmental Protection to erect suitable markers, etc. EN 01/20/2026 Fav/CS AEG 02/04/2026 FP	
14	SB 1682 Trumbull (Identical CS/H 1103)	Local Administration of Vessel Restrictions; Authorizing counties and municipalities to adopt ordinances to administer, in coordination with the Fish and Wildlife Conservation Commission, certain provisions relating to vessels at risk of becoming derelict, the enforcement of long-term anchoring permit requirements, and derelict and migrant vessels, respectively; authorizing counties and municipalities to designate code enforcement officers for specified purposes; providing that certain determinations made by the code enforcement officers are for administrative purposes only and are not criminal findings, etc. EN 01/27/2026 Favorable AEG 02/04/2026 RC	

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 302

INTRODUCER: Environment and Natural Resources Committee and Senator Garcia

SUBJECT: Nature-based Solutions for Improving Coastal Resilience

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 302 directs the Department of Environmental Protection (DEP) to adopt rules for using nature-based solutions to improve coastal resilience. Among other things, the rules must:

- Provide methods to mitigate erosion in areas of critical state concern.
- Provide a framework for developers to mitigate impacts on existing mangrove stands.
- Encourage mangrove replanting programs and the restoration of oyster reefs, salt marshes, and coral reefs.
- Provide a framework for the implementation of nature-based solutions.
- Provide a framework for local governments to identify vulnerable coastal properties and develop protection and restoration zone projects that use nature-based solutions through the Resilient Florida Grant Program.
- Create permitting incentives for the use of new technologies, such as 3D printing, for living shorelines and nature-based solutions.
- Provide for the development of workforce training that includes flood and sea level rise research methods, predictive strategies, and adaptation and mitigation strategies.
- Streamline the permitting process after a storm event for green infrastructure projects and the replacement of failed coastal infrastructure with hybrid infrastructure.
- Provide guidance on the optimal combination of nature-based solutions and hybrid infrastructure to address sea level rise and mitigate the impact of storm surges.
- Model the projected effects of the integration of hybrid infrastructure designs.

The bill also requires the DEP to conduct a statewide feasibility study to determine the value of nature-based solutions for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System. The DEP must submit a report on the findings of the study by July 1, 2027.

The bill requires the DEP to adopt rules and conduct a feasibility study. The bill includes an appropriation for the 2026-2027 fiscal year, of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund to the DEP to conduct the study. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Coastal Resilience, Green Infrastructure, and Nature-Based Solutions

Resilience is the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions.¹ Resilience planning includes preparing for hazard events, risk mitigation, and post-event recovery and should be proactive, continuous, and integrated into other community goals and plans.²

Green infrastructure and nature-based solutions are increasingly being integrated into resilience planning. Green infrastructure uses vegetation, soils, and natural processes to manage and treat stormwater runoff water, often in urban environments.³ The scale of green infrastructure ranges from urban installations, such as rain gardens and green roofs, to large tracts of undeveloped natural lands.⁴ The interconnected network of green infrastructure can enhance the resiliency of infrastructure and communities by increasing water supplies, reducing flooding, providing climate adaptability, and improving water quality.⁵

Similarly, nature-based solutions integrate natural features and processes into the built environment to promote resilient communities.⁶ Coastal nature-based solutions can stabilize shorelines, reduce erosion, and buffer coastal areas from the impacts of storms, sea level rise, and flooding.⁷ Examples of green infrastructure and nature-based solutions include:

- Land conservation;

¹ Federal Emergency Management Agency (FEMA), *National Risk Index: Community Resilience*, <https://hazards.fema.gov/nri/community-resilience> (last visited Nov. 20, 2025).

² National Institute of Standards and Technology, U.S. Dep't of Commerce, *Community Resilience Planning Guide for Buildings and Infrastructure Systems*, 1 (2016), available at <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1190v1.pdf>.

³ U.S. Environmental Protection Agency (EPA), *Improving Community Resiliency with Green Infrastructure*, 1 (2014), available at https://www.epa.gov/sites/default/files/2014-06/documents/gi_resiliency.pdf.

⁴ *Id.*

⁵ *Id.*

⁶ FEMA, *Building Community Resilience with Nature-based Solutions*, 4 (2020), available at https://www.fema.gov/sites/default/files/2020-07/fema_bric_nature-based-solutions-guide_2020.pdf.

⁷ FEMA, *Building Community Resilience with Nature-based Solutions* at 5. See generally EPA, *Green Infrastructure and Extreme Weather*, <https://www.epa.gov/green-infrastructure/climate-resiliency-and-green-infrastructure> (last visited Nov. 20, 2025); EPA, *Green Infrastructure Opportunities that Arise During Municipal Operations*, 1 (2015), available at https://www.epa.gov/sites/default/files/2015-09/documents/green_infrastructure_roadshow.pdf.

- Tree canopy preservation;
- Floodplain and wetland restoration;
- Bioretention (e.g., planter boxes, bioswales, rain gardens, green roofs);
- Permeable pavement; and
- Living shorelines and oyster reefs.⁸



Stormwater Planter, Permeable Pavement, Living Shoreline, and Bioretention⁹

Living Shorelines and Seawalls

A living shoreline is a nature-based solution that consists of strategically placing natural materials such as plants and stones along a coastal edge.¹⁰ Living shorelines promote and rely on the growth of natural vegetation over time to help reduce erosion, increase resiliency, and filter runoff.¹¹ This natural infrastructure helps maintain the shoreline ecosystem while being an innovative coastal management technique.¹² Research indicates that living shorelines are more resilient than bulkheads in protecting against the effects of hurricanes.¹³

⁸ FEMA, *Building Community Resilience with Nature-based Solutions* at 6-8; EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Nov. 20, 2025).

⁹ EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Nov. 20, 2025).

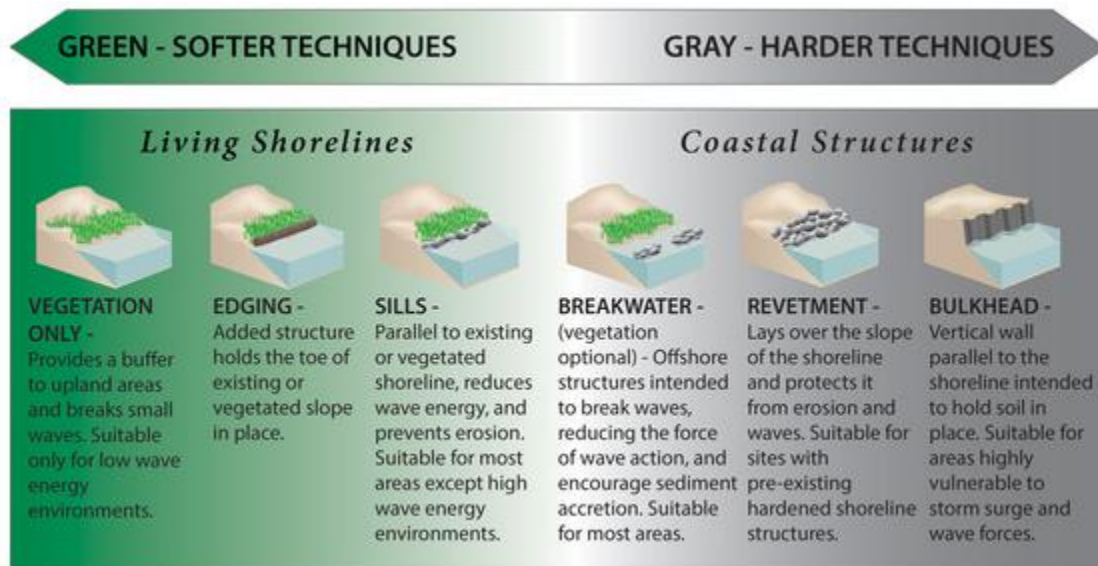
¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ National Oceanic and Atmospheric Administration (NOAA), *What is a living shoreline?*, <https://oceanservice.noaa.gov/facts/living-shoreline.html> (last visited Nov. 20, 2025). See also NOAA, *Understanding Living Shorelines*, <https://www.fisheries.noaa.gov/insight/understanding-living-shorelines#what-is-a-living-shoreline> (last visited Nov. 20, 2025).

A living seawall is designed to encourage underwater habitats and usually consists of naturalistic concrete, rock, and/or shell structures designed to attract fish, oysters, and other living things, absorb wave energy without causing erosion, and improve aesthetics.¹⁴



Mangroves

Florida's estimated 600,000 acres of mangrove forests contribute to the overall health of the state's southern coastal zone and beyond.¹⁵ Mangroves stabilize coastlines, slow the movement of tides, store carbon, and help protect against erosion and damage from storm surges.¹⁶ According to one study by the Nature Conservancy, mangroves prevented \$1.5 billion in direct flood damages and protected over half a million people in Florida during Hurricane Irma in 2017, reducing damages by nearly 25 percent in counties with mangroves.¹⁷ In Collier County, some regions immediately behind the county's mangroves receive annual risk reduction benefits

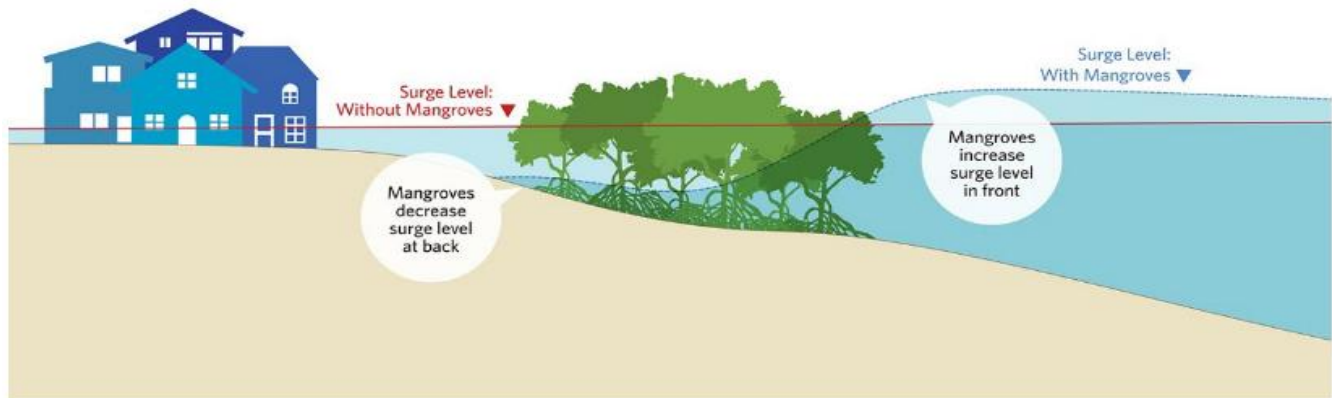
¹⁴ Mote Marine Laboratory and Aquarium, *Mote scientists to study Sarasota's new 'living seawall,'* <https://mote.org/news/mote-scientists-to-study-sarasotas-new-living-seawall/> (last visited Nov. 20, 2025). See also Port of San Francisco, *Living Seawall Pilot*, <https://www.sfport.com/wrp/living-seawall> (last visited Nov. 20, 2025).

¹⁵ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Nov. 20, 2025). Mangroves are gaining ground along their northern Florida habitat limits, and as winter cold snaps decrease, mangroves are expected to expand further north into new territory. Kristen Minogue & Heather Dewar, Smithsonian Environmental Research Center, *With Fewer Hard Frosts, Tropical Mangroves Push North*, 1 (2013), available at <https://sercblog.si.edu/with-fewer-hard-frosts-tropical-mangroves-push-north/>.

¹⁶ NASA, *Mangroves Are Losing Their Resilience*, <https://landsat.gsfc.nasa.gov/article/mangroves-are-losing-their-resilience/> (last visited Nov. 20, 2025). See also, DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves>; NASA, *NASA Study Maps the Roots of Global Mangrove Loss*, available at <https://www.nasa.gov/feature/goddard/2020/nasa-study-maps-the-roots-of-global-mangrove-loss>. Mangroves reduce wave heights by 31 percent on average. Siddharth Narayan et al., *The Effectiveness, Costs and Coastal Protection Benefits of Natural and Nature-Based Defenses*, Plos One, 4 (2016), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0154735>.

¹⁷ Siddharth Narayan et al., The Nature Conservancy, *Valuing the Flood Risk Reduction Benefits of Florida's Mangroves*, 2, available at https://www.nature.org/content/dam/tnc/nature/en/documents/Mangrove_Report_digital_FINAL.pdf.

of over \$1 million.¹⁸ Another study found that without the mangroves on Florida's coast, the storm surge of Hurricane Wilma would have extended up to 70 percent further inland.¹⁹



MANGROVE BENEFITS Surge is reduced behind mangroves, helping ease flooding to land and properties. © The Nature Conservancy

The amount of protection afforded by mangroves depends on the width of the forest. A narrow fringe of mangroves offers limited protection, while a wide fringe can considerably reduce wave and flood damage to landward areas by enabling overflowing water to be absorbed into the expanse of forest.²⁰ Notably, the Legislature has found that many areas of mangroves in Florida occur as narrow riparian fringes that do not provide all the functions of mangrove forests or provide such functions to a lesser degree.²¹

Mangroves also play an important ecological role as a habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife,²² including endangered and threatened species such as the manatee, hawksbill sea turtle, American crocodile, Key deer, and Florida panther.²³ Mangrove branches act as bird rookeries and nesting areas for coastal wading birds, and their intricate root systems provide critical nursery habitats for fish, crustaceans, shellfish, and other marine life.²⁴ The roots also make ideal underwater perches for barnacles, oysters, crabs, and other marine organisms.²⁵ These organisms provide food for juvenile fish, birds, reptiles, and other wildlife.²⁶ Florida's important recreational and commercial fisheries would drastically decline without healthy mangrove forests.²⁷

¹⁸ *Id.* at 10. Worldwide, mangroves reduce risk to more than 15 million people and prevent more than \$65 billion in property damages each year. Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

¹⁹ Keqi Zhang et al., *The role of mangroves in attenuating storm surges*, *Estuarine, Coastal and Shelf Science*, vols. 102-103, 11, 23 (2012), available at <https://www.sciencedirect.com/science/article/abs/pii/S0272771412000674>.

²⁰ *Id.*

²¹ Section 403.9322(3), F.S.

²² Section 403.9322(2), F.S.

²³ Florida Museum, University of Florida, *South Florida Aquatic Environments: Mangrove Life*, <https://www.floridamuseum.ufl.edu/southflorida/habitats/mangroves/mangrove-life/> (last visited Nov. 20, 2025).

²⁴ *Id.*; DEP, *Florida's Mangroves*; Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

²⁵ Hannah Waters, Smithsonian Institution, *Mangrove Restoration: Letting Mother Nature Do the Work* (2016), available at <https://ocean.si.edu/ocean-life/plants-algae/mangrove-restoration-letting-mother-nature-do-work>.

²⁶ *Id.*

²⁷ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves>.

Human activities such as coastal development are responsible for destroying more mangrove forests worldwide than any other type of coastal habitat.²⁸ Rising sea levels and more intense droughts and storms could increase the rate of mangrove loss.²⁹

National Flood Insurance Program Community Rating System

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.³⁰ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.³¹ Participation in the NFIP is voluntary.³² To join, a community must:

- Complete an application;
- Adopt a resolution of intent to participate and cooperate with the FEMA; and
- Adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.³³

The NFIP's Community Rating System (CRS) is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.³⁴ Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.³⁵ Premium discounts range from five to 45 percent based on a community's CRS credit points.³⁶ Communities earn credit points by implementing FEMA-approved activities or programs, such as:

- Flood damage reduction programs that reduce the flood risk to existing development;
- Public outreach programs advising people about flood hazards, flood insurance, and ways to reduce flood damage;
- Mapping and regulations limiting floodplain development or providing increased protection to new and existing development; or
- Warning and response programs that provide early flood warnings to the public and incorporate substantial damage assessments into flood response operations.³⁷

²⁸ Florida Fish and Wildlife Conservation Commission, *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/mangroves/> (last visited Nov. 20, 2025).

²⁹ Miriam C. Jones et al., *Rapid inundation of southern Florida coastline despite low relative sea-level rise rates during the late-Holocene*, *Nature Communications*, 1, 10 (2019), available at <https://www.nature.com/articles/s41467-019-11138-4>; Xiucheng Yang et al., *Tracking mangrove condition changes using dense Landsat time series*, *Remote Sensing of Environment*, vol. 15, 1 (2024), available at <https://www.sciencedirect.com/science/article/pii/S0034425724004875?via%3Dihub>.

³⁰ The National Flood Insurance Act, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). See also FEMA, *Flood Insurance Rules and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation> (last visited Feb. 7, 2025).

³¹ See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Nov. 20, 2025).

³² FEMA, *Participation in the NFIP*, <https://www.fema.gov/about/glossary/participation-nfip> (last visited Nov. 20, 2025).

³³ *Id.*

³⁴ FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system> (last visited Nov. 20, 2025).

³⁵ *Id.*

³⁶ *Id.*

³⁷ FEMA, *Community Rating System: A Local Official's Guide to Saving Lives, Preventing Property Damage, and Reducing the Cost of Flood Insurance*, 3-6 (2018), available at https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_local-guide-flood-insurance-2018.pdf.

Resilient Florida Grant Program

The Resilient Florida Grant Program provides grants to counties and municipalities to fund community resilience planning, including, among other things, vulnerability assessments that identify or address risks of flooding and sea level rise, comprehensive plan amendments, and feasibility studies and permitting costs for nature-based solutions that reduce the impact of flooding and sea level rise.³⁸ Water management districts are also eligible to receive grants under the Resilient Florida Grant Program to assist local government adaptation planning.³⁹

Workforce Development Capitalization Incentive Grant Program

The Workforce Development Capitalization Incentive Grant Program was created to provide grants to school districts and Florida College System institutions to fund costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the CAPE Industry Certification Funding List.⁴⁰ The programs may serve secondary students or postsecondary students if the postsecondary career and technical education program also serves secondary students.⁴¹

Grant funds may be used for instructional and laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a career and technical education program that serves secondary students.⁴² In ranking applications, the State Board of Education must consider the statewide geographic dispersion of grant funds and give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.⁴³

Environmental Resource Permitting (ERP)

Part IV of ch. 373, F.S., and chapter 62-330 of the Florida Administrative Code regulate the statewide ERP program, which is the primary tool used by the DEP and the water management districts for preserving natural resources and fish and wildlife, minimizing degradation of water resources caused by stormwater discharges, and providing for the management of water and related land resources. The program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.⁴⁴

Projects that are in, on, or over surface waters and wetlands are subject to additional permitting requirements. For example, if a proposed activity significantly degrades or is within an

³⁸ Section 380.093(3)(b)1., F.S.

³⁹ Section 380.093(3)(b)2., F.S. Such funding must support the Florida Flood Hub and DEP's efforts related to data creation, collection, modeling, and statewide standards implementation.

⁴⁰ Section 1011.801, F.S.

⁴¹ *Id.*

⁴² Section 1011.801(1), F.S.

⁴³ Section 1011.801(2), F.S.

⁴⁴ Fla. Admin. Code R. 62-330.010(2).

Outstanding Florida Water,⁴⁵ the ERP applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.⁴⁶ In determining whether an activity is clearly in the public interest, the water management district or DEP must consider and balance the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and

The current condition and relative value of functions being performed by areas affected by the proposed activity.⁴⁷

III. Effect of Proposed Changes:

The bill contains four whereas clauses that acknowledge the following:

- The coastline is a critical state resource that benefits the public interest by providing economic benefits, such as flood control, fishing, recreation, and navigation, and natural habitat and biodiversity functions, such as improved water quality and habitat for endangered and threatened species and other flora and fauna;
- Rising sea levels and an increasing frequency of adverse weather events pose a significant risk to people and property along the coastline and threaten the public benefits and functions offered by the coastline;
- As identified in the Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study, nature-based solutions, including mangrove stands and living seawalls, can play an essential role in improving coastal resilience and mitigating harm to this state's coastlines; and
- The Legislature intends to promote state and local efforts to restore mangrove forests along the coastline and further study the impact of other nature-based methods on this state's coastal resilience and economic development.

Section 1 creates s. 380.0938, F.S., regarding nature-based solutions for improving coastal resilience. The bill defines nature-based solutions as the use of natural features and processes to reduce risks from hazards, such as flooding and erosion.

⁴⁵ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Nov. 20, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

⁴⁶ Section 373.414(1), F.S.

⁴⁷ Section 373.414(1)(a), F.S.

The bill directs the Department of Environmental Protection (DEP) to adopt rules and guidelines for the implementation of nature-based solutions to improve coastal resilience. The rules and guidelines must, at a minimum, do all the following:

- Provide methods and practices to mitigate erosion in areas of critical state concern.⁴⁸
- Provide a framework for developers to avoid or mitigate impacts on existing mangrove stands.
- Encourage local governmental entities to develop or participate in mangrove replanting and hydrological restoration programs and the restoration of oyster reefs, salt marshes, and coral reefs.
- Create mechanisms that identify and monitor threats to mangroves.
- Provide for the protection of barrier and spoil islands.
- Provide a framework for the implementation of nature-based solutions, which must include, but need not be limited to:
 - Beach renourishment.
 - Dune restoration and reinforcement.
 - Wetland restoration.
 - Reef restoration.
 - Living seawalls.
 - Shoreline and vegetation planting.
 - Stormwater planters.
 - Permeable pavements.
 - Ecologically sound building materials.
 - Green infrastructure.
- Provide a framework for local governments to identify vulnerable public and private properties along coastlines so that such entities may create local protection and restoration zone programs or projects that implement nature-based solutions through the Resilient Florida Grant Program.
- Encourage local governments to promote awareness of the value of nature-based solutions, including wetland and floodplain preservation and restoration, through education campaigns.
- Provide for the protection, maintenance, continued access to, and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway.
- Create permitting incentives and approval processes for the use of new strategies and technologies, such as 3D printing, for living shorelines and nature-based solutions.
- Provide for the development of workforce training that includes flood and sea level rise research methods, predictive strategies, and adaptation and mitigation strategies. The department shall provide incentives to local communities that apply for funding through the Workforce Development Capitalization Incentive Grant Program to implement such workforce training.

⁴⁸ The Areas of Critical State Concern Program was created by the Florida Environmental Land and Water Management Act of 1972 and is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources. Florida Department of Commerce, *Area of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Nov. 20, 2025). See Ch. 72-317, s. 5, Laws of Fla.; section 380.05, F.S. Designated areas of critical state concern include the Big Cypress Area, the Green Swamp Area, the City of Key West and the Florida Keys, and the Apalachicola Bay Area. Sections 380.055, 380.0551, 380.0552, and 380.0555, F.S.

- Develop methodology for determining whether a green infrastructure project is “not contrary to the public interest” or is “clearly in the public interest” pursuant to s. 373.414(1)(a), F.S.⁴⁹
- Streamline the permitting process for green infrastructure projects.
- Streamline permitting, after designated storm events or disasters, for the replacement of failed coastal infrastructure with hybrid infrastructure that follows established stormwater infrastructure design guidelines.
- Provide guidance on the optimal combination of nature-based solutions and hybrid infrastructure to address sea level rise and mitigate the impact of storm surges.
- Model the projected effects of the integration of hybrid infrastructure designs, including flood risk reduction, socioeconomic benefits, and environmental benefits.

The bill defines “gray infrastructure” as the use of conventionally engineered structures to manage stormwater and mitigate flooding. The bill defines “green infrastructure” as the use of natural systems to manage stormwater, improve water quality, and mitigate flooding. The bill defines “hybrid infrastructure” as infrastructure that combines the use of gray and green infrastructure.

The bill requires the DEP, in consultation with the Division of Insurance Agent and Agency Services, to conduct a statewide feasibility study to determine the value of nature-based solutions for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments’ community ratings in the National Flood Insurance Program Community Rating System. The DEP must submit a report on the findings of the study to the Governor and Legislature by July 1, 2027.

Section 2 provides an appropriation for the 2026-2027 fiscal year of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund to the DEP to conduct the feasibility study for coastal flood risk reduction required by the bill.

Section 3 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴⁹ Applicants for an environmental resource permit are required to provide reasonable assurance that state water quality standards will not be violated and that activities in, on, or over surface waters or wetlands are “not contrary to the public interest.” Section 373.414(1), F.S. If the proposed activity significantly degrades or is within an Outstanding Florida Water, the applicant must provide reasonable assurance that the proposed activity will be “clearly in the public interest.” *Id.* Section 373.414(1)(a), F.S., delineates criteria that must be considered when determining whether an activity is “not contrary to the public interest” or “clearly in the public interest.”

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the Department of Environmental Protection (DEP) related to the bill's rulemaking requirements and the feasibility study. The bill also appropriates \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund to the DEP to complete the required feasibility study.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 380.0938 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Environment and Natural Resources on December 2, 2025:

Clarified that the term “hybrid infrastructure” means the combination of gray and green infrastructure and is not limited to infrastructure that is more effective than either approach alone.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (b) and (e) of subsection (3) of
section 258.397, Florida Statutes, are amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

(3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the
Internal Improvement Trust Fund is authorized and directed to
maintain the aquatic preserve hereby created pursuant and



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subject to the following provisions:

(b) No further dredging or filling of submerged lands of the preserve shall be approved or tolerated by the board of trustees except:

1. Such minimum dredging and spoiling as may be authorized for public navigation projects or for such minimum dredging and spoiling as may be constituted as a public necessity or for preservation of the bay according to the expressed intent of this section.

2. Such other alteration of physical conditions, including the placement of riprap, as may be necessary to enhance the quality and utility of the preserve.

3. Such minimum dredging and filling as may be authorized for the creation and maintenance of marinas, piers, and docks and their attendant navigation channels and access roads. Such projects may only be authorized upon a specific finding by the board of trustees that there is assurance that the project will be constructed and operated in a manner that will not adversely affect the water quality and utility of the preserve. This subparagraph shall not authorize the connection of upland canals to the waters of the preserve.

4. Such dredging as is necessary for the purpose of eliminating conditions hazardous to the public health or for the purpose of eliminating stagnant waters, islands, and spoil banks, the dredging of which would enhance the aesthetic and environmental quality and utility of the preserve and be clearly in the public interest as determined by the board of trustees.

5. Such minimum dredging and filling as may be authorized for the restoration and enhancement of natural systems,



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including the management of substrate for vegetation planting and restoration for mangroves, salt marshes, seagrasses, and oyster reefs, to enhance the quality and utility of the preserve and coastal resiliency.

Any dredging or filling under this subsection or improvements under subsection (5) shall be approved only after public notice as provided by s. 253.115.

(e) Notwithstanding other provisions of this section, the board of trustees may, respecting lands lying within Biscayne Bay:

1. Enter into agreements for and establish lines delineating sovereignty and privately owned lands.

2. Enter into agreements for the exchange of, and exchange, sovereignty lands for privately owned lands.

3. Accept gifts of land within or contiguous to the preserve.

4. Negotiate for, and enter into agreements with owners of lands contiguous to sovereignty lands for, any public and private use of any of such lands.

5. Take any and all actions convenient for, or necessary to, the accomplishment of any and all of the acts and matters authorized by this paragraph.

6. Conduct restoration and enhancement efforts in Biscayne Bay and its tributaries.

7. Stabilize eroding shorelines of Biscayne Bay and its tributaries that are contributing to turbidity by planting natural vegetation to the greatest extent feasible and by the placement of riprap and living shorelines and seawalls, as



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determined by Miami-Dade County in conjunction with the
Department of Environmental Protection.

8. Request the South Florida Water Management District to
enter into a memorandum of understanding with the Department of
Environmental Protection, the Biscayne National Park Service,
the Miami-Dade County Department of Environmental Resources
Management and, at their option, the Corps of Engineers to
include enhanced marine productivity in Biscayne Bay as an
objective when operating the Central and Southern Florida Flood
Control projects consistently with the goals of the water
management district, including flood protection, water supply,
and environmental protection.

Section 2. Paragraph (e) of subsection (3) of section
258.42, Florida Statutes, is amended to read:

258.42 Maintenance of preserves.—The Board of Trustees of
the Internal Improvement Trust Fund shall maintain such aquatic
preserves subject to the following provisions:

(3)

(e) Structures may not be erected within the preserve,
except:

1. Private residential docks may be approved for reasonable
ingress or egress of riparian owners. Slips at private
residential single-family docks which contain boat lifts or
davits that do not float in the water when loaded may not, in
whole or in part, be enclosed by walls, but may be roofed if the
roof does not overhang more than 1 foot beyond the footprint of
the lift and the boat stored at the lift. Such roofs are not
included in the square-footage calculation of a terminal
platform.



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2. Private residential multislip docks may be approved if located within a reasonable distance of a publicly maintained navigation channel, or a natural channel of adequate depth and width to allow operation of the watercraft for which the docking facility is designed without the craft having an adverse impact on marine resources. The distance shall be determined in accordance with criteria established by the trustees by rule, based on the depth of the water, nature and condition of bottom, and presence of manatees.

3. Commercial docking facilities shown to be consistent with the use or management criteria of the preserve may be approved if the facilities are located within a reasonable distance of a publicly maintained navigation channel, or a natural channel of adequate depth and width to allow operation of the watercraft for which the docking facility is designed without the craft having an adverse impact on marine resources. The distance shall be determined in accordance with criteria established by the trustees by rule, based on the depth of the water, nature and condition of bottom, and presence of manatees.

4. Structures for shore protection, including restoration of seawalls at their previous location or upland of or within 18 inches waterward of their previous location, approved navigational aids, or public utility crossings authorized under paragraph (a) may be approved.

5. Nature-based solutions to improve coastal resiliency, including living seawalls, shoreline and vegetation planting, seagrass planting, wave attenuation devices, and green or hybrid green-gray stormwater infrastructure, which are sited to provide the most appropriate benefit.



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A structure under this paragraph or chapter 253 may not be prohibited solely because the local government fails to adopt a marina plan or other policies dealing with the siting of such structures in its local comprehensive plan.

Section 3. Section 380.0938, Florida Statutes, is created to read:

380.0938 Nature-based methods for improving coastal resiliency.—

(1) By January 1, 2027, the department shall develop design guidelines and standards for optimal combinations of nature-based methods for using green or hybrid green-gray infrastructure to address coastal resiliency, including local mitigation strategies for erosion control, sea-level rise, and storm surge.

(2) By January 1, 2027, the department must initiate rulemaking, subject to legislative ratification, to provide for a clear and consistent statewide permitting process under s. 373.4131 for nature-based methods for improving coastal resiliency and to address all of the following:

(a) Criteria and thresholds for permits to implement nature-based methods, including monitoring, inspection, and reporting requirements.

(b) Procedures governing the review of applications and notices, duration and modification of permits, operational requirements, and transfers of permits.

(c) Provisions for emergencies, abandonment and removal of systems, and significant erosion in areas of critical state concern.



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(d) Exemptions and general permits that do not allow significant adverse impacts to occur individually or cumulatively.

(e) Improvement of coastal resiliency using nature-based solutions, including living seawalls, shoreline and vegetation planting, seagrass planting, wave attenuation devices, green or hybrid green-gray stormwater infrastructure, beach renourishment, dune and wetland restoration, reinforced dunes, reef restoration, and ecologically sound building materials.

(f) Protection and maintenance of access to and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway as defined in s. 327.02.

(g) Creation of permitting incentives for the use of new strategies and technologies, such as 3D printing and other forms of manufacturing, for living shorelines and nature-based features for coastal protection.

(h) Incentives to encourage local governmental entities to create projects using nature-based solutions for coastal protection through the Resilient Florida Grant Program pursuant to s. 380.093(3)(b)1.d.

(i) Guidelines for determining when a nature-based solutions project is clearly in the public interest and safety under s. 373.414(1)(a).

(j) Development of a clear and efficient permitting process after designated storm events or disasters to replace failed coastal infrastructure with nature-based or hybrid green-gray infrastructure that follows established guidelines in subsection (1).

(k) Identification of ways local governmental entities can



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participate in coastal resiliency, including:

1. Mangrove replanting and hydrological restoration programs.

2. Restoration of oyster reefs, salt marshes, seagrass beds, and coral reefs.

3. Identification and monitoring of threats to mangroves.

4. Protection of barrier and spoil islands.

(3) The department and local governments shall promote public awareness and education on the value of nature-based solutions for coastal resiliency, including the preservation and restoration of wetlands, floodplains, seagrasses, mangroves, and other natural systems along the coastline.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to nature-based coastal resiliency;
amending s. 258.397, F.S.; authorizing certain
dredging and filling of submerged lands and placement
of certain shorelines and seawalls within the Biscayne
Bay Aquatic Preserve; amending s. 258.42, F.S.;
authorizing the erection of certain structures within
aquatic preserves; creating s. 380.0938, F.S.;
requiring the Department of Environmental Protection,
by a specified date, to develop guidelines and
standards for nature-based methods to address coastal



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214 resiliency and to adopt rules, subject to legislative
215 ratification, for a statewide permitting process for
216 such coastal resiliency; providing requirements for
217 such rules; requiring the department and local
218 governments to promote public awareness and education
219 on nature-based solutions for coastal resiliency;
220 providing an effective date.
221

By the Committee on Environment and Natural Resources; and
Senator Garcia

592-01713-26

2026302c1

A bill to be entitled

An act relating to nature-based solutions for improving coastal resilience; creating s. 380.0938, F.S.; defining terms; requiring the Department of Environmental Protection to adopt rules and guidelines for nature-based solutions for improving coastal resilience; providing requirements for such rules and guidelines; requiring the department, in consultation with the Division of Insurance Agent and Agency Services of the Department of Financial Services, to conduct a statewide feasibility study regarding the value of nature-based solutions being used for a specified purpose; requiring the department to submit a report to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

WHEREAS, Florida's coastline is a critical state resource that benefits the public interest by providing economic benefits, such as flood control, fishing, recreation, and navigation, and natural habitat and biodiversity functions, such as improved water quality and habitat for endangered and threatened species and other flora and fauna, and

WHEREAS, rising sea levels and an increasing frequency of adverse weather events pose a significant risk to people and property along the coastline and threaten the public benefits and functions offered by the coastline, and

WHEREAS, as identified in the Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study, nature-based solutions,

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including mangrove stands and living seawalls, can play an essential role in improving coastal resilience and mitigating harm to this state's coastlines, and

WHEREAS, the Legislature intends to promote state and local efforts to restore mangrove forests along the coastline and further study the impact of other nature-based solutions on this state's coastal resilience and economic development, NOW, THEREFORE,

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

Section 1. Section 380.0938, Florida Statutes, is created to read:

380.0938 Nature-based solutions for improving coastal resilience.—

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

(a) "Gray infrastructure" means the use of conventionally engineered structures to manage stormwater and mitigate flooding.

(b) "Green infrastructure" means the use of natural systems to manage stormwater, improve water quality, and mitigate flooding.

(c) "Hybrid infrastructure" means infrastructure that combines the use of gray and green infrastructure.

(d) "Nature-based solutions" means the use of natural features and processes to reduce risks from hazards, such as flooding and erosion.

(2) The Department of Environmental Protection shall adopt rules and guidelines for the implementation of nature-based

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solutions to improve coastal resilience. The rules and guidelines must, at a minimum, do all of the following:

(a) Provide methods and practices to mitigate erosion in areas of critical state concern.

(b) Provide a framework for developers to avoid or mitigate impacts on existing mangrove stands.

(c) Encourage local governmental entities to develop or participate in:

1. Mangrove replanting and hydrological restoration programs; and

2. Oyster reef, salt marsh, and coral reef restoration.

(d) Create mechanisms that identify and monitor threats to mangroves.

(e) Provide for the protection of barrier and spoil islands.

(f) Provide a framework for the implementation of nature-based solutions, which must include, but need not be limited to, all of the following:

1. Beach renourishment.

2. Dune restoration and reinforcement.

3. Wetland restoration.

4. Reef restoration.

5. Living seawalls.

6. Shoreline and vegetation planting.

7. Stormwater planters.

8. Permeable pavements.

9. Ecologically sound building materials.

10. Green infrastructure.

(g) Provide a framework for local governments to identify

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vulnerable public and private properties along coastlines so that such entities may create local protection and restoration zone programs or projects that implement nature-based solutions through the Resilient Florida Grant Program pursuant to s. 380.093(3).

(h) Encourage local governments to promote awareness of the value of nature-based solutions, including wetland and floodplain preservation and restoration, through education campaigns.

(i) Provide for the protection, maintenance, continued access to, and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway as defined in s. 327.02.

(j) Create permitting incentives and approval processes for the use of new strategies and technologies, such as 3D printing, for living shorelines and nature-based solutions.

(k) Provide for the development of workforce training that includes flood and sea level rise research methods, predictive strategies, and adaptation and mitigation strategies. The department shall provide incentives to local communities that apply for funding through the Workforce Development Capitalization Incentive Grant Program pursuant to s. 1011.801 to implement such workforce training.

(l) Develop methodology for determining whether a green infrastructure project is not contrary to the public interest or is clearly in the public interest pursuant to s. 373.414(1)(a).

(m) Streamline the permitting process under s. 373.4131 for green infrastructure projects.

(n) Streamline permitting, after designated storm events or

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disasters, for the replacement of failed coastal infrastructure with hybrid infrastructure that follows established stormwater infrastructure design guidelines.

(o) Provide guidance on the optimal combination of nature-based solutions and hybrid infrastructure to address sea level rise and mitigate the impact of storm surges.

(p) Model the projected effects, including flood risk reduction, socioeconomic benefits, and environmental benefits, of the integration of hybrid infrastructure designs.

(3) The department, in consultation with the Division of Insurance Agent and Agency Services within the Department of Financial Services, shall conduct a statewide feasibility study to determine the value of nature-based solutions for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System. The department shall submit a report on the findings of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2027.

Section 2. For the 2026-2027 fiscal year, the sum of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund is appropriated to the Department of Environmental Protection to conduct the feasibility study for coastal flood risk reduction required by this act.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 394

INTRODUCER: Senator Leek

SUBJECT: Reinsurance Intermediary Managers

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Thomas	Knudson	BI	Favorable
2.	Sanders	Betta	AEG	Pre-meeting
3.			RC	

I. Summary:

SB 394 exempts an underwriting manager who manages assumed facultative risks for a reinsurer, if the facultative reinsurance business managed by the underwriting manager is less than 10 percent of the assumed annual gross written premium of the reinsurer, from reinsurance intermediary manager licensing requirements.

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

The bill is effective July 1, 2026.

II. Present Situation:

Reinsurance

Reinsurance is basically insurance for insurers. Insurers rely on reinsurance to finance the payment of losses and make them better able to withstand major catastrophes, like hurricanes.¹ Reinsurance is a major driver in the cost of insurance. As much as 40 percent of the premium a consumer pays goes to purchase reinsurance.² The Office of Insurance Regulation (OIR) directly regulates authorized reinsurers domiciled and licensed in Florida as well as reinsurers licensed in Florida but domiciled in a foreign state.³

The main types of reinsurance are treaty and facultative, which are further categorized into proportional and non-proportional. Treaty reinsurance is a standing agreement covering a group of policies without evaluating each risk separately, offering efficiency and stability for insurers

¹ Florida Office of Insurance Regulation, *Florida Property Insurance Market, Stats, Data and Facts*, <https://floir.com/property-casualty/market-overview> (last visited Jan. 20, 2026).

² *Id.*

³ Section 624.610, F.S.

managing large volumes of similar policies. Facultative reinsurance is a one-time deal for individual, specific risks, allowing the reinsurer to assess and accept or reject each policy, making it ideal for large or unusual exposures requiring tailored coverage.⁴ Within these, proportional reinsurance shares both premiums and claims in a set ratio, and non-proportional reinsurance covers losses exceeding a specific, predetermined amount.⁵

When an insurer cedes business to an accredited reinsurer, the insurer may under statutory accounting rules recognize a reduction in its liabilities for the amount of ceded liabilities, without a regulatory requirement for the reinsurer to post collateral to secure the reinsurer's ultimate payment of the reinsured liabilities.⁶ An accredited reinsurer is one that:

- Files with the OIR evidence of its submission to the jurisdiction of Florida;
- Submits to Florida's authority to examine its books and records;
- Is licensed or authorized to transact insurance or reinsurance in at least one state or, in the case of a United States branch of an alien assuming insurer, is entered through, licensed, or authorized to transact insurance or reinsurance in at least one state; and
- Files annually with the OIR a copy of its annual statement filed with the insurance department of its state of domicile and any quarterly statements if required by its state of domicile or such quarterly statements if requested by the OIR, and a copy of its most recent audited financial statement; and
 - Maintains a surplus as regards policyholders in an amount not less than \$20 million and whose accreditation has not been denied by the OIR within 90 days after its submission; or
 - Maintains a surplus as regards policyholders in an amount not less than \$20 million and whose accreditation has been approved by the OIR.⁷

A reinsurer must pay the actual costs and expenses incurred by the OIR to review a reinsurer's request for accreditation and subsequent reviews.⁸ If the reinsurer fails to pay the actual costs and expenses promptly when due, the OIR may refuse to accredit the reinsurer or may revoke the reinsurer's accreditation.⁹

Regulation of Reinsurance Intermediaries

Chapter 626, F.S., governs the regulation of insurance field representatives, navigators, insurance administrators, unauthorized insurers and surplus lines, viatical settlements, structured settlements, and operations. Part I of this chapter contains general provisions with respect to insurance agents, insurance agencies, managing general agents, insurance adjusters, reinsurance intermediaries, viatical settlement brokers, customer representatives, service representatives, and agencies. Section 626.7492, F.S., provides for the regulation of reinsurance intermediary brokers and reinsurance intermediary managers.

⁴ Investopedia, *Facultative vs. Treaty Reinsurance: Key Differences Explained* (Nov. 6, 2025), <https://www.investopedia.com/articles/markets/081716/facultative-vs-treaty-reinsurance-differences-and-examples.asp> (last visited Jan. 20, 2026).

⁵ *Id.*

⁶ Section 624.610(4), F.S.

⁷ *Id.*

⁸ Section 624.610(3)(b)4., F.S.

⁹ *Id.*

A “reinsurance intermediary broker” is “any person, other than an officer or employee of the ceding insurer, who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the ceding insurer.”¹⁰

A “reinsurance intermediary manager” is “any person who has authority to bind, or manages all or part of, the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office, and acts as a representative for the reinsurer whether known as a reinsurance intermediary manager, manager, or other similar term.”¹¹ However, the following persons are not considered a reinsurance intermediary manager for licensure purposes:

- An employee of the reinsurer;
- A manager of the United States branch of an alien reinsurer;
- An underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the holding company act, and whose compensation is not based on the volume of premiums written.
- The manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the insurance regulatory authority of the state in which the manager’s principal business office is located.¹²

The Division of Insurance Agent and Agency Services (Division) within the Department of Financial Services (DFS) licenses and appoints individuals and entities authorized to transact insurance in Florida, including those for reinsurance intermediaries. The Division receives and reviews applications for insurance licenses and oversees the examination, licensing, and continuing education of licensees. The Division also conducts investigations of alleged violations of the Florida Insurance Code and refers suspected criminal violations of the Florida Insurance Code to the Division's Bureau of Insurance Fraud within the DFS or other law enforcement agencies as appropriate.¹³ Prior to July 1, 2023, the DFS provided a separate license for reinsurance intermediary brokers and managers, but it was discontinued.¹⁴ Firms wanting to act as a reinsurance intermediary now must hold an insurance agency license and either a reinsurance intermediary broker appointment or a reinsurance intermediary manager appointment.¹⁵

A reinsurance intermediary broker must be a licensed producer in Florida or in another state, is a licensed producer in Florida or in another state having a law substantially similar to this section, or the reinsurance intermediary broker is licensed in Florida as an insurance agency and

¹⁰ Section 626.7492(1)(f), F.S.

¹¹ Section 626.7492(1)(g), F.S.

¹² *Id.*

¹³ Sections 624.307, 624.317, and 624.321, F.S.

¹⁴ Florida Department of Financial Services, Reinsurance Intermediary Brokers and Managers Appointment- Firms, https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/00-65-68-firm-reinsurance-broker-manager-license.pdf?sfrsn=6dbd95be_9 (last visited Jan. 20, 2026).

¹⁵ *Id.*

appointed as a reinsurance intermediary.¹⁶ A reinsurance intermediary manager must be a licensed producer in Florida or another state having a law substantially similar to Florida's law.¹⁷

The DFS may require a reinsurance intermediary manager to file a bond in an amount acceptable to the DFS for the protection of the reinsurer and to maintain an errors and omissions insurance policy in an amount acceptable to the DFS.¹⁸ A reinsurance intermediary is subject to examination by the DFS and must allow the DFS access to all books, bank accounts, and records of the reinsurance intermediary.¹⁹ A reinsurance intermediary manager may be examined as if it were the reinsurer.²⁰ An attorney licensed in Florida, when acting in a professional capacity, is exempt from the licensure requirements.²¹

A transaction between a reinsurance intermediary broker and the insurer it represents must be pursuant to a written authorization specifying the responsibilities of each party. The authorization must provide, at a minimum, that:

- The insurer may terminate the reinsurance intermediary broker's authority at any time.
- The reinsurance intermediary broker must render accounts to the insurer accurately detailing all material transactions, including information necessary to support all commissions, charges, and other fees received by, or owing to, the reinsurance intermediary broker and must remit all funds due to the insurer within 30 days after receipt.
- All funds collected for the insurer's account will be held by the reinsurance intermediary broker in a fiduciary capacity in a bank which is a qualified United States financial institution.
- The reinsurance intermediary broker will comply with the recordkeeping requirements.
- The reinsurance intermediary broker will comply with the written standards established by the insurer for the cession or retrocession of all risks.
- The reinsurance intermediary broker will disclose to the insurer any relationship with any reinsurer to which business will be ceded or retroceded.²²

Transactions between a reinsurance intermediary manager and the reinsurer it represents must be pursuant to a written contract specifying the responsibilities of each party, which must be approved by the reinsurer's board of directors. The contract must provide, at a minimum, that:

- The reinsurer may terminate the contract for cause upon written notice to the reinsurance intermediary manager. The reinsurer may immediately suspend the authority of the reinsurance intermediary manager to assume or cede business during the pendency of any dispute regarding the cause of termination.
- The reinsurance intermediary manager must render accounts to the reinsurer, accurately detailing all material transactions, including information necessary to support all commissions, charges, and other fees received by or owing to the reinsurance intermediary manager, and must remit all funds due under the contract to the reinsurer at least monthly.

¹⁶ Section 626.7492(3)(a), F.S.

¹⁷ Section 626.7492(3)(b), F.S.

¹⁸ Section 626.7492(3)(c), F.S.

¹⁹ Section 626.7492(10)(a), F.S.

²⁰ Section 626.7492(10)(b), F.S.

²¹ Section 626.7492(3)(h), F.S.

²² Section 626.7492(6), F.S.

- All funds collected for the reinsurer's account must be held by the reinsurance intermediary manager in a fiduciary capacity in a bank which is a qualified United States financial institution. The reinsurance intermediary manager may retain no more than three months' estimated claims payments and allocated loss adjustment expenses. The reinsurance intermediary manager shall maintain a separate bank account for each reinsurer which it represents.
- For at least 10 years after expiration of each contract of reinsurance transacted by the reinsurance intermediary manager, the reinsurance intermediary manager must keep a complete record of each transaction, showing:
 - The type of contract, limits, underwriting restrictions, classes or risks, and territory.
 - The period of coverage, including effective and expiration dates, cancellation provisions and notice required of cancellation, and disposition of outstanding reserves on covered risks;
 - The reporting and settlement requirements of balances;
 - The rate used to compute the reinsurance premium;
 - The names and addresses of reinsurers;
 - The rates of all reinsurance commissions, including the commissions on any retrocessions handled by the reinsurance intermediary manager;
 - Related correspondence and memoranda;
 - Proof of placement;
 - Details regarding retrocessions handled by the reinsurance intermediary manager, as permitted by this section, including the identity of retrocessionaires (a reinsurer of a reinsurer) and the percentage of each contract assumed or ceded;
 - Financial records, including, but not limited to, premium and loss accounts; and
 - If the reinsurance intermediary manager places a reinsurance contract on behalf of a ceding insurer:
 - Directly from any assuming reinsurer, written evidence that the assuming reinsurer has agreed to assume the risk; or
 - If such contract is placed through a representative of the assuming reinsurer, other than an employee, written evidence that such reinsurer has delegated binding authority to the representative.
- The reinsurer shall have access to and the right to copy all accounts and records maintained by the reinsurance intermediary manager related to its business in a form usable by the reinsurer.
- The contract cannot be assigned in whole or in part by the reinsurance intermediary manager.
- The reinsurance intermediary manager will comply with the written underwriting and rating standards established by the insurer for the acceptance, rejection, or cession of all risks.
- Sets forth the rates, terms, and purposes of commissions, charges, and other fees which the reinsurance intermediary manager may levy against the reinsurer.
- If the contract permits the reinsurance intermediary manager to settle claims on behalf of the reinsurer:
 - All claims will be reported to the reinsurer in a timely manner.
 - A copy of the claim file will be sent to the reinsurer at its request or as soon as it becomes known that the claim:
 - Has the potential to exceed the lesser of an amount determined by the DFS or the limit set by the reinsurer;

- Involves a coverage dispute;
- May exceed the reinsurance intermediary manager's claims settlement authority;
- Is open for more than six months; or
- Is closed by payment of the lesser of an amount set by the DFS or an amount set by the reinsurer.
- All claim files will be the joint property of the reinsurer and reinsurance intermediary manager provided that upon an order of liquidation of the reinsurer, the files shall become the sole property of the reinsurer or its estate; provided, further, that the reinsurance intermediary manager must have reasonable access to and the right to copy the files on a timely basis.
- Any settlement authority granted to the reinsurance intermediary manager may be terminated for cause upon the reinsurer's written notice to the reinsurance intermediary manager or upon the termination of the contract. The reinsurer may suspend the settlement authority during the pendency of the dispute regarding the cause of termination.
- If the contract provides for a sharing of interim profits by the reinsurance intermediary manager, that the interim profits will not be paid until one year after the end of each underwriting period for property business and five years after the end of each underwriting period for casualty business, or a later period set by the DFS for specified lines of insurance, and not until the adequacy of reserves on remaining claims has been verified pursuant to this section.
- The reinsurance intermediary manager must annually provide the reinsurer with a statement of its financial condition prepared by an independent certified accountant.
- The reinsurer must at least semiannually conduct an onsite review of the underwriting and claims processing operations of the reinsurance intermediary manager.
- The reinsurance intermediary manager must disclose to the reinsurer any relationship it has with any insurer prior to ceding or assuming any business with the insurer pursuant to this contract.

Within the scope of its actual or apparent authority, the acts of the reinsurance intermediary manager shall be deemed to be the acts of the reinsurer on whose behalf it is acting.²³

III. Effect of Proposed Changes:

Section 1 amends s. 626.7492, F.S., to exempt from the reinsurance intermediary manager licensing requirements an underwriting manager who manages assumed facultative risks for a reinsurer, if the facultative reinsurance business managed by the underwriting manager is less than 10 percent of the assumed annual gross written premium of the reinsurer.

The bill also amends the definition of "controlling person" to "controlling" as the existing definition encompasses all persons as well as firms, associations or corporations.

Section 2 reenacts s. 626.022, F.S., relating to the scope of part I of ch. 626, F.S., for the purpose of incorporating the changes made to s. 626.7492, F.S., by the bill.

²³ Section 626.7492(7), F.S.

Section 3 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:

Prior to July 1, 2023, the DFS provided a separate license for reinsurance intermediary brokers and managers, but it was discontinued.²⁴ The bill will allow certain firms to continue to operate as a reinsurance intermediary manager.

C. Government Sector Impact:

The bill does not impact state expenditures or revenues.

VI. Technical Deficiencies:

None.

²⁴ Florida Department of Financial Services, Reinsurance Intermediary Brokers and Managers Appointment- Firms, https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/00-65-68-firm-reinsurance-broker-manager-license.pdf?sfvrsn=6dbd95be_9 (last visited Jan. 20, 2026).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 626.7492 and 626.022

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 Leek

7-00547-26

2026394

1 A bill to be entitled
 2 An act relating to reinsurance intermediary managers;
 3 amending s. 626.7492, F.S.; defining the term
 4 "controlling"; revising the definition of the term
 5 "reinsurance intermediary manager" to exclude certain
 6 underwriting managers; reenacting s. 626.022(1)(a),
 7 F.S., relating to the scope of part I of ch. 626,
 8 F.S., to incorporate the amendment made to s.
 9 626.7492, F.S., in a reference thereto; providing an
 10 effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Paragraphs (b) and (g) of subsection (2) of
 15 section 626.7492, Florida Statutes, are amended to read:
 16 626.7492 Reinsurance intermediaries.—
 17 (2) DEFINITIONS.—As used in this section:
 18 (b) "Controlling ~~person~~" means having the direct or
 19 indirect power, as a ~~any~~ person, firm, association, or
 20 corporation, ~~who directly or indirectly has the power~~ to direct
 21 or cause to be directed, the management, control, or activities
 22 of the reinsurance intermediary.
 23 (g) "Reinsurance intermediary manager" means any person who
 24 has authority to bind, or manages all or part of, the assumed
 25 reinsurance business of a reinsurer, including the management of
 26 a separate division, department, or underwriting office, and
 27 acts as a representative for the reinsurer whether known as a
 28 reinsurance intermediary manager, manager, or other similar
 29 term. Notwithstanding the above, none of the following persons

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

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30 is a reinsurance intermediary manager with respect to the
 31 reinsurer for the purposes of this section:
 32 1. An employee of the reinsurer.~~†~~
 33 2. A manager of the United States branch of an alien
 34 reinsurer.~~†~~
 35 3. An underwriting manager who ~~which~~, pursuant to contract,
 36 manages all the reinsurance operations of the reinsurer, is
 37 under common control with the reinsurer, subject to the holding
 38 company act, and whose compensation is not based on the volume
 39 of premiums written.
 40 4. The manager of a group, association, pool, or
 41 organization of insurers which engages ~~engage~~ in joint
 42 underwriting or joint reinsurance and ~~who~~ are subject to
 43 examination by the insurance regulatory authority of the state
 44 in which the manager's principal business office is located.
 45 5. An underwriting manager who manages assumed facultative
 46 risks for a reinsurer, if the facultative reinsurance business
 47 managed by the underwriting manager is less than 10 percent of
 48 the assumed annual gross written premium of the reinsurer.
 49 Section 2. For the purpose of incorporating the amendment
 50 made by this act to section 626.7492, Florida Statutes, in a
 51 reference thereto, paragraph (a) of subsection (1) of section
 52 626.022, Florida Statutes, is reenacted to read:
 53 626.022 Scope of part.—
 54 (1) This part applies as to insurance agents, service
 55 representatives, adjusters, and insurance agencies; as to any
 56 and all kinds of insurance; and as to stock insurers, mutual
 57 insurers, reciprocal insurers, and all other types of insurers,
 58 except that:

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

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59 (a) It does not apply as to reinsurance, except that ss.
60 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.
61 626.291-626.301, s. 626.331, ss. 626.342-626.511, ss. 626.541-
62 626.591, and ss. 626.601-626.711 shall apply as to reinsurance
63 intermediaries as defined in s. 626.7492.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General
Government

BILL: SB 480

INTRODUCER: Senator Harrell

SUBJECT: Information Technology

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Betta	AEG	Pre-meeting
2.			AP	

I. Summary:

SB 480 establishes the Division of Integrated Government Innovation and Technology (DIGIT) under the Executive Office of the Governor. The Florida Digital Service (FLDS) is transferred to DIGIT via a Type 2 transfer. The state Chief Information Officer (CIO) will serve as the DIGIT's executive director, appointed by the Governor and confirmed by the Senate.

The DIGIT will absorb non-operational functions of the FLDS, adding responsibilities such as master data management, legacy system needs assessments, and information technology (IT) expenditure tracking. The DIGIT will also develop career training programs for the state's IT workforce.

The bill also mandates biennial cybersecurity risk assessments for state agencies, including vulnerability and penetration testing, with leadership acknowledgment of the risks. It eliminates the Cybersecurity Advisory Council, removes outdated data center management language from law, requires the Northwest Regional Data Center (NWRDC) to meet or exceed the standards established by the DIGIT, and requires the NWRDC to provide projected state data center costs to the Executive Office of the Governor's Office of Policy and Budget and the Legislature by November 15 each year.

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

The bill takes effect January 5, 2027.

II. Present Situation:

Over the past decade, the landscape of information technology governance and management has evolved significantly, with state governments across the U.S. striving to modernize their Information Technology (IT) infrastructure and enhance digital services. The need for sound management and governance has been exacerbated by the rapidly growing concern of

cybersecurity. The cyberattacks are growing in frequency and severity. Cybercrime was expected to inflict \$10.5 trillion worth of damage globally in 2025.¹ The United States is often a target of cyberattacks, including attacks on critical infrastructure, and has been a target of more significant cyberattacks² over the last 14 years than any other country.³ The Colonial Pipeline is an example of critical infrastructure that was attacked, disrupting what is arguably the nation's most important fuel conduit.⁴

Ransomware is a type of cybersecurity incident where malware⁵ that is designed to encrypt files on a device renders the files and the systems that rely on them unusable. In other words, critical information is no longer accessible. During a ransomware attack, malicious actors demand a ransom in exchange for regained access through decryption. If the ransom is not paid, the ransomware actors will often threaten to sell or leak the data or authentication information. Even if the ransom is paid, there is no guarantee that the bad actor will follow through with decryption.

In recent years, ransomware incidents have become increasingly prevalent among the nation's state, local, tribal, and territorial government entities and critical infrastructure organizations.⁶ For example, Tallahassee Memorial Hospital was hit by a ransomware attack February 2023, and the hospital's systems were forced to shut down, impacting many local residents in need of medical care.⁷

Information Technology and Cybersecurity Management

The Department of Management Services (DMS) oversees IT⁸ governance and security for the executive branch in Florida.⁹ The Florida Digital Service (FLDS) is housed within the DMS and

¹ Cybercrime Magazine, *Cybercrime to Cost the World \$10.5 Trillion Annually By 2025*, <https://cybersecurityventures.com/cybercrime-damage-costs-10-trillion-by-2025/> (last visited January 22, 2026).

² "Significant cyber-attacks" are defined as cyberattacks on a country's government agencies, defense and high-tech companies, or economic crimes with losses equating to more than a million dollars. Infosecurity Magazine, *US the Primary Target of "Significant" Cyber-Attacks*, [https://www.infosecurity-magazine.com/news/us-primary-target-significant/#:~:text=The%20US%20experienced%20far%20more,\)%20and%20Vietnam%20\(6\)](https://www.infosecurity-magazine.com/news/us-primary-target-significant/#:~:text=The%20US%20experienced%20far%20more,)%20and%20Vietnam%20(6).). (last visited January 22, 2026).

³ *Id.*

⁴ S&P Global, *Pipeline operators must start reporting cyberattacks to government: TSA orders*, <https://www.spglobal.com/energy/en/news-research/latest-news/electric-power/052721-pipeline-operators-must-start-reporting-cyberattacks-to-government-tsa-orders> (last visited January 22, 2026).

⁵ "Malware" means hardware, firmware, or software that is intentionally included or inserted in a system for a harmful purpose. NIST, Computer Security Resource Center Glossary, *malware*, <https://csrc.nist.gov/glossary/term/malware> (last visited January 22, 2026).

⁶ Cybersecurity and Infrastructure Agency, *Ransomware 101*, <https://www.cisa.gov/stopransomware/ransomware-101> (last visited January 22, 2026).

⁷ Tallahassee Democrat, *TMH says it has taken 'major step' toward restoration after cybersecurity incident* (February 15, 2023) <https://www.tallahassee.com/story/news/local/2023/02/14/tmh-update-hospital-has-taken-major-step-toward-restoration/69904510007/> (last visited January 22, 2026).

⁸ The term "information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form. Section 282.0041(20), F.S.

⁹ See s. 20.22, F.S.

was established in 2020 to replace the Division of State Technology.¹⁰ The FLDS works under the DMS to implement policies for IT and cybersecurity for state agencies.¹¹

The head of the FLDS is appointed by the Secretary of Management Services¹² and serves as the state chief information officer (CIO).¹³ The CIO must have at least five years of experience in the development of IT system strategic planning and IT policy and, preferably, have leadership-level experience in the design, development, and deployment of interoperable software and data solutions.¹⁴ The FLDS must propose innovative solutions that securely modernize state government, including technology and information services, to achieve value through digital transformation and interoperability, and to fully support Florida's cloud first policy.¹⁵

The DMS, through the FLDS, has the following powers, duties, and functions:

- Develop and publish IT policy for the management of the state's IT resources;
- Develop an enterprise architecture;
- Establish project management and oversight standards with which state agencies must comply when implementing IT projects;
- Perform project oversight on all state agency IT projects that have a total cost of \$10 million or more and that are funded in the General Appropriations Act or any other law; and
- Identify opportunities for standardization and consolidation of IT services that support interoperability, Florida's cloud first policy, and business functions and operations that are common across state agencies.¹⁶

Information Technology Security Act

In 2021, the Legislature passed the IT Security Act,¹⁷ which requires the DMS and the state agency¹⁸ heads to meet certain requirements in order to enhance the IT security of state agencies. Specifically, the IT Security Act provides that the DMS is responsible for establishing standards and processes consistent with accepted best practices for IT security,¹⁹ including cybersecurity, and adopting rules that help agencies safeguard their data, information, and IT resources to ensure availability, confidentiality, integrity, and to mitigate risks.²⁰ In addition, the DMS must:

- Designate a state chief information security officer to oversee state IT security;

¹⁰ Chapter 2020-161, L.O.F.

¹¹ See s. 20.22(2)(b), F.S.

¹² The Secretary of Management Services serves as the head of the DMS and is appointed by the Governor, subject to confirmation by the Senate. Section 20.22(1), F.S.

¹³ Section 282.0051(2)(a), F.S.

¹⁴ *Id.*

¹⁵ Section 282.0051 (1), F.S.

¹⁶ *Id.*

¹⁷ Section 282.318, F.S.

¹⁸ The term "state agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; the Justice Administrative Commission; and the Public Service Commission. The term does not include university boards of trustees or state universities. Section 282.0041(33), F.S. For purposes of the IT Security Act, the term includes the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services. Section 282.318(2), F.S.

¹⁹ The term "information technology security" means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the integrity, availability, and confidentiality of data, information, and information technology resources. Section 282.0041(22), F.S.

²⁰ Section 292.318(3), F.S.

- Develop, and annually update, a statewide IT security strategic plan;
- Develop and publish an IT security governance framework for use by state agencies;
- Collaborate with the Cybercrime Office within the Florida Department of Law Enforcement (FDLE) to provide training; and
- Annually review the strategic and operational IT security plans of executive branch agencies.²¹

State Cybersecurity Act

In 2022, the Legislature passed the State Cybersecurity Act,²² which requires the DMS and the heads of the state agencies²³ to meet certain requirements to enhance the cybersecurity²⁴ of the state agencies.

The DMS through the FLDS is tasked with completing the following:

- Establishing standards for assessing agency cybersecurity risks;
- Adopting rules to mitigate risk, support a security governance framework, and safeguard agency digital assets, data,²⁵ information, and IT resources;²⁶
- Designating a chief information security officer (CISO);
- Developing and annually updating a statewide cybersecurity strategic plan such as identification and mitigation of risk, protections against threats, and tactical risk detection for cyber incidents;²⁷
- Developing and publishing a cybersecurity governance framework for use by state agencies;
- Assisting the state agencies in complying with the State Cybersecurity Act;
- Annually providing training on cybersecurity for managers and team members;
- Annually reviewing the strategic and operational cybersecurity plans of state agencies;
- Tracking the state agencies' implementation of remediation plans;
- Providing cybersecurity training to all state agency technology professionals that develops, assesses, and documents competencies by role and skill level;
- Maintaining a Cybersecurity Operations Center (CSOC) led by the CISO to serve as a clearinghouse for threat information and coordinate with the FDLE to support responses to incidents; and
- Leading an Emergency Support Function under the state emergency management plan.²⁸

²¹ *Id.*

²² Section 282.318, F.S.

²³ For purposes of the State Cybersecurity Act, the term “state agency” includes the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services. Section 282.318(2), F.S.

²⁴ “Cybersecurity” means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of data, information, and information technology resources. Section 282.0041(8), F.S.

²⁵ “Data” means a subset of structured information in a format that allows such information to be electronically retrieved and transmitted. Section 282.0041(9), F.S.

²⁶ “Information technology resources” means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training. Section 282.0041(22), F.S.

²⁷ “Incident” means a violation or imminent threat of violation, whether such violation is accidental or deliberate, of information technology resources, security, policies, or practices. An imminent threat of violation refers to a situation in which the state agency has a factual basis for believing that a specific incident is about to occur. Section 282.0041(19), F.S.

²⁸ Section 282.318(3), F.S.

The State Cybersecurity Act requires the head of each state agency to designate an information security manager to administer the state agency's cybersecurity program.²⁹ The head of the agency has additional tasks in protecting against cybersecurity threats as follows:

- Establish a cybersecurity incident response team with the FLDS and the Cybercrime Office, which must immediately report all confirmed or suspected incidents to the CISO;
- Annually submit to the DMS the state agency's strategic and operational cybersecurity plans;
- Conduct and update a comprehensive risk assessment to determine the security threats once every three years;
- Develop and update written internal policies and procedures for reporting cyber incidents;
- Implement safeguards and risk assessment remediation plans to address identified risks;
- Ensure internal audits and evaluations of the agency's cybersecurity program are conducted;
- Ensure the cybersecurity requirements for the solicitation, contracts, and service-level agreement of IT and IT resources meet or exceed applicable state and federal laws, regulations, and standards for cybersecurity, including the National Institute of Standards and Technology (NIST)³⁰ cybersecurity framework;
- Provide cybersecurity training to all agency employees within 30 days of employment; and
- Develop a process consistent with the rules and guidelines established by the FLDS for detecting, reporting, and responding to threats, breaches, or cybersecurity incidents.³¹

Florida Cybersecurity Advisory Council

The Florida Cybersecurity Advisory Council³² (CAC) within the DMS³³ assists state agencies in protecting IT resources from cyber threats and incidents.³⁴ The CAC must assist the FLDS in implementing best cybersecurity practices, taking into consideration the final recommendations of the Florida Cybersecurity Task Force – a task force created to review and assess the state's cybersecurity infrastructure, governance, and operations.³⁵ The CAC meets at least quarterly to:

- Review existing state agency cybersecurity policies;
- Assess ongoing risks to state agency IT;
- Recommend a reporting and information sharing system to notify state agencies of new risks;
- Recommend data breach simulation exercises;
- Assist the FLDS in developing cybersecurity best practice recommendations;
- Examine inconsistencies between state and federal law regarding cybersecurity;

²⁹ Section 282.318(4)(a), F.S.

³⁰ NIST, otherwise known as the National Institute of Standards and Technology, "is a non-regulatory government agency that develops technology, metrics, and standards to drive innovation and economic competitiveness at U.S.-based organizations in the science and technology industry." Nate Lord, *What is NIST Compliance*, Fortra (Dec. 1, 2020), <https://www.digitalguardian.com/blog/what-nist-compliance> (last visited January 22, 2026).

³¹ Section 282.318(4), F.S.

³² Under Florida law, an "advisory council" means an advisory body created by specific statutory enactment and appointed to function on a continuing basis. Generally, an advisory council is enacted to study the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives. Section 20.03(7), F.S.; *See also* s. 20.052, F.S.

³³ Section 282.319(1), F.S.

³⁴ Section 282.319(2), F.S.

³⁵ Section 282.319(3), F.S.

- Review information relating to cybersecurity and ransomware incidents [reported by state agencies and local governments] to determine commonalities and develop best practice recommendations for those entities; and
- Recommend any additional information that should be reported by a local government to FLDS as part of a cybersecurity or ransomware incident report.³⁶

The CAC must work with NIST and other federal agencies, private sector businesses, and private security experts to identify which local infrastructure sectors, not covered by federal law, are at the greatest risk of cyber-attacks and to identify categories of critical infrastructure as critical cyber infrastructure if cyber damage to the infrastructure could result in catastrophic consequences.³⁷

Each December 1, the CAC must also prepare and submit a comprehensive report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that includes data, trends, analysis, findings, and recommendations for state and local action regarding ransomware incidents. At a minimum, the report must include:

- Descriptive statistics, including the amount of ransom requested, duration of the incident, and overall monetary cost to taxpayers of the incident;
- A detailed statistical analysis of the circumstances that led to the ransomware incident which does not include the name of the state agency or local government, network information, or system identifying information;
- Statistical analysis of the level of cybersecurity employee training and frequency of data backup for the state agencies or local governments that reported incidents;
- Specific issues identified with current policy, procedure, rule, or statute and recommendations to address those issues; and
- Other recommendations to prevent ransomware incidents.³⁸

Cyber Incident Response

The National Cyber Incident Response Plan (NCIRP) was developed according to the direction of Presidential Policy Directive (PPD)-41,³⁹ by the U.S. Department of Homeland Security. The NCIRP is part of the broader National Preparedness System and establishes the strategic framework for a whole-of-nation approach to mitigating, responding to, and recovering from cybersecurity incidents posing risk to critical infrastructure.⁴⁰ The NCIRP was developed in coordination with federal, state, local, and private sector entities and is designed to interface with industry best practice standards for cybersecurity, including the NIST Cybersecurity Framework.

³⁶ Section 282.319(9), F.S.

³⁷ Section 282.319(10), F.S.

³⁸ ³⁸ Section 282.319(12), F.S.

³⁹ Annex for PPD-41: U.S. *Cyber Incident Coordination*, available at: <https://obamawhitehouse.archives.gov/the-press-office/2016/07/26/annex-presidential-policy-directive-united-states-cyber-incident> (last visited January 22, 2026).

⁴⁰ Cybersecurity & Infrastructure Security Agency, *Cybersecurity Incident Response*, available at <https://www.cisa.gov/topics/cybersecurity-best-practices/organizations-and-cyber-safety/cybersecurity-incident-response#:~:text=%20National%20Cyber%20Incident%20Response%20Plan%20%28NCIRP%29%20The,incidents%20and%20how%20those%20activities%20all%20fit%20together> (last visited January 22, 2026).

The NCIRP adopted a common schema for describing the severity of cybersecurity incidents affecting the U.S. The schema establishes a common framework to evaluate and assess cybersecurity incidents to ensure that all departments and agencies have a common view of the severity of a given incident; urgency required for responding to a given incident; seniority level necessary for coordinating response efforts; and level of investment required for response efforts.⁴¹

The severity level of a cybersecurity incident in accordance with the NCIRP is determined as follows:

- Level 5: An emergency-level incident within the specified jurisdiction if the incident poses an imminent threat to the provision of wide-scale critical infrastructure services; national, state, or local security; or the lives of the country's, state's, or local government's citizens.
- Level 4: A severe-level incident if the incident is likely to result in a significant impact within the affected jurisdiction which affects the public health or safety; national, state, or local security; economic security; or individual civil liberties.
- Level 3: A high-level incident if the incident is likely to result in a demonstrable impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 2: A medium-level incident if the incident may impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 1: A low-level incident if the incident is unlikely to impact public health or safety; national, state, or local security; economic security; or public confidence.⁴²

State agencies and local governments in Florida must report to the Cybersecurity Operations Center (CSOC) all ransomware incidents and any cybersecurity incidents at severity levels of 3, 4, or 5 as soon as possible, but no later than 48 hours after discovery of a cybersecurity incident and no later than 12 hours after discovery of a ransomware incident.⁴³ The CSOC is required to notify the President of the Senate and the Speaker of the House of Representatives of any incidents at severity levels of 3, 4, or 5 as soon as possible, but no later than 12 hours after receiving the incident report from the state agency or local government.⁴⁴ For state agency incidents at severity levels 1 and 2, they must report these to the CSOC and the Cybercrime Office at the FDLE as soon as possible.⁴⁵

The notification must include a high-level description of the incident and the likely effects. An incident report for a cybersecurity or ransomware incident by a state agency or local government must include, at a minimum:

- A summary of the facts surrounding the cybersecurity or ransomware incident;
- The date on which the state agency or local government most recently backed up its data, the physical location of the backup, if the backup was affected, and if the backup was created using cloud computing;
- The types of data compromised by the cybersecurity or ransomware incident;

⁴¹ *Id.*

⁴² Section 282.318(3)(c)9.a, F.S.

⁴³ Section 282.318(3)(c)9.a, F.S.

⁴⁴ Section 282.318(3)(c)9.c.(II), F.S.

⁴⁵ Section 282.318(3)(c)(9)(d), F.S.

- The estimated fiscal impact of the cybersecurity or ransomware incident;
- In the case of a ransomware incident, the details of the ransom demanded;⁴⁶ and
- If the reporting entity is a local government, a statement requesting or declining assistance from the CSOC, FDLE Cybercrime Office, or local sheriff with jurisdiction.⁴⁷

In addition, the CSOC must provide consolidated incident reports to the President of the Senate, Speaker of the House of Representatives, and the CAC on a quarterly basis.⁴⁸ The consolidated incident reports to the CAC may not contain any state agency or local government name, network information, or system identifying information, but must contain sufficient relevant information to allow the CAC to fulfill its responsibilities.⁴⁹

State agencies and local governments are required to submit an after-action report to the FLDS within one week of the remediation of a cybersecurity or ransomware incident.⁵⁰ The report must summarize the incident, state the resolution, and any insights from the incident.

Inspector General

The Office of Chief Inspector General (CIG) is responsible for promoting accountability, integrity, and efficiency in agencies under the Governor's jurisdiction.⁵¹ The CIG is required to do the following:

- Initiate, supervise, and coordinate investigations; recommend policies; and carry out other activities designed to deter, detect, prevent, and eradicate fraud, waste, abuse, mismanagement, and misconduct in government;
- Investigate, upon receipt of a complaint or for cause, any administrative action of any agency, the administration of which is under the direct supervision of the Governor;
- Request such assistance and information as may be necessary for the performance of the CIG's duties;
- Examine the records and reports of any agency the administration of which is under the direct supervision of the Governor;
- Coordinate complaint-handling activities with agencies;
- Coordinate the activities of the Whistle-blower's Act and maintain the whistle-blower's hotline to receive complaints and information concerning the possible violation of law or administrative rules, mismanagement, fraud, waste, abuse of authority, malfeasance, or a substantial or specific danger to the health, welfare, or safety of the public;
- Report expeditiously to and cooperate fully with the Department of Law Enforcement, the Department of Legal Affairs, and other law enforcement agencies when there are recognizable grounds to believe that there has been a violation of criminal law or that a civil action should be initiated;
- Act as liaison with outside agencies and the federal government to promote accountability, integrity, and efficiency in state government;

⁴⁶ Section 282.318(3)(c)9.b, F.S.

⁴⁷ Section 282.3185(5)(a)6, F.S.

⁴⁸ Section 282.318(3)(c)9.e, F.S.

⁴⁹ *Id.*

⁵⁰ Section 282.318(4)(k), F.S. and s. 282.3185(6), F.S.

⁵¹ Section 14.32(1), F.S.

- Act as liaison and monitor the activities of the inspectors general in the agencies under the Governor's jurisdiction;
- Review, evaluate, and monitor the policies, practices, and operations of the Executive Office of the Governor; and
- Conduct special investigations and management reviews at the request of the Governor.⁵²

Authorized under s. 20.055, F.S., an Office of Inspector General (OIG) is established in each state agency⁵³ to provide a central point for the coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government.⁵⁴ Each agency OIG is responsible for the following:

- Advising in the development of performance measures, standards, and procedures for the evaluation of state agency programs;
- Assessing the reliability and validity of information provided by the agency on performance measures and standards, and making recommendations for improvement, if necessary;
- Reviewing the actions taken by the agency to improve program performance and meet program standards, and making recommendations for improvement, if necessary;
- Supervising and coordinating audits, investigations, and management reviews relating to the programs and operations of the agency;
- Conducting, supervising, or coordinating other activities carried out or financed by the agency for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;
- Keeping the agency head,⁵⁵ or the CIG for agencies under the jurisdiction of the Governor, informed concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the agency; recommending corrective action concerning fraud, abuses, and deficiencies; and reporting on the progress made in implementing corrective action;
- Ensuring effective coordination and cooperation between the Auditor General, federal auditors, and other governmental bodies to avoid duplication;
- Reviewing rules relating to the programs and operations of the agency and making recommendations concerning their impact;
- Ensuring that an appropriate balance is maintained between audit, investigative, and other accountability activities; and
- Complying with the General Principles and Standards for Offices of Inspector General as published and revised by the Association of Inspectors General.⁵⁶

⁵² Section 14.32(2), F.S.

⁵³ Section 20.055(1)(d), F.S. defines the term "state agency" as each department created pursuant to ch. 20, F.S., and the Executive Office of the Governor, the Department of Military Affairs, the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, the Board of Governors of the State University System, the Florida Housing Finance Corporation, the Florida Gaming Control Commission, and the state courts system.

⁵⁴ Section 20.055(2), F.S.

⁵⁵ Section 20.055(1)(a), F.S., defines the term "agency head" as the Governor, a Cabinet officer, a secretary as defined in s. 20.03(5), F.S., or an executive director as defined in s. 20.03(6), F.S., the chair of the Public Service Commission, the Director of the Office of Insurance Regulation of the Financial Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, the chair of the Florida Gaming Control Commission, and the Chief Justice of the State Supreme Court.

⁵⁶ Section 20.055(2), F.S.

III. Effect of Proposed Changes:

Section 1 provides for a Type Two transfer pursuant to s. 20.06, F.S., of all duties, functions, records, pending issues, existing contracts, administrative authority, and administrative rules from the Florida Digital Service (FLDS) to the Division of Integrated Government Innovation and Technology (DIGIT). Any unexpended balances of public funds will revert or will be appropriated or allocated as provided in the General Appropriations Act or otherwise by law.

Section 2 creates s. 14.205, F.S., to create the DIGIT to serve as Florida's centralized Information Technology (IT) governance body, overseeing statewide technology initiatives and cybersecurity efforts. The DIGIT will be led by the Governor.

The Executive Director of the DIGIT serves as the State Chief Information Officer (CIO). The Governor must appoint a CIO subject to confirmation by the Senate. The CIO is prohibited from having any financial, personal, or business conflicts of interest related to technology vendors, contractors, or other information technology service providers doing business with the state.

The bill requires the CIO to meet one of the following education requirements criteria:

- Hold a bachelor's degree from an accredited institution in IT, computer science, business administration, public administration, or a related field; or
- Hold a master's degree in any of the fields listed above, which may be substituted for a portion of the experience requirement, as determined by the selection committee.

The CIO must have at least ten years of progressively responsible experience in IT management, digital transformation, cybersecurity, or IT governance, including:

- A minimum of five years in an executive or senior leadership role, overseeing IT strategy, operations, or enterprise technology management in either the public or private sector;
- Managing large-scale IT projects, enterprise infrastructure, and implementation of emerging technologies;
- Budget planning, procurement oversight, and financial management of IT investments; and
- Working with state and federal IT regulations, digital services, and cybersecurity compliance frameworks.

As it relates to technical and policy expertise, the CIO must have demonstrated expertise in:

- Cybersecurity and data protection by demonstrating knowledge of cybersecurity risk management, compliance with National Institute for Standards and Technology (NIST), ISO 27001, and applicable federal and state security regulations;
- Cloud and digital services with experience with cloud computing, enterprise systems modernization, digital transformation, and emerging IT trends;
- IT governance and policy development by demonstrating an understanding of statewide IT governance structures, digital services, and IT procurement policies; and
- Public sector IT management by demonstrating familiarity with government IT funding models, procurement requirements, and legislative processes affecting IT strategy.

In addition, the bill addresses leadership and administrative experience qualifications. Specifically, the CIO must demonstrate:

- Strategic vision and innovation by possessing the capability to modernize IT systems, drive digital transformation, and align IT initiatives with state goals;
- Collaboration and engagement with stakeholders by working with legislators, agency heads, local governments, and private sector partners to implement IT initiatives;
- Crisis management and cyber resilience by possessing the capability to develop and lead cyber incident response, disaster recovery, and IT continuity plans; and
- Fiscal management and budget expertise managing multi-million-dollar IT budgets, cost-control strategies, and financial oversight of information technology projects.

The deputy director of the DIGIT will serve as the deputy chief information officer. The CIO will also select a state chief information security officer and a state chief data officer.

Section 3 provides that, until a permanent CIO is appointed, the current CIO of the Department of Management Services (DMS) must be transferred to the DIGIT and serve as the interim CIO, assuming all responsibilities of the Executive Director of the DIGIT. To establish long-term leadership, the Governor must appoint a permanent CIO by June 30, 2027.

Section 4 amends s. 20.055, F.S., by requiring each inspector general to review and evaluate his or her agency's compliance with IT reporting requirements and standards published by the DIGIT and provide an annual agency IT compliance report to the agency head, the Auditor General, and if applicable, the Chief Inspector General (CIG) by September 30 of each year. The compliance report must assess the adequacy of internal controls, documentation, and implementation processes to ensure conformity with statewide IT governance, security, and performance standards.

The CIG must provide a consolidated report summarizing agency performance, findings, and recommendations for improvement, and agency heads not under the jurisdiction of the Governor must provide agency reports, to the Executive of the Governor, President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

Section 5 conforms to changes in the bill by replacing the DMS with the DIGIT in s. 97.0525, F.S., relating to development of the risk assessment methodology.

Section 6 conforms to changes in the bill by replacing the DMS with the DIGIT in s. 112.22, F.S., relating to the identification of prohibited applications.

Section 7 amends s. 119.0725, F.S., to make technical, conforming changes. The bill implements changes related to public records exemptions. Specifically, the bill transfers cybersecurity public records exemptions and access to confidential cybersecurity data from the FLDS to the DIGIT.

Section 8 amends s. 216.023, F.S., to remove the requirement that agencies provide, with their legislative budget requests, a cumulative inventory and status report for all technology-related projects with a cumulative cost of \$1 million or more as that information will be included within annual reporting by the DIGIT. It also updates a cross-reference from s. 282.0051, F.S., to s. 282.0061, F.S.

Section 9 amends s. 282.0041, F.S., to provide the following definitions of terms:

- “Agency assessment” is repealed.
- “Customer entity” means an entity that obtains services from the DIGIT.
- “DIGIT” means the Division of Integrated Government Innovation and Technology.
- “Technical Debt” means the accumulated cost and operational impact resulting from the use of suboptimal, expedient, or outdated technology solutions that require future remediation, refactoring, or replacement to ensure maintainability, security, efficiency, and compliance with enterprise architecture standards.

Section 10 amends s. 282.00515, F.S., related to Cabinet duties to conform cross-references to amendments made by the bill. In addition, this section adds best practices, processes, and methodologies to standards and requires alternative adoption of said standards, practices, processes, and methodologies to be evaluated on a case-by-case basis. It also requires the Cabinet agencies to use the standards established by the DIGIT for enterprise projects that measurably impact another state agency. Additionally, it requires Cabinet agencies to:

- Conduct full baseline needs assessments;
- Produce a phased roadmap that must be submitted annually with legislative budget requests;
- Use the IT reports developed by the DIGIT;
- Report to the Legislature by December 15 of each year the IT financial data required in section 11 of the bill; and
- Consult with the DIGIT if an IT project implemented by a state agency will interface with a Cabinet agency’s IT system.

Section 11 creates s. 282.006, F.S., to assign duties and enterprise responsibilities to the DIGIT. The bill provides the DIGIT is the primary IT governance authority for the state of Florida and is responsible for setting IT policies, standards, and strategies that are adaptable and technology agnostic. In addition, the DIGIT, as the lead entity, is responsible for understanding the unique state agency IT needs and environments, supporting state technology efforts, and reporting on the status of technology for the enterprise.

The bill provides that the DIGIT is tasked with the following duties and responsibilities:

- Establishing the strategic direction of IT for state agencies.
- Developing and publishing IT policy that aligns with industry best practices for the management of the state’s IT resources, which must be updated as necessary to meet requirements and advancement in technology.
- Developing, publishing, and maintaining an enterprise architecture, in coordination with state agency technology subject matter experts, that:
 - Acknowledges the unique needs of the entities within the enterprise in the development and publication of standards and terminologies to facilitate digital interoperability;
 - Supports the cloud-first policy as specified in s. 282.206, F.S.;
 - Addresses how IT infrastructure may be modernized to achieve security, scalability, maintainability, interoperability, and improved cost-efficiency goals; and
 - Includes, at a minimum, best practices, guidelines, and standards for the following specific components:
 - Data models and taxonomies.

- Master data management.
- Data integration and interoperability.
- Data security and encryption.
- Bot prevention and data protection.
- Data backup and recovery.
- Application portfolio and catalog requirements.
- Application architectural patterns and principles.
- Technology and platform standards.
- Secure coding practices.
- Performance and scalability.
- Cloud infrastructure and architecture.
- Networking, connectivity, and security protocols.
- Authentication, authorization, and access controls.
- Disaster recovery.
- Quality assurance.
- Testing methodologies and measurements.
- Logging and log retention.
- Application and use of artificial intelligence.

The enterprise architecture must also include open data technical standards and enterprise testing and quality assurance best practices for functional, performance, load, security, compatibility, and interoperability testing.

The DIGIT must produce the following reports and provide them to the Governor, the President of the Senate, and the Speaker of the House of Representatives:

- Annually by December 15, an enterprise analysis report for state agencies that includes:
 - Results of agency need assessments and plans to address any technical debt.
 - Alternative standards related to federal grant compliance.
 - IT financial data by agency for the previous fiscal year. The DIGIT is required to develop a process to annually collect and report current and projected IT expenditures by each state agency, consolidating this data into a single report. Specifically, this portion of the annual report must include, at a minimum, the following recurring and nonrecurring totals:
 - Number of full-time equivalent positions.
 - Amount of salary.
 - Amount of benefits.
 - Number of comparable full-time equivalent positions and total amount of expenditures for IT staff augmentation.
 - Number of contracts and purchase orders and total amount of associated expenditures for IT managed services.
 - Amount of expenditures by state term contract, contracts procured using alternative purchasing methods, and agency procurements through request for proposal, invitation to negotiate, invitation to bid, single source, and emergency purchases.
 - Amount of expenditures for hardware.
 - Amount of expenditures for non-cloud software.
 - Amount of expenditures for cloud software licenses and services with a separate amount for expenditures for state data center services.

- Amount of expenditures for cloud data center services with a separate amount for expenditures for state data center services.
 - Amount of expenditures for administrative costs.
- A consolidated IT financial analysis that outlines the anticipated funding requirements for IT support over the next five years, a current inventory of major projects, and significant unmet needs for IT resources over the next five years ranked in priority order according to their urgency.
- A review and summary of whether the IT contract policy is included in all solicitations and contracts.
- Biennially by December 15 of even-numbered years, a report on the strategic direction of IT in the state that includes recommendations for the standardization of common IT services used across state agencies and for IT services that should be designed, delivered, and managed as enterprise IT services.
- A market analysis and accompanying strategic plan submitted by December 31 of each year that the market analysis is conducted. The market analysis must be conducted every three years and measure cost-effective and cost-efficient use of IT within the enterprise and the state's adherence to best practices. The DIGIT must produce a strategic plan based on the market analysis for the use and implementation of continued and future IT services.

The DIGIT is also tasked with developing, implementing, and maintaining a library to serve as the official repository for all enterprise IT policies, standards, guidelines, and best practices applicable to state agencies. This online library must be accessible to all state agencies, including Cabinet agencies, through a secure authentication system, featuring a structured index and search functionality to facilitate the efficient retrieval of information.

The library must be regularly updated to reflect current state and federal requirements, industry best practices, and emerging technologies. It must include standardized checklists organized by technical subject areas to assist agencies in measuring compliance with IT policies, standards, and best practices.

The DIGIT is required to establish procedures to ensure the integrity, security, and availability of the library, including access controls, encryption, and disaster recovery measures. The DIGIT must maintain version control and revision history for all published documents and provide mechanisms for agencies to submit feedback, request clarifications, and recommend updates. All state agencies are required to reference and adhere to the policies, standards, guidelines, and best practices contained in the library when planning, procuring, implementing, and operating IT systems.

The bill also provides a compliance exception process. Agencies may request an exception to a specific policy, standard, or guideline if compliance is not technically feasible, would cause undue hardship, or conflicts with agency-specific statutory requirements. The requesting agency must submit a formal justification detailing the specific requirement, reasons for non-compliance, any compensating controls, and the expected duration of the exception. The DIGIT will review all exception requests and provide a recommendation to the state chief information officer, who will then present the requests to the chief information officer workgroup for approval by a majority vote. Approved exceptions will be documented, with conditions or

expiration dates noted. Agencies granted exceptions will undergo periodic reviews to determine if the exception remains necessary or if compliance can now be achieved.

The DIGIT may adopt rules to implement the requirements in ch. 282, F.S.

Section 12 creates s. 282.0061, F.S., to define the DIGIT's role in providing support to state agencies and oversight of state agency procurements and projects.

The Legislature intends for the DIGIT to support state agencies through the adoption of policies, standards, and guidance and by providing oversight that recognizes unique state agency IT needs, environments, and goals. The DIGIT assistance and support must allow for adaptability to emerging technologies and organizational needs while maintaining compliance with industry best practices. The DIGIT is prohibited from prescribing specific tools, platforms, or vendors.

The bill requires the baseline needs assessments for state agencies be completed by January 1, 2029, and use the Capability Maturity Model⁵⁷ for measuring each agency's IT capabilities, providing a maturity level rating for each assessed domain. Once completed, the assessments must be maintained and updated on a regular schedule adopted by the DIGIT. The DIGIT must submit a plan and schedule to complete the baseline needs assessments to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2027. The needs assessments must include documentation of each agency's:

- Distinct technical environments;
- Existing technical debt;
- Security risks; and
- Compliance with all IT standards and guidelines developed and published by the DIGIT.

In assessing the existing technical debt portion of the needs assessment, the DIGIT must analyze the state's legacy IT systems and develop a plan to document the needs and costs for replacement systems. The plan must include:

- An inventory of legacy applications and infrastructure;
- Required capabilities not available with the legacy system;
- The estimated process, timeline, and cost to migrate from legacy environments;
- The estimated time frame during which the state agency can continue to efficiently use legacy IT system, resources, security, and data management to support operations; and
- Any other information necessary for fiscal or technology planning.

State agencies are required to provide all necessary documentation to enable accurate reporting on legacy systems and, with support from the DIGIT, produce a phased roadmap to address known technology gaps, deficiencies, and advancement of the agency's maturity level in

⁵⁷ The Capability Maturity Model (CMM) ranks software development enterprises according to a hierarchy of five process maturity levels. Each level ranks the development environment according to its capability of producing quality software. A set of standards is associated with each of the five levels. The standards for level one describe the most immature or chaotic processes, and the standards for level five describe the most mature or quality processes. This maturity model indicates the degree of reliability or dependency a business can place on a process to achieve its desired goals or objectives. It is also a collection of instructions that an enterprise can follow to gain better control over its software development process.

accordance with the Capability Maturity Model. The roadmaps must be maintained and submitted annually with the state agencies' legislative budget requests.

The bill requires the following be considered and included in the DIGIT's annual enterprise analysis report:

- Potential methods for standardizing data across state agencies which will promote interoperability and reduce the collection of duplicative data.
- Opportunities for standardization and consolidation of IT services that are common across all state agencies and that support improved:
 - Interoperability;
 - Security;
 - Scalability;
 - Maintainability;
 - Cost efficiency;
 - Business functions; and
 - Operations, including administrative functions such as purchasing, accounting and reporting, cash management, and personnel.

Additionally, the DIGIT must develop statewide standards for master data management (MDM) to enable data sharing and interoperability, with a strategy for implementing enterprise MDM to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2029. The report must include the vision, goals, and benefits of implementing a statewide master data management initiative, an analysis of the current state, and the recommended strategy, methodology, and estimated timeline and resources needed at a state agency and enterprise level to accomplish the initiative.

The DIGIT will support state agency IT projects by:

- Providing procurement advisory and review services for information technology projects to all state agencies, including procurement and contract development assistance.
- Establishing best practices and enterprise procurement processes and metrics.
- Upon request, assisting agencies with the development of IT related legislative budget requests.
- Developing IT project standards and oversight measures that objectively provide data regarding the project status, require mandatory reporting when an IT project is one month late or exceeds its budget by \$1 million, and require compliance with the enterprise architecture.
- Developing standardized IT project reporting templates for use by state agencies.
- Providing project management and oversight training opportunities to state agencies.
- Performing project oversight on projects with a total project cost of \$10 million or more and reporting quarterly on any IT project that DIGIT identifies as high-risk.
- Establishing a streamlined reporting process with clear timelines and procedures to notify a state agency if there is deviation from the adopted standards.

The bill also charges the DIGIT to consult with state agencies to create a methodology, approach, and applicable templates and formats for identifying and collecting both current and

planned IT expenditure data at the state agency level. State agencies must provide financial data to the DIGIT annually by October 1 for the previous fiscal year.

State agencies must work with the DIGIT to establish alternative standards and policies if adherence to standards or policies published by the DIGIT conflict with federal regulations or requirements and results in, or is expected to result in, adverse action against the state agencies or loss of federal funding.

Section 13 creates s. 282.0062, F.S., to establish multiple enterprise-level IT workgroups within the DIGIT to foster collaboration among state agencies and standardize IT policies, governance, security, and procurement. Each workgroup will consist of representatives from all state agencies and provide recommendations to the DIGIT leadership on key areas such as cybersecurity, data interoperability, quality assurance, project management, and purchasing. Additionally, state IT leaders, including the CIO, Chief Information Security Officer, Chief Data Officer, Chief Technology Officer, Chief Information Technology Procurement Officer, and others will consult with these workgroups on a quarterly basis to ensure continuous improvement in IT governance and strategy.

Section 14 creates s. 282.0063, F.S., to address the DIGIT's role in IT workforce development. The DIGIT is required to consult with CareerSource Florida, Inc., the Department of Commerce, and the Department of Education to carry out the tasks in this section. The DIGIT must develop structured career paths, training programs, and workforce strategies to enhance the recruitment, retention, and skill development of state IT professionals. This includes conducting a comprehensive workforce needs assessment to identify and address IT skill gaps, improving agency capabilities. The DIGIT must also create a statewide training program to help agencies implement enterprise architecture policies and standards. Additionally, the DIGIT is responsible for developing new training programs and certifications to ensure state IT professionals stay current with cybersecurity, cloud computing, and emerging technologies. To strengthen the state's IT talent pipeline, the DIGIT must establish internship and scholarship-for-service programs.

Section 15 creates 282.0064, F.S., to define the DIGIT's responsibilities related to IT contracts and procurements. The DIGIT must coordinate with the DMS to oversee all IT procurement policies to ensure consistency, compliance, and cost-effectiveness across state agencies. All IT contracts must align with enterprise architecture standards and adhere to National Institute of Standards and Technology Cybersecurity Framework (NIST) cybersecurity requirements.

For projects exceeding \$10 million, independent verification and validation (IV&V) will be required. The IV&V provider must provide a report directly to stakeholders that includes an analysis of whether:

- The project is being built and implemented in accordance with defined technical architecture, specifications, and requirements.
- The project is adhering to established project management processes.
- The procurement of products, tools, and services and resulting contracts align with current statutory and regulatory requirements.
- The value of services delivered is commensurate with project costs.
- The completed project meets the actual needs of the intended users.

Additionally, the DIGIT will coordinate with the DMS to evaluate responses and answer vendor questions for IT related state term contracts. Cabinet agencies are permitted to adopt alternative standards but must notify the Governor and the Legislature and provide a justification for adoption of the alternatives to include how the agency will meet the IT policy.

Section 16 amends s. 282.318, F.S., by naming the DIGIT as the lead entity responsible for establishing enterprise technology and cybersecurity standards, and replacing remaining references to the FLDS. It removes the responsibilities for the operation and maintenance of a Cybersecurity Operations Center (CSOC) and leading an Emergency Support Function, ESF CYBER, under the state comprehensive emergency management plan.

The bill provides for incident reporting to and through the state chief information security officer in place of the cybersecurity operations center; adds a provision to report incidents to the Northwest Regional Data Center (NWRDC), if applicable; changes the timeline for reporting incidents with severity levels 3, 4, or 5 from 48 hours to 12 hours; and, for reporting incidents with severity levels of 1 or 2, requires reporting within 96 hours of a cybersecurity incident and 72 hours of a ransomware incident.

Additionally, the bill changes the timeframe for state agencies to provide state agency strategic cybersecurity plans and conduct comprehensive risk assessments from once every three years to once every two years. The state agency cybersecurity plans must include measures that assess performance against their risk management plan. The biennial cybersecurity risk assessments must include vulnerability and penetration testing and acknowledge that agency leadership is aware of the risks outlined in the report.

Section 17 amends, and makes technical, conforming changes to s. 282.3185, F.S., related to local government cybersecurity. The state chief information security officer will now receive incident reports in place of the FLDS and the CSOC. The bill also deletes references to the Cybersecurity Advisory Council (CAC).

The DIGIT will maintain the current cybersecurity severity levels and incident reporting processes for local governments, ensuring continuity in managing security incidents. Specifically, the bill the timeline for reporting incidents with severity levels 3, 4, or 5 changes from 48 hours to 12 hours after discovery of the cybersecurity incident and no later than 6 hours (instead of 12) after discovery of a ransomware incident. The bill also updates relevant statutory references.

Section 18 repeals s. 282.319, F.S., related to the CAC. These activities will generally be within the scope of the DIGIT duties and responsibilities.

Section 19 deletes obsolete language in s. 282.201, F.S., related to the DMS management of the state data center, requires the NWRDC to meet or exceed the state's technology standards, and permanently codifies an exception for data center use for the Division of Emergency Management included in ch. 2025-199, L.O.F.

Section 20 creates s. 282.2011, F.S., regarding the state data center services provided by the NWRDC to move data center provisions into the appropriate chapter of law. It also makes technical, conforming changes to update relevant statutory references and includes a requirement that the NWRDC provide projected costs for state data center services to the Executive Office of the Governor and the Legislature by November 15 of each year.

Section 21 amends s. 282.206, F.S., to add the DIGIT and the NWRDC as recipients of the state agency strategic plan for applications located at the state data center.

Section 22 amends s. 1004.649, F.S., by deleting the provisions regarding the state data center services provided by the NWRDC that were added to s. 282.0211, F.S. It also creates the NWRDC at the Florida State University and specifies the NWRDC is the designated state data center with a reference to the state data center duties outlined in s. 282.0211, F.S.

Section 23 Removes the FLDS from the DMS in s. 20.22, F.S.

Section 24 amends s. 282.802, F.S., to transfer the Government Technology Modernization Council from the DMS to the DIGIT, names the CIO as the nonvoting executive director of the council and makes other conforming changes.

Section 25 amends s. 282.604, F.S., by transitioning rulemaking authority regarding accessible electronic information technology by governmental units from the DMS to the DIGIT.

Section 26 requires the CIO, instead of the FLDS, to participate in the process for technology state term contract solicitations in s. 287.0591, F.S.

Section 27 requires the Department of Commerce to consult with the DIGIT in place of the FLDS regarding the Reemployment Assistance Claims and Benefits Information System in s. 443.1113, F.S.

Section 28 requires the FDLE to consult with the state chief information security officer in place of the FLDS when adopting rules related to IT security provisions in s. 943.0415, F.S.

Section 29 deletes the requirement that a request for assistance with a cybersecurity incident must come from the FLDS in s. 1004.444, F.S.

Section 30 provides that the bill takes effect January 5, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill establishes the Division of Integrated Government Innovation and Technology (DIGIT) under the Executive Office of the Governor. The fiscal impact for Fiscal Year 2026-2027 is zero. Existing resources will transfer from the Florida Digital Services (FDS) to the DIGIT to support the cost of the DIGIT.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.055, 97.0525, 112.22, 119.0725, 216.023, 282.0041, 282.00515, 282.318, 282.3185, 282.201, 282.206, 1004.649, 20.22, 282.802, 282.604, 287.0591, 443.1113, 943.0415, and 1004.444.

This bill creates the following sections of the Florida Statutes: 14.205, 282.006, 282.0061, 282.0062, 282.0063, 282.0064, and 282.2011.

This bill repeals section 282.319 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.



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. All duties, functions, records, pending issues, existing contracts, administrative authority, and administrative rules relating to the Florida Digital Service are transferred by a type two transfer, as described in s. 20.06, Florida Statutes, to the Division of Integrated Government Innovation and Technology as created by this act. Any unexpended balances of



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appropriations, allocations, and other public funds will revert or will be appropriated or allocated as provided in the General Appropriations Act or otherwise by law.

Section 2. Section 14.205, Florida Statutes, is created to read:

14.205 Division of Integrated Government Innovation and Technology.—

(1) The Division of Integrated Government Innovation and Technology is established within the Executive Office of the Governor. The division shall be a separate budget entity, as provided in the General Appropriations Act, and shall prepare and submit a budget request in accordance with chapter 216. The division shall be responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under chapter 282 and as otherwise provided in law.

(2)(a) The director of the division shall serve as the state chief information officer. The director shall be appointed by the Governor, subject to confirmation by the Senate. The state chief information officer is prohibited from having any financial, personal, or business conflicts of interest related to technology vendors, contractors, or other information technology service providers doing business with the state.

(b) The state chief information officer must meet the following qualifications:

1. Education requirements.—The state chief information officer must meet one of the following criteria:

a. Hold a bachelor's degree from an accredited institution in information technology, computer science, business



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administration, public administration, or a related field; or

b. Hold a master's degree in any of the fields listed in sub-subparagraph a., which may be substituted for a portion of the professional experience requirements in subparagraph 2.

2. Professional experience requirements.—The state chief information officer must have at least 10 years of progressively responsible experience in information technology management, digital transformation, cybersecurity, or information technology governance, including:

a. A minimum of 5 years in an executive or senior leadership role, overseeing information technology strategy, operations, or enterprise technology management, in either the public or private sector;

b. Managing large-scale information technology projects, enterprise infrastructure, and implementation of emerging technologies;

c. Budget planning, procurement oversight, and financial management of information technology investments; and

d. Working with state and federal information technology regulations, digital services, and cybersecurity compliance frameworks.

3. Technical and policy expertise.—The state chief information officer must have demonstrated expertise in:

a. Cybersecurity and data protection by demonstrating knowledge of cybersecurity risk management, compliance with the National Institute of Standards and Technology Cybersecurity Framework, ISO 27001, and applicable federal and state security regulations;

b. Cloud and digital services with experience in cloud



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computing, enterprise systems modernization, digital transformation, and emerging information technology trends;

c. Information technology governance and policy development by demonstrating an understanding of statewide information technology governance structures, digital services, and information technology procurement policies; and

d. Public sector information technology management by demonstrating familiarity with government information technology funding models, procurement requirements, and legislative processes affecting information technology strategy.

4. Leadership and administrative competencies.—The state chief information officer must demonstrate:

a. Strategic vision and innovation by possessing the capability to modernize information technology systems, drive digital transformation, and align information technology initiatives with state goals;

b. Collaboration and engagement with stakeholders by working with legislators, state agency heads, local governments, and private sector partners to implement information technology initiatives;

c. Crisis management and cyber resilience by possessing the capability to develop and lead cyber incident response, disaster recovery, and information technology continuity plans; and

d. Fiscal management and budget expertise managing multi-million-dollar information technology budgets, cost-control strategies, and financial oversight of information technology projects.

(3) The deputy director of the division shall serve as the deputy chief information officer.



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(4) The director shall select separate individuals to serve as the state chief information security officer, state chief data officer, state chief technology officer, and state chief technology procurement officer.

Section 3. Until a state chief information officer is appointed pursuant to s. 14.205, Florida Statutes, the current state chief information officer of the Department of Management Services shall be transferred to the Division of Integrated Government Innovation and Technology and serve as interim state chief information officer. A state chief information officer for the Division of Integrated Government Innovation and Technology must be appointed by the Governor by June 30, 2027.

Section 4. Subsection (6) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

(6) In carrying out the auditing duties and responsibilities of this act, each inspector general shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits are shall be determined by the inspector general; however, the agency head may at any time request the inspector general to perform an audit of a special program, function, or organizational unit. In addition to the duties prescribed in this section, each inspector general annually shall review and report on whether agency practices related to information technology reporting, projects, contracts, and procurements are



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consistent with the applicable reporting requirements and standards published by the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor. The inspector general shall prepare an annual agency information technology compliance report that assesses the adequacy of internal controls, documentation, and implementation processes to ensure conformity with statewide information technology governance, security, and performance standards. The performance of the audits is ~~audit shall be~~ under the direction of the inspector general, except that if the inspector general does not possess the qualifications specified in subsection (4), the director of auditing must ~~shall~~ perform the functions listed in this subsection.

(a) Such audits must ~~shall~~ be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing as published by the Institute of Internal Auditors, Inc., or, where appropriate, in accordance with generally accepted governmental auditing standards. All audit reports issued by internal audit staff must ~~shall~~ include a statement that the audit was conducted pursuant to the appropriate standards.

(b) Audit workpapers and reports are ~~shall be~~ public records to the extent that they do not include information which has been made confidential and exempt from the provisions of s. 119.07(1) pursuant to law. However, when the inspector general or a member of the staff receives from an individual a complaint or information that falls within the definition provided in s. 112.3187(5), the name or identity of the individual may not be disclosed to anyone else without the written consent of the



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individual, unless the inspector general determines that such disclosure is unavoidable during the course of the audit or investigation.

(c) The inspector general and the staff shall have access to any records, data, and other information of the state agency he or she deems necessary to carry out his or her duties. The inspector general may also request such information or assistance as may be necessary from the state agency or from any federal, state, or local government entity.

(d) At the conclusion of each audit, the inspector general shall submit preliminary findings and recommendations to the person responsible for supervision of the program function or operational unit who shall respond to any adverse findings within 20 working days after receipt of the preliminary findings. Such response and the inspector general's rebuttal to the response must ~~shall~~ be included in the final audit report.

(e) At the conclusion of an audit in which the subject of the audit is a specific entity contracting with the state or an individual substantially affected, if the audit is not confidential or otherwise exempt from disclosure by law, the inspector general must ~~shall~~, consistent with s. 119.07(1), submit the findings to the entity contracting with the state or the individual substantially affected, who must ~~shall~~ be advised in writing that they may submit a written response within 20 working days after receipt of the findings. The response and the inspector general's rebuttal to the response, if any, must be included in the final audit report.

(f) The inspector general shall submit the final report to the agency head, the Auditor General, and, for state agencies



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under the jurisdiction of the Governor, the Chief Inspector General.

1. The agency information technology compliance reports must be submitted to the agency head, the Auditor General, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General by September 30 of each year.

2. The Chief Inspector General shall review the annual agency information technology compliance reports submitted by agency inspectors general under the jurisdiction of the Governor and shall prepare a consolidated statewide information technology compliance report summarizing agency performance, findings, and recommendations for improvement. The consolidated report must be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

3. Agency heads for agencies not under the jurisdiction of the Governor shall submit the annual agency information technology compliance reports to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

(g) The Auditor General, in connection with the independent postaudit of the same agency pursuant to s. 11.45, shall give appropriate consideration to internal audit reports and the resolution of findings therein. The Legislative Auditing Committee may inquire into the reasons or justifications for failure of the agency head to correct the deficiencies reported in internal audits that are also reported by the Auditor General and shall take appropriate action.

(h) The inspector general shall monitor the implementation



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of the state agency's response to any report on the state agency issued by the Auditor General or by the Office of Program Policy Analysis and Government Accountability. No later than 6 months after the Auditor General or the Office of Program Policy Analysis and Government Accountability publishes a report on the state agency, the inspector general shall provide a written response to the agency head or, for state agencies under the jurisdiction of the Governor, the Chief Inspector General on the status of corrective actions taken. The inspector general shall file a copy of such response with the Legislative Auditing Committee.

(i) The inspector general shall develop long-term and annual audit plans based on the findings of periodic risk assessments. The plan, where appropriate, should include postaudit samplings of payments and accounts. The plan must ~~shall~~ show the individual audits to be conducted during each year and related resources to be devoted to the respective audits. The plan must ~~shall~~ include a specific cybersecurity audit plan. The Chief Financial Officer, to assist in fulfilling the responsibilities for examining, auditing, and settling accounts, claims, and demands pursuant to s. 17.03(1), and examining, auditing, adjusting, and settling accounts pursuant to s. 17.04, may use audits performed by the inspectors general and internal auditors. For state agencies under the jurisdiction of the Governor, the audit plans must ~~shall~~ be submitted to the Chief Inspector General. The plan must ~~shall~~ be submitted to the agency head for approval. A copy of the approved plan must ~~shall~~ be submitted to the Auditor General.

Section 5. Paragraph (b) of subsection (3) of section



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97.0525, Florida Statutes, is amended to read:

97.0525 Online voter registration.—

(3)

(b) The division shall conduct a comprehensive risk assessment of the online voter registration system every 2 years. The comprehensive risk assessment must comply with the risk assessment methodology developed by the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor ~~Department of Management Services~~ for identifying security risks, determining the magnitude of such risks, and identifying areas that require safeguards. In addition, the comprehensive risk assessment must incorporate all of the following:

1. Load testing and stress testing to ensure that the online voter registration system has sufficient capacity to accommodate foreseeable use, including during periods of high volume of website users in the week immediately preceding the book-closing deadline for an election.

2. Screening of computers and networks used to support the online voter registration system for malware and other vulnerabilities.

3. Evaluation of database infrastructure, including software and operating systems, in order to fortify defenses against cyberattacks.

4. Identification of any anticipated threats to the security and integrity of data collected, maintained, received, or transmitted by the online voter registration system.

Section 6. Paragraphs (a) and (f) of subsection (1), paragraphs (b) and (c) of subsection (2), and subsections (3)



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and (4) of section 112.22, Florida Statutes, are amended to read:

112.22 Use of applications from foreign countries of concern prohibited.—

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

(a) "DIGIT" means the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor ~~"Department" means the Department of Management Services.~~

(f) "Prohibited application" means an application that meets the following criteria:

1. Any Internet application that is created, maintained, or owned by a foreign principal and that participates in activities that include, but are not limited to:

a. Collecting keystrokes or sensitive personal, financial, proprietary, or other business data;

b. Compromising e-mail and acting as a vector for ransomware deployment;

c. Conducting cyber-espionage against a public employer;

d. Conducting surveillance and tracking of individual users; or

e. Using algorithmic modifications to conduct disinformation or misinformation campaigns; or

2. Any Internet application that DIGIT ~~the department~~ deems to present a security risk in the form of unauthorized access to or temporary unavailability of the public employer's records, digital assets, systems, networks, servers, or information.

(2)

(b) A person, including an employee or officer of a public



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employer, may not download or access any prohibited application on any government-issued device.

1. This paragraph does not apply to a law enforcement officer as defined in s. 943.10(1) if the use of the prohibited application is necessary to protect the public safety or conduct an investigation within the scope of his or her employment.

2. A public employer may request a waiver from DIGIT ~~the department~~ to allow designated employees or officers to download or access a prohibited application on a government-issued device.

(c) Within 15 calendar days after DIGIT ~~the department~~ issues or updates its list of prohibited applications pursuant to paragraph (3)(a), an employee or officer of a public employer who uses a government-issued device must remove, delete, or uninstall any prohibited applications from his or her government-issued device.

(3) DIGIT ~~The department~~ shall do all of the following:

(a) Compile and maintain a list of prohibited applications and publish the list on its website. DIGIT ~~The department~~ shall update this list quarterly and shall provide notice of any update to public employers.

(b) Establish procedures for granting or denying requests for waivers pursuant to subparagraph (2)(b)2. The request for a waiver must include all of the following:

1. A description of the activity to be conducted and the state interest furthered by the activity.

2. The maximum number of government-issued devices and employees or officers to which the waiver will apply.

3. The length of time necessary for the waiver. Any waiver



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granted pursuant to subparagraph (2)(b)2. must be limited to a timeframe of no more than 1 year, but DIGIT ~~the department~~ may approve an extension.

4. Risk mitigation actions that will be taken to prevent access to sensitive data, including methods to ensure that the activity does not connect to a state system, network, or server.

5. A description of the circumstances under which the waiver applies.

~~(4)(a) Notwithstanding s. 120.74(4) and (5), the department is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4) and to implement paragraph (3)(a). Such rulemaking must occur initially by filing emergency rules within 30 days after July 1, 2023.~~

~~(b)~~ DIGIT ~~The department~~ shall adopt rules necessary to administer this section.

Section 7. Paragraph (a) of subsection (5) of section 119.0725, Florida Statutes, is amended to read:

119.0725 Agency cybersecurity information; public records exemption; public meetings exemption.—

(5)(a) Information made confidential and exempt pursuant to this section must ~~shall~~ be made available to a law enforcement agency, the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor ~~Florida Digital Service within the Department of Management Services~~, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.

Section 8. Paragraph (a) of subsection (4) and subsection (7) of section 216.023, Florida Statutes, are amended to read:



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216.023 Legislative budget requests to be furnished to
Legislature by agencies.—

(4)(a) The legislative budget request for each program must
contain:

1. The constitutional or statutory authority for a program,
a brief purpose statement, and approved program components.

2. Information on expenditures for 3 fiscal years (actual
prior-year expenditures, current-year estimated expenditures,
and agency budget requested expenditures for the next fiscal
year) by appropriation category.

3. Details on trust funds and fees.

4. The total number of positions (authorized, fixed, and
requested).

5. An issue narrative describing and justifying changes in
amounts and positions requested for current and proposed
programs for the next fiscal year.

6. Information resource requests.

7. Supporting information, including applicable cost-
benefit analyses, business case analyses, performance
contracting procedures, service comparisons, and impacts on
performance standards for any request to outsource or privatize
agency functions. The cost-benefit and business case analyses
must include an assessment of the impact on each affected
activity from those identified in accordance with paragraph (b).
Performance standards must include standards for each affected
activity and be expressed in terms of the associated unit of
activity.

8. An evaluation of major outsourcing and privatization
initiatives undertaken during the last 5 fiscal years having



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aggregate expenditures exceeding \$10 million during the term of the contract. The evaluation must include an assessment of contractor performance, a comparison of anticipated service levels to actual service levels, and a comparison of estimated savings to actual savings achieved. Consolidated reports issued by the Department of Management Services may be used to satisfy this requirement.

9. Supporting information for any proposed consolidated financing of deferred-payment commodity contracts including guaranteed energy performance savings contracts. Supporting information must also include narrative describing and justifying the need, baseline for current costs, estimated cost savings, projected equipment purchases, estimated contract costs, and return on investment calculation.

10. For projects that exceed \$10 million in total cost, the statutory reference of the existing policy or the proposed substantive policy that establishes and defines the project's governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes. The governance structure for information technology-related projects must incorporate the applicable project management and oversight standards established pursuant to s. 282.0061 ~~s. 282.0051~~.

Information technology budget requests for the continuance of existing hardware and software maintenance agreements, renewal of existing software licensing agreements, or the replacement of desktop units with new technology that is similar to the technology currently in use are exempt from this requirement.

~~(7) As part of the legislative budget request, each state agency and the judicial branch shall include an inventory of all~~



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~~ongoing technology-related projects that have a cumulative estimated or realized cost of more than \$1 million. The inventory must, at a minimum, contain all of the following information:~~

~~(a) The name of the technology system.~~

~~(b) A brief description of the purpose and function of the system.~~

~~(c) A brief description of the goals of the project.~~

~~(d) The initiation date of the project.~~

~~(e) The key performance indicators for the project.~~

~~(f) Any other metrics for the project evaluating the health and status of the project.~~

~~(g) The original and current baseline estimated end dates of the project.~~

~~(h) The original and current estimated costs of the project.~~

~~(i) Total funds appropriated or allocated to the project and the current realized cost for the project by fiscal year.~~

~~For purposes of this subsection, an ongoing technology-related project is one which has been funded or has had or is expected to have expenditures in more than one fiscal year. An ongoing technology-related project does not include the continuance of existing hardware and software maintenance agreements, the renewal of existing software licensing agreements, or the replacement of desktop units with new technology that is substantially similar to the technology being replaced. This subsection expires July 1, 2026.~~

Section 9. Present subsections (36), (37), and (38) of



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section 282.0041, Florida Statutes, are redesignated as subsections (37), (38), and (39), respectively, new subsections (11) and (36) are added to that section, and subsection (1), present subsection (7), and subsections (27) and (29) of that section are amended, to read:

282.0041 Definitions.—As used in this chapter, the term:

~~(1) “Agency assessment” means the amount each customer entity must pay annually for services from the Department of Management Services and includes administrative and data center services costs.~~

~~(6)(7) “Customer entity” means an entity that obtains services from DIGIT the Department of Management Services.~~

(11) “DIGIT” means the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor.

(27) “Project oversight” means an independent review and assessment analysis of an information technology project that provides information on the project’s scope, completion timeframes, and budget and that identifies and quantifies issues or risks affecting the successful and timely completion of the project.

(29) “Risk assessment” means the process of identifying operational risks and security risks, determining their magnitude, and identifying areas needing safeguards.

(36) “Technical debt” means the accumulated cost and operational impact resulting from the use of suboptimal, expedient, or outdated technology solutions that require future remediation, refactoring, or replacement to ensure maintainability, security, efficiency, and compliance with



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enterprise architecture standards.

Section 10. Section 282.00515, Florida Statutes, is amended to read:

282.00515 Duties of Cabinet agencies.—

(1)(a) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall adopt the standards, best practices, processes, and methodologies established in s. 282.0061(4) and (5)(b) and (d). However, such departments may ~~s. 282.0051(1)(b), (c), and (r) and (3)(e) or~~ adopt alternative standards, best practices, and methodologies that must be based on industry-recognized best practices and industry standards that enable allow for open data exchange, interoperability, and vendor-neutral integration. Such departments shall evaluate the adoption of alternative standards on a case-by-case basis for each standard, project, or system and reevaluate such alternative standards periodically.

(b) Notwithstanding paragraph (a), if an enterprise project has a measurable impact on, or requires participation from, a state agency and the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services, then the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services, as applicable, must follow the standards established under this chapter.

(2) If the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services adopts alternative standards, best practices, processes, and methodologies in lieu of the ~~enterprise~~



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architecture standards, best practices, processes, and
methodologies adopted pursuant to s. 282.0061(4) and (5)(b) and
(d) s. 282.0051, such department must notify DIGIT, the
Governor, the President of the Senate, and the Speaker of the
House of Representatives in writing of the adoption of the
alternative standards and provide a justification for adoption
of the alternative standards and explain the manner in which how
the agency will achieve the policy, standard, guideline, or best
practice while promoting open data interoperability.

(3) The Department of Legal Affairs, the Department of
Financial Services, and the Department of Agriculture and
Consumer Services shall each conduct a full baseline needs
assessment to document their respective technical environments,
existing technical debt, security risks, and compliance with
adopted information technology best practices, guidelines, and
standards, similar to the assessments conducted by DIGIT
pursuant to s. 282.0061(2)(a) and (b). The Department of Legal
Affairs, the Department of Financial Services, and the
Department of Agriculture and Consumer Services may contract
with DIGIT to assist with or complete the assessments.

(4) The Department of Legal Affairs, the Department of
Financial Services, and the Department of Agriculture and
Consumer Services shall each produce a phased roadmap for
strategic planning to address known technology gaps and
deficiencies, similar to the assessments conducted by DIGIT
pursuant to s. 282.0061(2)(d). The phased roadmap must be
submitted annually with legislative budget requests required
under s. 216.023. The Department of Legal Affairs, the
Department of Financial Services, and the Department of



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Agriculture and Consumer Services may contract with DIGIT to assist with or complete the phased roadmap.

(5) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services may, but are not required to, contract with DIGIT ~~the department~~ to provide procurement advisory and review services for information technology projects as provided in s. 282.0061(5) (a) ~~or perform any of the services and functions described in s. 282.0051.~~

(6) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall use the information technology reports developed by DIGIT pursuant to s. 282.0061(5) (f) and follow the streamlined reporting process pursuant to s. 282.0061(5) (i). The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall report annually to the President of the Senate and the Speaker of the House of Representatives by December 15 information related to the respective department similar to the information required under s. 282.006(6) (a) and the information technology financial data methodology and reporting required by s. 282.0061(6). The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services may provide the report required under this subsection collectively with DIGIT or shall report separately to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(7) (a) ~~(4) (a)~~ Nothing in this chapter ~~section or in s. 282.0051~~ requires the Department of Legal Affairs, the



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Department of Financial Services, or the Department of Agriculture and Consumer Services to integrate with information technology outside its own department or with DIGIT ~~the Florida Digital Service~~.

(b) DIGIT ~~The department, acting through the Florida Digital Service,~~ may not retrieve or disclose any data without a shared-data agreement in place between DIGIT ~~the department~~ and the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services.

(8) Notwithstanding s. 282.0061(5)(h), DIGIT may perform project oversight only on information technology projects of the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services which have a project cost of \$20 million or more. Such information technology projects must also comply with the applicable information technology architecture, project management and oversight, and reporting standards established by DIGIT. DIGIT shall report by the 30th day after the end of each quarter to the President of the Senate and the Speaker of the House of Representatives on any information technology project under this subsection which DIGIT identifies as high risk. The report must include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project, and a recommendation for any corrective action required, including suspension or termination of the project.

(9) If an information technology project implemented by a state agency must be connected to or otherwise accommodated by an information technology system administered by the Department



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of Legal Affairs, the Department of Financial Services, or the
Department of Agriculture and Consumer Services, the state
agency must consult with DIGIT regarding the risks and other
effects of such project on the information technology systems of
the Department of Legal Affairs, the Department of Financial
Services, or the Department of Agriculture and Consumer
Services, as applicable, and must work cooperatively with the
Department of Legal Affairs, the Department of Financial
Services, or the Department of Agriculture and Consumer
Services, as applicable, regarding connections, interfaces,
timing, or accommodations required to implement such project.

Section 11. Section 282.006, Florida Statutes, is created
to read:

282.006 Division of Integrated Government Innovation and
Technology; enterprise responsibilities; reporting.—

(1) The Division of Integrated Government Innovation and
Technology established in s. 14.205 is the state organization
for information technology governance and is the lead entity
responsible for understanding the unique state agency
information technology needs and environments, creating
technology standards and strategy, supporting state agency
technology efforts, and reporting on the status of technology
for state agencies.

(2) The Legislature intends for DIGIT policy, standards,
guidance, and oversight to allow for adaptability to emerging
technology and organizational needs while maintaining compliance
with industry best practices. All policies, standards, and
guidelines established pursuant to this chapter must be
technology-agnostic and may not prescribe specific tools,



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platforms, or vendors.

(3) DIGIT shall establish the strategic direction of information technology for state agencies. DIGIT shall develop and publish information technology policy that aligns with industry best practices for the management of the state's information technology resources. The policy must be updated as necessary to meet the requirements of this chapter and advancements in technology.

(4) DIGIT shall, in coordination with state agency technology subject matter experts, develop, publish, and maintain an enterprise architecture that:

(a) Acknowledges the unique needs of the entities within the enterprise in the development and publication of standards and terminologies to facilitate digital interoperability;

(b) Supports the cloud-first policy as specified in s. 282.206;

(c) Addresses the manner in which information technology infrastructure may be modernized to achieve security, scalability, maintainability, interoperability, and improved cost-efficiency goals; and

(d) Includes, at a minimum, best practices, guidelines, and standards for:

1. Data models and taxonomies.
2. Master data management.
3. Data integration and interoperability.
4. Data security and encryption.
5. Bot prevention and data protection.
6. Data backup and recovery.
7. Application portfolio and catalog requirements.



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8. Application architectural patterns and principles.

9. Technology and platform standards.

10. Secure coding practices.

11. Performance and scalability.

12. Cloud infrastructure and architecture.

13. Networking, connectivity, and security protocols.

14. Authentication, authorization, and access controls.

15. Disaster recovery.

16. Quality assurance.

17. Testing methodologies and measurements.

18. Logging and log retention.

19. Application and use of artificial intelligence.

(5) DIGIT shall develop open data technical standards and terminologies for use by state agencies. DIGIT shall develop enterprise technology testing and quality assurance best practices and standards to ensure the reliability, security, and performance of information technology systems. Such best practices and standards must include:

(a) Functional testing to ensure software or systems meet required specifications.

(b) Performance and load testing to ensure software and systems operate efficiently under various conditions.

(c) Security testing to protect software and systems from vulnerabilities and cyber threats.

(d) Compatibility and interoperability testing to ensure software and systems operate seamlessly across environments.

(6) DIGIT shall produce and provide the following reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives:



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(a) Annually by December 15, an enterprise analysis report for state agencies which includes all of the following:

1. Results of the state agency needs assessments, including any plan to address technical debt as required by s. 282.0061 pursuant to the schedule adopted.

2. Alternative standards related to federal funding adopted pursuant to s. 282.0061.

3. Information technology financial data for each state agency for the previous fiscal year. This portion of the annual report must include, at a minimum, the following recurring and nonrecurring information:

a. Total number of full-time equivalent positions.

b. Total amount of salary.

c. Total amount of benefits.

d. Total number of comparable full-time equivalent positions and total amount of expenditures for information technology staff augmentation.

e. Total number of contracts and purchase orders and total amount of associated expenditures for information technology managed services.

f. Total amount of expenditures by state term contract as defined in s. 287.012, contracts procured using alternative purchasing methods as authorized pursuant to s. 287.042(16), and state agency procurements through request for proposal, invitation to negotiate, invitation to bid, single source, and emergency purchases.

g. Total amount of expenditures for hardware.

h. Total amount of expenditures for non-cloud software.

i. Total amount of expenditures for cloud software licenses



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and services with a separate amount for expenditures for state data center services.

j. Total amount of expenditures for cloud data center services with a separate amount for expenditures for state data center services.

k. Total amount of expenditures for administrative costs.

4. Consolidated information for the previous fiscal year about state information technology projects, which must include, at a minimum, the following information:

a. Anticipated funding requirements for information technology support over the next 5 years.

b. An inventory of current information technology assets and major projects. As used in this paragraph, the term "major project" includes projects costing more than \$500,000 to implement.

c. Significant unmet needs for information technology resources over the next 5 fiscal years, ranked in priority order according to their urgency.

5. A review and summary of whether the information technology contract policy established pursuant to s. 282.0064 is included in all solicitations and contracts.

(b) Biennially by December 15 of even-numbered years, a report on the strategic direction of information technology in the state which includes recommendations for all of the following:

1. Standardization and consolidation of information technology services that are identified as common across state agencies as required in s. 282.0061.

2. Information technology services needed to be designed,



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delivered, and managed as state agency enterprise information technology services. Recommendations must include the identification of existing information technology resources associated with the services, if existing services must be transferred as a result of being delivered and managed as enterprise information technology services, and which entity is best suited to manage the service.

(c)1. When conducted as provided in this paragraph, a market analysis and accompanying strategic plan submitted by December 31 of each year that the market analysis is conducted.

2. No less frequently than every 3 years, DIGIT shall conduct a market analysis to determine whether the:

a. Information technology resources across state agencies are used in the most cost-effective and cost-efficient manner, while recognizing that the replacement of certain legacy information technology systems within the enterprise may be cost prohibitive or cost inefficient due to the remaining useful life of those resources; and

b. State agencies are using best practices with respect to information technology, information services, and the acquisition of emerging technologies and information services.

3. Each market analysis must be used to prepare a strategic plan for continued and future information technology and information services, including, but not limited to, proposed acquisition of new services or technologies and approaches to the implementation of any new services or technologies.

(7)(a) DIGIT shall develop, implement, and maintain a library to serve as the official repository for all enterprise information technology policies, standards, guidelines, and best



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practices applicable to state agencies. The online library must be accessible and searchable by all state agencies and the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services through a secure authentication system. The library must include standardized checklists organized by technical subject areas to assist state agencies in measuring compliance with the information technology policies, standards, guidelines, and best practices.

(b) DIGIT shall establish procedures to ensure the integrity, security, and availability of the library, including appropriate access controls, encryption, and disaster recovery measures. DIGIT shall regularly update documents and materials in the library to reflect current state and federal requirements, industry best practices, and emerging technologies and shall maintain version control and revision history for all published documents. DIGIT shall create mechanisms for state agencies to submit feedback, request clarifications, and recommend updates.

(8) (a) Each state agency shall actively participate and collaborate with DIGIT to achieve the objectives set forth in this chapter. Each state agency shall also adhere to the policies, standards, guidelines, and best practices established by DIGIT in information technology planning, procurement, implementation, and operations as required by this chapter.

(b)1. A state agency may request an exemption to a specific policy, standard, or guideline when compliance is not technically feasible, would cause undue hardship, or conflicts with any agency-specific statutory requirement. The state agency



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requesting an exception must submit a formal justification to
DIGIT detailing all of the following:

a. The specific requirement for which an exemption is
sought.

b. The reason compliance is not feasible or practical.

c. Any compensating control or alternative measure the
state agency will implement to mitigate associated risks.

d. The anticipated duration of the exemption.

2. DIGIT shall review all exemption requests and provide a
recommendation to the state chief information officer, who shall
present the compliance exemption requests to the chief
information officer workgroup. Approval of exemption requests
must be made by a majority vote of the workgroup. Approved
exemptions must be documented and include conditions and
expiration dates.

3. A state agency with an approved exemption shall undergo
periodic review to determine whether the exemption remains
necessary or whether compliance can be achieved.

(9) DIGIT may adopt rules to implement this chapter.

Section 12. Section 282.0061, Florida Statutes, is created
to read:

282.0061 DIGIT support of state agencies; information
technology procurement and projects.—

(1) LEGISLATIVE INTENT.—The Legislature intends for DIGIT
to support state agencies in their information technology
efforts through the adoption of policies, standards, and
guidance and by providing oversight that recognizes unique state
agency information technology needs, environments, and goals.
DIGIT assistance and support must allow for adaptability to



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emerging technologies and organizational needs while maintaining compliance with industry best practices. DIGIT may not prescribe specific tools, platforms, or vendors.

(2) NEEDS ASSESSMENTS.—

(a) By January 1, 2029, DIGIT shall conduct full baseline needs assessments of state agencies to document their respective technical environments, existing technical debt, security risks, and compliance with all information technology standards and guidelines developed and published by DIGIT. The needs assessment must use the latest version of the Capability Maturity Model Integration to evaluate each state agency's information technology capabilities, providing a maturity level rating for each assessed domain. After completion of the initial full baseline needs assessment, such assessments must be maintained and updated on a regular schedule adopted by DIGIT.

(b) In assessing the existing technical debt portion of the needs assessment, DIGIT shall analyze the state's legacy information technology systems and develop a plan to document the needs and costs for replacement systems. The plan must include an inventory of legacy applications and infrastructure; the required capabilities not available with the legacy system; the estimated process, timeline, and cost to migrate from legacy environments; and any other information necessary for fiscal or technology planning. The plan must determine and document the estimated timeframe during which the state agency can continue to efficiently use legacy information technology systems, resources, security, and data management to support operations. State agencies shall provide all necessary documentation to enable accurate reporting on legacy systems.



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(c) DIGIT shall develop a plan and schedule to conduct the initial full baseline needs assessments. By October 1, 2027, DIGIT shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(d) DIGIT shall support state agency strategic planning efforts and assist state agencies with the production of a phased roadmap to address known technology gaps and deficiencies as identified in the needs assessments. The roadmaps must include specific strategies and initiatives aimed at advancing the state agency's maturity level in accordance with the latest version of the Capability Maturity Model Integration. State agencies shall create, maintain, and submit the roadmap on an annual basis with their legislative budget requests required under s. 216.023.

(3) STANDARDIZATION.—DIGIT shall:

(a) Recommend in its annual enterprise analysis report for state agencies required under s. 282.006 any potential method for standardizing data across state agencies which will promote interoperability and reduce the collection of duplicative data.

(b) Identify any opportunities in such enterprise analysis report for state agencies for standardization and consolidation of information technology services that are common across all state agencies and that support:

1. Improved interoperability, security, scalability, maintainability, and cost efficiency; and

2. Business functions and operations, including administrative functions such as purchasing, accounting and reporting, cash management, and personnel.

(c) Review all state agency information technology



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legislative budget requests for compliance with the enterprise architecture, project planning standards, and cybersecurity and provide a report of the findings to the Executive Office of the Governor's Office of Policy and Budget for consideration for funding decisions in the Governor's recommended budget.

(4) DATA MANAGEMENT.—

(a) DIGIT shall develop standards for use by state agencies which support best practices for master data management at the state agency level to facilitate enterprise data sharing and interoperability.

(b) DIGIT shall establish a methodology and strategy for implementing statewide master data management and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2029. The report must include the vision, goals, and benefits of implementing a statewide master data management initiative, an analysis of the current state of data management, and the recommended strategy, methodology, and estimated timeline and resources needed at a state agency and enterprise level to accomplish the initiative.

(5) INFORMATION TECHNOLOGY PROJECTS.—DIGIT has the following duties and responsibilities related to state agency technology projects:

(a) Provide procurement advisory and review services for information technology projects to all state agencies, including procurement and contract development assistance to meet the information technology contract policy established pursuant to s. 282.0064.

(b) Establish best practices and procurement processes and



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develop metrics to support these processes for the procurement of information technology products and services in order to reduce costs or improve the provision of government services.

(c) Upon request, assist state agencies in the development of information technology-related legislative budget requests.

(d) Develop standards and accountability measures for information technology project planning and implementation, including criteria for effective project management and oversight. State agencies shall satisfy these standards and measures when implementing information technology projects. To support data-driven decisionmaking, the standards and measures must include, but are not limited to:

1. Performance measurements and metrics that objectively assess the progress and risks of an information technology project based on a defined and documented project scope, to include the number of impacted stakeholders, cost, and schedule, to determine whether the project is performing as planned and delivering the intended outcomes.

2. Methodologies for calculating and defining acceptable variances between the planned and actual scope of a technology project which provide clear thresholds for guiding corrective actions. Such methodologies must account for project complexity and scale, schedule, performance, quality, and the cost of an information technology project.

3. Reporting requirements that ensure timely notifications to all defined stakeholders when an information technology project exceeds acceptable variances defined and documented in a project plan, including any variance that results in a schedule delay of 1 month or more or a cost increase of \$1 million or



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939 more, and that establish procedures for escalating critical
940 issues to appropriate individuals.

941 4. Technical reporting metrics to determine if an
942 information technology project complies with the enterprise
943 architecture standards.

944 5. Minimum requirements for engaging stakeholders
945 throughout a project's life cycle.

946 (e) Develop a framework that provides processes,
947 activities, and deliverables state agencies must comply with
948 when planning an information technology project. The processes,
949 activities, and deliverables must include, but are not limited
950 to, all of the following:

951 1. Business case development, including the information
952 required by s. 287.0571(4), full life cycle cost estimates,
953 governance structure, system interoperability goals, data
954 management plans, scalability approach, evaluation of
955 cybersecurity and data privacy risks, and technology-specific
956 performance metrics and service levels.

957 2. Market research, including the use of a request for
958 information as defined in s. 287.012.

959 3. Planning and scheduling.

960 4. Stakeholder engagement.

961 5. Risk assessment.

962 6. Procurement strategy.

963 7. Project governance definition.

964 8. System design and requirements.

965 9. Change management.

966 10. Monitoring and reporting.

967 11. Postimplementation review and planning.



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12. Solicitation documentation.

(f) Develop information technology project reports for use by state agencies, including, but not limited to, operational work plans, project spending plans, and project status reports. Reporting standards must include content, format, and frequency of project updates.

(g) Develop and provide training specific to information technology project management and oversight which supplements and enhances the training offered by the department and the Chief Financial Officer under s. 287.057(15)(b). DIGIT shall evaluate such training every 2 years to assess its effectiveness and update the training curriculum. The training must address the unique requirements and risk profiles of state information technology projects, procurements, contract management, and vendor management.

(h) Perform project oversight on all state agency information technology projects that have total project costs of \$10 million or more. DIGIT shall report by the 30th day after the end of each quarter to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that DIGIT identifies as high-risk due to the project exceeding the acceptable project variance thresholds provided in the project management and oversight standards. The report must include a risk assessment, including fiscal risks associated with proceeding to the next stage of the project, a list of all projects with a performance deficiency, reported pursuant to s. 287.057(26)(d)1., which has not been corrected as of the end of the reporting period, and a recommendation for corrective



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actions required, including suspension or termination of the project.

(i) Establish a streamlined reporting process with clear timelines and escalation procedures for notifying a state agency of noncompliance with the standards developed and adopted by DIGIT.

(6) INFORMATION TECHNOLOGY FINANCIAL DATA.—

(a) In consultation with state agencies, DIGIT shall create a methodology, an approach, and applicable templates and formats for identifying and collecting both current and planned information technology expenditure data at the state agency level. DIGIT shall continuously obtain, review, and maintain records of the appropriations, expenditures, and revenues for information technology for each state agency.

(b) DIGIT shall prescribe the format for state agencies to provide all necessary financial information to DIGIT for inclusion in the annual report required under s. 282.006. State agencies shall provide the information to DIGIT by October 1 for the previous fiscal year.

(7) FEDERAL CONFLICTS.—DIGIT must work with state agencies to provide alternative standards, policies, or requirements that do not conflict with federal regulations or requirements if adherence to standards or policies adopted by or established pursuant to this section conflict with federal regulations or requirements imposed on an entity within the enterprise and results in, or is expected to result in, adverse action against any state agency or loss of federal funding.

Section 13. Section 282.0062, Florida Statutes, is created to read:



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282.0062 DIGIT workgroups.—The following workgroups are established within DIGIT to facilitate coordination with state agencies:

(1) CHIEF INFORMATION OFFICER WORKGROUP.—

(a) The chief information officer workgroup, composed of all state agency chief information officers, shall consider and make recommendations to the state chief information officer and the state chief information architect on such matters as enterprise information technology policies, standards, services, and architecture. The workgroup may also identify and recommend opportunities for the establishment of public-private partnerships when considering technology infrastructure and services in order to accelerate project delivery and provide a source of new or increased project funding.

(b) At a minimum, the state chief information officer shall consult with the workgroup on a quarterly basis with regard to executing the duties and responsibilities of the state agencies related to statewide information technology strategic planning and policy.

(2) ENTERPRISE DATA AND INTEROPERABILITY WORKGROUP.—

(a) The enterprise data and interoperability workgroup, composed of chief data officer representatives from all state agencies, shall consider and make recommendations to the state chief data officer on such matters as enterprise data policies, standards, services, and architecture that promote data consistency, accessibility, and seamless integration across the enterprise.

(b) At a minimum, the state chief data officer shall consult with the workgroup on a quarterly basis with regard to



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executing the duties and responsibilities of the state agencies
related to statewide data governance planning and policy.

(3) ENTERPRISE SECURITY WORKGROUP.—

(a) The enterprise security workgroup, composed of chief
information security officer representatives from all state
agencies, shall consider and make recommendations to the state
chief information security officer on such matters as
cybersecurity policies, standards, services, and architecture
that promote the protection of state assets.

(b) At a minimum, the state chief information security
officer shall consult with the workgroup on a quarterly basis
with regard to executing the duties and responsibilities of the
state agencies related to cybersecurity governance and policy
development.

(4) ENTERPRISE INFORMATION TECHNOLOGY QUALITY ASSURANCE
WORKGROUP.—

(a) The enterprise information technology quality assurance
workgroup, composed of testing and quality assurance
representatives from all state agencies, shall consider and make
recommendations to the state chief technology officer on such
matters as testing methodologies, tools, and best practices to
reduce risks related to software defects, cybersecurity threats,
and operational failures.

(b) At a minimum, the state chief information officer shall
consult with the workgroup on a quarterly basis with regard to
executing the duties and responsibilities of the state agencies
related to enterprise software testing and quality assurance
standards.

(5) ENTERPRISE INFORMATION TECHNOLOGY PROJECT MANAGEMENT



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WORKGROUP.—

(a) The enterprise information technology project management workgroup, composed of information technology project manager representatives from all state agencies, shall consider and make recommendations to the state chief technology officer on such matters as information technology project management policies, standards, accountability measures, and services that promote project governance and standardization across the enterprise.

(b) At a minimum, the state chief information officer shall consult with the workgroup on a quarterly basis with regard to executing the duties and responsibilities of the state agencies related to project management and oversight.

(6) ENTERPRISE INFORMATION TECHNOLOGY PURCHASING WORKGROUP.—

(a) The enterprise information technology purchasing workgroup, composed of information technology procurement representatives from all state agencies, shall consider and make recommendations to the state chief technology procurement officer on such matters as information technology procurement policies, standards, and purchasing strategy and optimization that promote best practices for contract negotiation, consolidation, and effective service-level agreement implementation across the enterprise.

(b) At a minimum, the state chief information officer shall consult with the workgroup on a quarterly basis with regard to executing the duties and responsibilities of the state agencies related to technology evaluation, purchasing, and cost savings.

(7) DEPARTMENT OF LEGAL AFFAIRS, DEPARTMENT OF FINANCIAL



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SERVICES, AND DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
INFORMATION TECHNOLOGY STAFF.—Appropriate information technology
staff of the Department of Legal Affairs, the Department of
Financial Services, and the Department of Agriculture and
Consumer Services shall participate in the workgroups created
under subsections (1), (2), and (3) and may participate in any
other workgroups as authorized by their respective elected
official.

Section 14. Section 282.0063, Florida Statutes, is created
to read:

282.0063 State information technology professionals career
paths and training.—

(1) DIGIT shall develop standardized frameworks for, and
career paths, progressions, and training programs for, the
benefit of state agency information technology personnel. To
meet that goal, DIGIT shall:

(a) Assess current and future information technology
workforce needs across state agencies, identify skill gaps, and
develop strategies to address them.

(b) Develop and establish a training program for state
agencies to support the understanding and implementation of each
element of the enterprise architecture.

(c) Establish training programs, certifications, and
continuing education opportunities to enhance information
technology competencies, including cybersecurity, cloud
computing, and emerging technologies.

(d) Support initiatives to provide existing employees with
training or other opportunities to develop skills in emerging
technologies and automation, ensuring that state agencies remain



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competitive and innovative.

(e) Develop strategies to recruit and retain information technology professionals, including internship programs, apprenticeships, partnerships with educational institutions, scholarships for service, and initiatives to attract diverse talent.

(2) DIGIT shall consult with CareerSource Florida, Inc., the Department of Commerce, and the Department of Education in the implementation of this section.

Section 15. Section 282.0064, Florida Statutes, is created to read:

282.0064 Information technology contract policy.—

(1) In coordination with the Department of Management Services, DIGIT shall establish a policy for all information technology-related solicitations and contracts, including state term contracts; contracts sourced using alternative purchasing methods as authorized pursuant to s. 287.042(16); sole source and emergency procurements; and contracts for commodities, consultant services, and staff augmentation services.

(2) Related to state term contracts, the information technology policy must include:

(a) Identification of the information technology product and service categories to be included in state term contracts.

(b) The term of each information technology-related state term contract.

(c) The maximum number of vendors authorized on each state term contract.

(3) For all contracts, the information technology policy must include:



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(a) Evaluation criteria for the award of information technology-related contracts.

(b) Requirements to be included in solicitations.

(c) At a minimum, a requirement that any contract for information technology commodities or services meet the requirements of the enterprise architecture and National Institute of Standards and Technology Cybersecurity Framework.

(4) The policy must include the following requirements for any information technology project that requires project oversight through independent verification and validation:

(a) An entity providing independent verification and validation may not have any:

1. Technical, managerial, or financial interest in the project; or

2. Responsibility for or participation in any other aspect of the project.

(b) The primary objective of independent verification and validation must be to provide an objective assessment throughout the entire project life cycle, reporting directly to all relevant stakeholders. An independent verification and validation entity shall independently verify and validate whether:

1. The project is being built and implemented in accordance with defined technical architecture, specifications, and requirements.

2. The project is adhering to established project management processes.

3. The procurement of products, tools, and services and resulting contracts aligns with current statutory and regulatory



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requirements.

4. The value of services delivered is commensurate with project costs.

5. The completed project meets the actual needs of the intended users.

(c) The entity performing independent verification and validation shall provide regular reports and assessments directly to the designated oversight body, identifying risks, deficiencies, and recommendations for corrective actions to ensure project success and compliance with statutory requirements.

(5) The Division of State Purchasing in the Department of Management Services shall coordinate with DIGIT on state term contract solicitations and invitations to negotiate related to information technology. Such coordination must include reviewing the solicitation specifications to verify compliance with enterprise architecture and cybersecurity standards, evaluating vendor responses under established criteria, answering vendor questions, and providing any other technical expertise necessary.

(6) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services may adopt alternatives to the information technology policy established by DIGIT pursuant to this section. If alternatives to the policy are adopted, such department must notify DIGIT, the Governor, the President of the Senate, and the Speaker of the House of Representatives in writing of the adoption of the alternatives and provide a justification for adoption of the alternatives, including whether the alternatives



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were necessary to meet alternatives adopted pursuant to s.
282.00515, and explain the manner in which the department will
achieve the information technology policy.

Section 16. Subsections (3), (4), (7), and (10) of section
282.318, Florida Statutes, are amended to read:

282.318 Cybersecurity.—

(3) DIGIT ~~The department, acting through the Florida
Digital Service,~~ is the lead entity responsible for establishing
standards and processes for assessing state agency cybersecurity
risks and determining appropriate security measures that comply
with the latest national and state data compliance security
standards. Such standards and processes must be consistent with
generally accepted technology best practices, including the
National Institute for Standards and Technology Cybersecurity
Framework, for cybersecurity. DIGIT ~~The department, acting
through the Florida Digital Service,~~ shall adopt rules that
mitigate risks; safeguard state agency digital assets, data,
information, and information technology resources to ensure
availability, confidentiality, and integrity; and support a
security governance framework. DIGIT ~~The department, acting
through the Florida Digital Service,~~ shall also:

(a) ~~Designate an employee of the Florida Digital Service as~~
the state chief information security officer. The state chief
information security officer must have experience and expertise
in security and risk management for communications and
information technology resources. The state chief information
security officer is responsible for the development of
enterprise cybersecurity policy, standards, operation, and
security architecture oversight ~~of cybersecurity~~ for state



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technology systems. The state chief information security officer must ~~shall~~ be notified of all confirmed or suspected incidents or threats of state agency information technology resources and must report such incidents or threats to the state chief information officer ~~and the Governor~~.

(b) Develop, and annually update by February 1, a statewide cybersecurity strategic plan that includes security goals and objectives for cybersecurity, including the identification and mitigation of risk, proactive protections against threats, tactical risk detection, threat reporting, and response and recovery protocols for a cyber incident.

(c) Develop and publish for use by state agencies a cybersecurity governance framework that, at a minimum, includes guidelines and processes for:

1. Establishing asset management procedures to ensure that an agency's information technology resources are identified and managed consistent with their relative importance to the agency's business objectives.

2. Using a standard risk assessment methodology that includes the identification of an agency's priorities, constraints, risk tolerances, and assumptions necessary to support operational risk decisions and that is aligned with generally accepted technology best practices, including the National Institute for Standards and Technology Cybersecurity Framework.

3. Completing comprehensive risk assessments and cybersecurity audits, which may be completed by an independent third party ~~a private sector vendor~~, and submitting completed assessments and audits to DIGIT ~~the department~~.



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4. Identifying protection procedures to manage the protection of an agency's information, data, and information technology resources.

5. Establishing procedures for accessing information and data to ensure the confidentiality, integrity, and availability of such information and data.

6. Detecting threats through proactive monitoring of events, continuous security monitoring, and defined detection processes.

7. Establishing agency cybersecurity incident response teams and describing their responsibilities for responding to cybersecurity incidents, including breaches of personal information containing confidential or exempt data.

8. Recovering information and data in response to a cybersecurity incident. The recovery may include recommended improvements to the agency processes, policies, or guidelines.

9. Establishing a cybersecurity incident reporting process that includes procedures for notifying DIGIT ~~the department~~ and the Department of Law Enforcement of cybersecurity incidents.

a. The level of severity of the cybersecurity incident is defined by the National Cyber Incident Response Plan of the United States Department of Homeland Security as follows:

(I) Level 5 is an emergency-level incident within the specified jurisdiction that poses an imminent threat to the provision of wide-scale critical infrastructure services; national, state, or local government security; or the lives of the country's, state's, or local government's residents.

(II) Level 4 is a severe-level incident that is likely to result in a significant impact in the affected jurisdiction to



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public health or safety; national, state, or local security;
economic security; or civil liberties.

(III) Level 3 is a high-level incident that is likely to
result in a demonstrable impact in the affected jurisdiction to
public health or safety; national, state, or local security;
economic security; civil liberties; or public confidence.

(IV) Level 2 is a medium-level incident that may impact
public health or safety; national, state, or local security;
economic security; civil liberties; or public confidence.

(V) Level 1 is a low-level incident that is unlikely to
impact public health or safety; national, state, or local
security; economic security; civil liberties; or public
confidence.

b. The cybersecurity incident reporting process must
specify the information that must be reported by a state agency
following a cybersecurity incident or ransomware incident,
which, at a minimum, must include the following:

(I) A summary of the facts surrounding the cybersecurity
incident or ransomware incident.

(II) The date on which the state agency most recently
backed up its data; the physical location of the backup, if the
backup was affected; and if the backup was created using cloud
computing.

(III) The types of data compromised by the cybersecurity
incident or ransomware incident.

(IV) The estimated fiscal impact of the cybersecurity
incident or ransomware incident.

(V) In the case of a ransomware incident, the details of
the ransom demanded.



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c.(I) A state agency shall report all ransomware incidents and any cybersecurity incident determined by the state agency to be of severity level 3, 4, or 5 to the state chief information security officer ~~Cybersecurity Operations Center~~ and the Cybercrime Office of the Department of Law Enforcement as soon as possible but no later than 48 hours after discovery of the cybersecurity incident and no later than 12 hours after discovery of the ransomware incident. The report must contain the information required in sub-subparagraph b. If the event involves services housed or procured through the Northwest Regional Data Center, the state agency must also notify the Northwest Regional Data Center.

(II) The state chief information security officer ~~Cybersecurity Operations Center~~ shall notify the President of the Senate and the Speaker of the House of Representatives of any severity level 3, 4, or 5 incident as soon as possible but no later than 12 hours after receiving a state agency's incident report. The notification must include a high-level description of the incident and the likely effects.

d. A state agency shall report a cybersecurity incident determined by the state agency to be of severity level 1 or 2 to the state chief information security officer ~~Cybersecurity Operations Center~~ and the Cybercrime Office of the Department of Law Enforcement as soon as possible, but no later than 96 hours after the discovery of the cybersecurity incident and no later than 72 hours after the discovery of the ransomware incident. The report must contain the information required in sub-subparagraph b. If the event involves services housed or procured through the Northwest Regional Data Center, the state



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agency must also notify the Northwest Regional Data Center.

e. The state chief information security officer
~~Cybersecurity Operations Center~~ shall provide a consolidated
incident report on a quarterly basis to the President of the
Senate ~~and, the Speaker of the House of Representatives, and the~~
~~Florida Cybersecurity Advisory Council. The report provided to~~
~~the Florida Cybersecurity Advisory Council may not contain the~~
~~name of any agency, network information, or system identifying~~
~~information but must contain sufficient relevant information to~~
~~allow the Florida Cybersecurity Advisory Council to fulfill its~~
~~responsibilities as required in s. 282.319(9).~~

10. Incorporating information obtained through detection
and response activities into the agency's cybersecurity incident
response plans.

11. Developing agency strategic and operational
cybersecurity plans required pursuant to this section.

12. Establishing the managerial, operational, and technical
safeguards for protecting state government data and information
technology resources that align with the state agency risk
management strategy and that protect the confidentiality,
integrity, and availability of information and data.

13. Establishing procedures for procuring information
technology commodities and services that require the commodity
or service to meet the National Institute of Standards and
Technology Cybersecurity Framework.

14. Submitting after-action reports following a
cybersecurity incident or ransomware incident. ~~Such guidelines~~
~~and processes for submitting after-action reports must be~~
~~developed and published by December 1, 2022.~~



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(d) Assist state agencies in complying with this section.

(e) In collaboration with the Cybercrime Office of the Department of Law Enforcement, annually provide training for state agency information security managers and computer security incident response team members that contains training on cybersecurity, including cybersecurity threats, trends, and best practices.

(f) Annually review the strategic and operational cybersecurity plans of state agencies.

(g) Annually provide cybersecurity training to all state agency technology professionals and employees with access to highly sensitive information which develops, assesses, and documents competencies by role and skill level. The cybersecurity training curriculum must include training on the identification of each cybersecurity incident severity level referenced in sub-subparagraph (c)9.a. The training may be provided in collaboration with the Cybercrime Office of the Department of Law Enforcement, a private sector entity, or an institution of the State University System.

~~(h) Operate and maintain a Cybersecurity Operations Center led by the state chief information security officer, which must be primarily virtual and staffed with tactical detection and incident response personnel. The Cybersecurity Operations Center shall serve as a clearinghouse for threat information and coordinate with the Department of Law Enforcement to support state agencies and their response to any confirmed or suspected cybersecurity incident.~~

~~(i) Lead an Emergency Support Function, ESF CYBER, under the state comprehensive emergency management plan as described~~



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~~in s. 252.35.~~

(4) Each state agency head shall, at a minimum:

(a) Designate an information security manager to administer the cybersecurity program of the state agency. This designation must be provided annually in writing to DIGIT ~~the department~~ by January 1. A state agency's information security manager, for purposes of these information security duties, shall report directly to the agency head.

(b) In consultation with the state chief information security officer ~~department, through the Florida Digital Service,~~ and the Cybercrime Office of the Department of Law Enforcement, establish an agency cybersecurity response team to respond to a cybersecurity incident. The agency cybersecurity response team shall convene upon notification of a cybersecurity incident and shall ~~must~~ immediately report all confirmed or suspected incidents to the state chief information security officer, or his or her designee, and comply with all applicable guidelines and processes established pursuant to paragraph (3)(c).

(c) Submit to the state chief information security officer ~~department~~ annually by July 31, the state agency's strategic and operational cybersecurity plans developed pursuant to rules and guidelines established by the state chief information security officer ~~department, through the Florida Digital Service.~~

1. The state agency strategic cybersecurity plan must cover a 2-year ~~3-year~~ period and, at a minimum, define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and



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disaster recovery. The plan must be based on the statewide cybersecurity strategic plan created by the state chief information security officer ~~department~~ and include performance metrics that can be objectively measured to reflect the status of the state agency's progress in meeting security goals and objectives identified in the agency's strategic information security plan.

2. The state agency operational cybersecurity plan must include a set of measures that objectively assess the performance of the agency's cybersecurity program in accordance with its risk management plan ~~progress report that objectively measures progress made towards the prior operational cybersecurity plan and a project plan that includes activities, timelines, and deliverables for security objectives that the state agency will implement during the current fiscal year.~~

(d) Conduct, and update every 2 ~~3~~ years, a comprehensive risk assessment, which may be completed by an independent third party ~~a private sector vendor~~, to determine the security threats to the data, information, and information technology resources, including mobile devices and print environments, of the agency. The risk assessment must comply with the risk assessment methodology developed by the state chief information security officer ~~department~~ and is confidential and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, the state chief information security officer ~~Florida Digital Service within the department~~, the Cybercrime Office of the Department of Law Enforcement, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General. If an independent third party ~~a private~~



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~~sector vendor~~ is used to complete a comprehensive risk assessment, it must attest to the validity of the risk assessment findings. The comprehensive risk assessment must include all of the following:

1. The results of vulnerability and penetration tests on any Internet website or mobile application that processes any sensitive personal information or confidential information and a plan to address any vulnerability identified in the tests.

2. A written acknowledgment that the executive director or the secretary of the agency, the chief financial officer of the agency, and each executive manager as designated by the state agency have been made aware of the risks revealed during the preparation of the agency's operations cybersecurity plan and the comprehensive risk assessment.

(e) Develop, and periodically update, written internal policies and procedures, which include procedures for reporting cybersecurity incidents and breaches to the Cybercrime Office of the Department of Law Enforcement and the state chief information security officer ~~Florida Digital Service within the department~~. Such policies and procedures must be consistent with the rules, guidelines, and processes established by DIGIT ~~the department~~ to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information must ~~shall~~ be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the state chief



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information security officer ~~the Florida Digital Service within~~
~~the department~~, and, for state agencies under the jurisdiction
of the Governor, the Chief Inspector General.

(f) Implement managerial, operational, and technical
safeguards and risk assessment remediation plans recommended by
DIGIT ~~the department~~ to address identified risks to the data,
information, and information technology resources of the agency.
The state chief information security officer ~~department, through~~
~~the Florida Digital Service~~, shall track implementation by state
agencies upon development of such remediation plans in
coordination with agency inspectors general.

(g) Ensure that periodic internal audits and evaluations of
the agency's cybersecurity program for the data, information,
and information technology resources of the agency are
conducted. The results of such audits and evaluations are
confidential information and exempt from s. 119.07(1), except
that such information must ~~shall~~ be available to the Auditor
General, the Cybercrime Office of the Department of Law
Enforcement, the state chief information security officer
~~Florida Digital Service within the department~~, and, for agencies
under the jurisdiction of the Governor, the Chief Inspector
General.

(h) Ensure that the cybersecurity requirements in the
written specifications for the solicitation, contracts, and
service-level agreement of information technology and
information technology resources and services meet or exceed the
applicable state and federal laws, regulations, and standards
for cybersecurity, including the National Institute of Standards
and Technology Cybersecurity Framework. Service-level agreements



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must identify service provider and state agency responsibilities for privacy and security, protection of government data, personnel background screening, and security deliverables with associated frequencies.

(i) Provide cybersecurity awareness training to all state agency employees within 30 days after commencing employment, and annually thereafter, concerning cybersecurity risks and the responsibility of employees to comply with policies, standards, guidelines, and operating procedures adopted by the state agency to reduce those risks. The training may be provided in collaboration with the Cybercrime Office of the Department of Law Enforcement, a private sector entity, or an institution of the State University System.

(j) Develop a process for detecting, reporting, and responding to threats, breaches, or cybersecurity incidents which is consistent with the security rules, guidelines, and processes established by DIGIT ~~the department~~ through the state chief information security officer ~~Florida Digital Service~~.

1. All cybersecurity incidents and ransomware incidents must be reported by state agencies. Such reports must comply with the notification procedures and reporting timeframes established pursuant to paragraph (3)(c).

2. For cybersecurity breaches, state agencies shall provide notice in accordance with s. 501.171.

(k) Submit to the state chief information security officer ~~Florida Digital Service~~, within 1 week after the remediation of a cybersecurity incident or ransomware incident, an after-action report that summarizes the incident, the incident's resolution, and any insights gained as a result of the incident.



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(7) The portions of records made confidential and exempt in subsections (5) and (6) must ~~shall~~ be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the state chief information security officer, the Legislature ~~Florida Digital Service within the department~~, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General. Such portions of records may be made available to a local government, another state agency, or a federal agency for cybersecurity purposes or in furtherance of the state agency's official duties.

(10) DIGIT ~~The department~~ shall adopt rules relating to cybersecurity and to administer this section.

Section 17. Subsections (3) through (6) of section 282.3185, Florida Statutes, are amended to read:

282.3185 Local government cybersecurity.—

(3) CYBERSECURITY TRAINING.—

(a) The state chief information security officer ~~Florida Digital Service~~ shall:

1. Develop a basic cybersecurity training curriculum for local government employees. All local government employees with access to the local government's network must complete the basic cybersecurity training within 30 days after commencing employment and annually thereafter.

2. Develop an advanced cybersecurity training curriculum for local governments which is consistent with the cybersecurity training required under s. 282.318(3)(g). All local government technology professionals and employees with access to highly sensitive information must complete the advanced cybersecurity training within 30 days after commencing employment and annually



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thereafter.

(b) The state chief information security officer ~~Florida Digital Service~~ may provide the cybersecurity training required by this subsection in collaboration with the Cybercrime Office of the Department of Law Enforcement, a private sector entity, or an institution of the State University System.

(4) CYBERSECURITY STANDARDS.—

(a) Each local government shall adopt cybersecurity standards that safeguard its data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The cybersecurity standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology Cybersecurity Framework.

~~(b) Each county with a population of 75,000 or more must adopt the cybersecurity standards required by this subsection by January 1, 2024. Each county with a population of less than 75,000 must adopt the cybersecurity standards required by this subsection by January 1, 2025.~~

~~(c) Each municipality with a population of 25,000 or more must adopt the cybersecurity standards required by this subsection by January 1, 2024. Each municipality with a population of less than 25,000 must adopt the cybersecurity standards required by this subsection by January 1, 2025.~~

~~(d)~~ Each local government shall notify the state chief information security officer ~~Florida Digital Service~~ of its compliance with this subsection as soon as possible.

(5) INCIDENT NOTIFICATION.—

(a) A local government shall provide notification of a



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cybersecurity incident or ransomware incident to the state chief information security officer ~~Cybersecurity Operations Center~~, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government in accordance with paragraph (b). The notification must include, at a minimum, the following information:

1. A summary of the facts surrounding the cybersecurity incident or ransomware incident.

2. The date on which the local government most recently backed up its data; the physical location of the backup, if the backup was affected; and if the backup was created using cloud computing.

3. The types of data compromised by the cybersecurity incident or ransomware incident.

4. The estimated fiscal impact of the cybersecurity incident or ransomware incident.

5. In the case of a ransomware incident, the details of the ransom demanded.

6. A statement requesting or declining assistance from ~~the Cybersecurity Operations Center~~, the Cybercrime Office of the Department of Law Enforcement, or the sheriff who has jurisdiction over the local government.

(b)1. A local government shall report all ransomware incidents and any cybersecurity incident determined by the local government to be of severity level 3, 4, or 5 as provided in s. 282.318(3)(c) to the state chief information security officer ~~Cybersecurity Operations Center~~, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government as soon as possible but



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no later than 12 ~~48~~ hours after discovery of the cybersecurity incident and no later than 6 ~~12~~ hours after discovery of the ransomware incident. The report must contain the information required in paragraph (a).

2. The state chief information security officer ~~Cybersecurity Operations Center~~ shall notify the President of the Senate and the Speaker of the House of Representatives of any severity level 3, 4, or 5 incident as soon as possible but no later than 12 hours after receiving a local government's incident report. The notification must include a high-level description of the incident and the likely effects.

(c) A local government may report a cybersecurity incident determined by the local government to be of severity level 1 or 2 as provided in s. 282.318(3)(c) to the state chief information security officer ~~Cybersecurity Operations Center~~, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government. The report must ~~shall~~ contain the information required in paragraph (a).

(d) The state chief information security officer ~~Cybersecurity Operations Center~~ shall provide a consolidated incident report by the 30th day after the end of each quarter ~~on a quarterly basis~~ to the President of the Senate and ~~7~~ the Speaker of the House of Representatives, ~~and the Florida Cybersecurity Advisory Council. The report provided to the Florida Cybersecurity Advisory Council may not contain the name of any local government, network information, or system identifying information but must contain sufficient relevant information to allow the Florida Cybersecurity Advisory Council to fulfill its responsibilities as required in s. 282.319(9).~~



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(6) AFTER-ACTION REPORT.—A local government shall ~~must~~ submit to the state chief information security officer ~~Florida Digital Service~~, within 1 week after the remediation of a cybersecurity incident or ransomware incident, an after-action report that summarizes the incident, the incident's resolution, and any insights gained as a result of the incident. ~~By December 1, 2022, the Florida Digital Service shall establish guidelines and processes for submitting an after-action report.~~

Section 18. Section 282.319, Florida Statutes, is repealed.

Section 19. Section 282.201, Florida Statutes, is amended to read:

282.201 State data center.—The state data center is established within the Northwest Regional Data Center pursuant to s. 282.2011 and shall meet or exceed the information technology standards specified in ss. 282.006 and 282.318 ~~the department. The provision of data center services must comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and auditing requirements. The department shall appoint a director of the state data center who has experience in leading data center facilities and has expertise in cloud-computing management.~~

~~(1) STATE DATA CENTER DUTIES.—The state data center shall:~~

~~(a) Offer, develop, and support the services and applications defined in service-level agreements executed with its customer entities.~~

~~(b) Maintain performance of the state data center by ensuring proper data backup; data backup recovery; disaster recovery; and appropriate security, power, cooling, fire~~



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~~suppression, and capacity.~~

~~(c) Develop and implement business continuity and disaster recovery plans, and annually conduct a live exercise of each plan.~~

~~(d) Enter into a service-level agreement with each customer entity to provide the required type and level of service or services. If a customer entity fails to execute an agreement within 60 days after commencement of a service, the state data center may cease service. A service-level agreement may not have a term exceeding 3 years and at a minimum must:~~

~~1. Identify the parties and their roles, duties, and responsibilities under the agreement.~~

~~2. State the duration of the contract term and specify the conditions for renewal.~~

~~3. Identify the scope of work.~~

~~4. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit.~~

~~5. Establish the services to be provided, the business standards that must be met for each service, the cost of each service by agency application, and the metrics and processes by which the business standards for each service are to be objectively measured and reported.~~

~~6. Provide a timely billing methodology to recover the costs of services provided to the customer entity pursuant to s. 215.422.~~

~~7. Provide a procedure for modifying the service-level agreement based on changes in the type, level, and cost of a service.~~



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~~8. Include a right to audit clause to ensure that the parties to the agreement have access to records for audit purposes during the term of the service level agreement.~~

~~9. Provide that a service level agreement may be terminated by either party for cause only after giving the other party and the department notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period.~~

~~10. Provide for mediation of disputes by the Division of Administrative Hearings pursuant to s. 120.573.~~

~~(e) For purposes of chapter 273, be the custodian of resources and equipment located in and operated, supported, and managed by the state data center.~~

~~(f) Assume administrative access rights to resources and equipment, including servers, network components, and other devices, consolidated into the state data center.~~

~~1. Upon consolidation, a state agency shall relinquish administrative rights to consolidated resources and equipment. State agencies required to comply with federal and state criminal justice information security rules and policies shall retain administrative access rights sufficient to comply with the management control provisions of those rules and policies; however, the state data center shall have the appropriate type or level of rights to allow the center to comply with its duties pursuant to this section. The Department of Law Enforcement shall serve as the arbiter of disputes pertaining to the appropriate type and level of administrative access rights pertaining to the provision of management control in accordance with the federal criminal justice information guidelines.~~



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~~2. The state data center shall provide customer entities with access to applications, servers, network components, and other devices necessary for entities to perform business activities and functions, and as defined and documented in a service-level agreement.~~

~~(g) In its procurement process, show preference for cloud-computing solutions that minimize or do not require the purchasing, financing, or leasing of state data center infrastructure, and that meet the needs of customer agencies, that reduce costs, and that meet or exceed the applicable state and federal laws, regulations, and standards for cybersecurity.~~

~~(h) Assist customer entities in transitioning from state data center services to the Northwest Regional Data Center or other third-party cloud-computing services procured by a customer entity or by the Northwest Regional Data Center on behalf of a customer entity.~~

(1)(2) USE OF THE STATE DATA CENTER.—

~~(a)~~ The following are exempt from the use of the state data center: the Department of Law Enforcement, the Department of the Lottery's Gaming System, Systems Design and Development in the Office of Policy and Budget, the regional traffic management centers as described in s. 335.14(2) and the Office of Toll Operations of the Department of Transportation, the State Board of Administration, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, ~~and~~ the Florida Housing Finance Corporation, and the Division of Emergency Management within the Executive Office of the Governor.

~~(b) The Division of Emergency Management is exempt from the~~



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~~use of the state data center. This paragraph expires July 1, 2026.~~

~~(2)(3) AGENCY LIMITATIONS.—Unless exempt from the use of the state data center pursuant to this section or authorized by the Legislature, a state agency may not:~~

~~(a) Create a new agency computing facility or data center, or expand the capability to support additional computer equipment in an existing agency computing facility or data center; or~~

~~(b) Terminate services with the state data center without giving written notice of intent to terminate services 180 days before such termination.~~

~~(4) DEPARTMENT RESPONSIBILITIES.—The department shall provide operational management and oversight of the state data center, which includes:~~

~~(a) Implementing industry standards and best practices for the state data center's facilities, operations, maintenance, planning, and management processes.~~

~~(b) Developing and implementing cost-recovery mechanisms that recover the full direct and indirect cost of services through charges to applicable customer entities. Such cost-recovery mechanisms must comply with applicable state and federal regulations concerning distribution and use of funds and must ensure that, for any fiscal year, no service or customer entity subsidizes another service or customer entity. The department may recommend other payment mechanisms to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such mechanisms may be implemented only if specifically authorized by the~~



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~~Legislature.~~

~~(c) Developing and implementing appropriate operating guidelines and procedures necessary for the state data center to perform its duties pursuant to subsection (1). The guidelines and procedures must comply with applicable state and federal laws, regulations, and policies and conform to generally accepted governmental accounting and auditing standards. The guidelines and procedures must include, but need not be limited to:~~

~~1. Implementing a consolidated administrative support structure responsible for providing financial management, procurement, transactions involving real or personal property, human resources, and operational support.~~

~~2. Implementing an annual reconciliation process to ensure that each customer entity is paying for the full direct and indirect cost of each service as determined by the customer entity's use of each service.~~

~~3. Providing rebates that may be credited against future billings to customer entities when revenues exceed costs.~~

~~4. Requiring customer entities to validate that sufficient funds exist before implementation of a customer entity's request for a change in the type or level of service provided, if such change results in a net increase to the customer entity's cost for that fiscal year.~~

~~5. By November 15 of each year, providing to the Office of Policy and Budget in the Executive Office of the Governor and to the chairs of the legislative appropriations committees the projected costs of providing data center services for the following fiscal year.~~



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~~6. Providing a plan for consideration by the Legislative Budget Commission if the cost of a service is increased for a reason other than a customer entity's request made pursuant to subparagraph 4. Such a plan is required only if the service cost increase results in a net increase to a customer entity for that fiscal year.~~

~~7. Standardizing and consolidating procurement and contracting practices.~~

~~(d) In collaboration with the Department of Law Enforcement and the Florida Digital Service, developing and implementing a process for detecting, reporting, and responding to cybersecurity incidents, breaches, and threats.~~

~~(e) Adopting rules relating to the operation of the state data center, including, but not limited to, budgeting and accounting procedures, cost-recovery methodologies, and operating procedures.~~

~~(5) NORTHWEST REGIONAL DATA CENTER CONTRACT.—In order for the department to carry out its duties and responsibilities relating to the state data center, the secretary of the department shall contract by July 1, 2022, with the Northwest Regional Data Center pursuant to s. 287.057(11). The contract shall provide that the Northwest Regional Data Center will manage the operations of the state data center and provide data center services to state agencies.~~

~~(a) The department shall provide contract oversight, including, but not limited to, reviewing invoices provided by the Northwest Regional Data Center for services provided to state agency customers.~~

~~(b) The department shall approve or request updates to~~



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~~invoices within 10 business days after receipt. If the department does not respond to the Northwest Regional Data Center, the invoice will be approved by default. The Northwest Regional Data Center must submit approved invoices directly to state agency customers.~~

Section 20. Section 282.2011, Florida Statutes, is created to read:

282.2011 Northwest Regional Data Center.—

(1) For the purpose of providing data center services to its state agency customers, the Northwest Regional Data Center is designated as the state data center for all state agencies, except as otherwise provided by law, and shall:

(a) Operate under a governance structure that represents its customers proportionally.

(b) Maintain an appropriate cost-allocation methodology that accurately bills state agency customers based solely on the actual direct and indirect costs of the services provided to state agency customers and ensures that, for any fiscal year, state agency customers are not subsidizing other customers of the data center. Such cost-allocation methodology must comply with applicable state and federal regulations concerning the distribution and use of state and federal funds.

(c) Enter into a service-level agreement with each state agency customer to provide services as defined and approved by the governing board of the center. At a minimum, such service-level agreements must:

1. Identify the parties and their roles, duties, and responsibilities under the agreement;

2. State the duration of the agreement term, which may not



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exceed 3 years, and specify the conditions for up to two optional 1-year renewals of the agreement before execution of a new agreement;

3. Identify the scope of work;

4. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported;

5. Provide a timely billing methodology for recovering the cost of services provided pursuant to s. 215.422;

6. Provide a procedure for modifying the service-level agreement to address any changes in projected costs of service;

7. Include a right-to-audit clause to ensure that the parties to the agreement have access to records for audit purposes during the term of the service-level agreement;

8. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit;

9. Provide that the service-level agreement may be terminated by either party for cause only after giving the other party notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period; and

10. Provide state agency customer entities with access to applications, servers, network components, and other devices necessary for entities to perform business activities and functions and as defined and documented in a service-level agreement.

(d) In its procurement process, show preference for cloud-



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computing solutions that minimize or do not require the purchasing or financing of state data center infrastructure, that meet the needs of state agency customer entities, that reduce costs, and that meet or exceed the applicable state and federal laws, regulations, and standards for cybersecurity.

(e) Assist state agency customer entities in transitioning from state data center services to other third-party cloud-computing services procured by a customer entity or by the Northwest Regional Data Center on behalf of the customer entity.

(f) Provide to the Board of Governors the total annual budget by major expenditure category, including, but not limited to, salaries, expenses, operating capital outlay, contracted services, or other personnel services, by July 30 each fiscal year.

(g) Provide to each state agency customer its projected annual cost for providing the agreed-upon data center services by September 1 each fiscal year.

(h) By November 15 of each year, provide to the Office of Policy and Budget in the Executive Office of the Governor and to the chairs of the legislative appropriations committees the projected costs of providing data center services for the following fiscal year for each state agency customer. The projections must include prior-year comparisons, identification of new services, and documentation of changes to billing methodologies or service cost allocation.

(i) Provide a plan for consideration by the Legislative Budget Commission if the governing body of the center approves the use of a billing rate schedule after the start of the fiscal year which increases any state agency customer's costs for that



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1983 fiscal year.

1984 (j) Provide data center services that comply with

1985 applicable state and federal laws, regulations, and policies,

1986 including all applicable security, privacy, and auditing

1987 requirements.

1988 (k) Maintain performance of the data center facilities by

1989 ensuring proper data backup; data backup recovery; disaster

1990 recovery; and appropriate security, power, cooling, fire

1991 suppression, and capacity.

1992 (l) Submit invoices to state agency customers.

1993 (m) As funded in the General Appropriations Act, provide

1994 data center services to state agencies from multiple facilities.

1995 (2) Unless exempt from the requirement to use the state

1996 data center pursuant to s. 282.201(1) or as authorized by the

1997 Legislature, a state agency may not do any of the following:

1998 (a) Terminate services with the Northwest Regional Data

1999 Center without giving written notice of intent to terminate

2000 services 180 days before such termination.

2001 (b) Procure third-party cloud-computing services without

2002 evaluating the cloud-computing services provided by the

2003 Northwest Regional Data Center.

2004 (c) Exceed 30 days from receipt of approved invoices to

2005 remit payment for state data center services provided by the

2006 Northwest Regional Data Center.

2007 (3) The Northwest Regional Data Center's authority to

2008 provide data center services to its state agency customers may

2009 be terminated if:

2010 (a) The center requests such termination to the Board of

2011 Governors, the President of the Senate, and the Speaker of the



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House of Representatives; or

(b) The center fails to comply with the provisions of this section.

(4) The Northwest Regional Data Center is the lead entity responsible for creating, operating, and managing, including the research conducted by, the Florida Behavioral Health Care Data Repository as established by this subsection.

(a) The purpose of the data repository is to create a centralized system for:

1. Collecting and analyzing existing statewide behavioral health care data to:

a. Better understand the scope of and trends in behavioral health services, spending, and outcomes to improve patient care and enhance the efficiency and effectiveness of behavioral health services;

b. Better understand the scope of, trends in, and relationship between behavioral health, criminal justice, incarceration, and the use of behavioral health services as a diversion from incarceration for individuals with mental illness; and

c. Enhance the collection and coordination of treatment and outcome information as an ongoing evidence base for research and education related to behavioral health.

2. Developing useful data analytics, economic metrics, and visual representations of such analytics and metrics to inform relevant state agencies and the Legislature of data and trends in behavioral health.

(b) The Northwest Regional Data Center shall develop, in collaboration with the Data Analysis Committee of the Commission



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on Mental Health and Substance Use Disorder created under s.
394.9086 and with relevant stakeholders, a plan that includes
all of the following:

1. A project plan that describes the technology,
methodology, timeline, cost, and resources necessary to create a
centralized, integrated, and coordinated data system.

2. A proposed governance structure to oversee the
implementation and operations of the repository.

3. An integration strategy to incorporate existing data
from relevant state agencies, including, but not limited to, the
Agency for Health Care Administration, the Department of
Children and Families, the Department of Juvenile Justice, the
Office of the State Courts Administrator, and the Department of
Corrections.

4. Identification of relevant data and metrics to support
actionable information and ensure the efficient and responsible
use of taxpayer dollars within behavioral health systems of
care.

5. Data security requirements for the repository.

6. The structure and process that will be used to create an
annual analysis and report that gives state agencies and the
Legislature a better general understanding of trends and issues
in the state's behavioral health systems of care and the trends
and issues in behavioral health systems related to criminal
justice treatment, diversion, and incarceration.

(c) Beginning December 1, 2026, and annually thereafter,
the Northwest Regional Data Center shall submit the developed
trends and issues report under subparagraph (b)6. to the
Governor, the President of the Senate, and the Speaker of the



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House of Representatives.

(5) If such authority is terminated, the center has 1 year to provide for the transition of its state agency customers to a qualified alternative cloud-based data center that meets the enterprise architecture standards established pursuant to this chapter.

Section 21. Subsection (4) of section 282.206, Florida Statutes, is amended to read:

282.206 Cloud-first policy in state agencies.—

(4) Each state agency shall develop a strategic plan to be updated annually to address its inventory of applications located at the state data center. Each agency shall submit the plan by October 15 of each year to DIGIT, the Office of Policy and Budget in the Executive Office of the Governor, ~~and~~ the chairs of the legislative appropriations committees, and the Northwest Regional Data Center. For each application, the plan must identify and document the feasibility, appropriateness, readiness, appropriate strategy, and high-level timeline for transition to a cloud-computing service based on the application's quality, cost, and resource requirements. This information must be used to assist the state data center in making adjustments to its service offerings.

Section 22. Section 1004.649, Florida Statutes, is amended to read:

1004.649 Northwest Regional Data Center.—There is created at Florida State University the Northwest Regional Data Center. The data center shall serve as the state data center as designated in s. 282.201

~~(1) For the purpose of providing data center services to~~



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~~its state agency customers, the Northwest Regional Data Center is designated as a state data center for all state agencies and shall:~~

~~(a) Operate under a governance structure that represents its customers proportionally.~~

~~(b) Maintain an appropriate cost-allocation methodology that accurately bills state agency customers based solely on the actual direct and indirect costs of the services provided to state agency customers and ensures that, for any fiscal year, state agency customers are not subsidizing other customers of the data center. Such cost-allocation methodology must comply with applicable state and federal regulations concerning the distribution and use of state and federal funds.~~

~~(c) Enter into a service-level agreement with each state agency customer to provide services as defined and approved by the governing board of the center. At a minimum, such service-level agreements must:~~

~~1. Identify the parties and their roles, duties, and responsibilities under the agreement;~~

~~2. State the duration of the agreement term, which may not exceed 3 years, and specify the conditions for up to two optional 1-year renewals of the agreement before execution of a new agreement;~~

~~3. Identify the scope of work;~~

~~4. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported;~~

~~5. Provide a timely billing methodology for recovering the~~



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~~cost of services provided pursuant to s. 215.422;~~

~~6. Provide a procedure for modifying the service-level agreement to address any changes in projected costs of service;~~

~~7. Include a right-to-audit clause to ensure that the parties to the agreement have access to records for audit purposes during the term of the service-level agreement;~~

~~8. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit;~~

~~9. Provide that the service-level agreement may be terminated by either party for cause only after giving the other party notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period; and~~

~~10. Provide state agency customer entities with access to applications, servers, network components, and other devices necessary for entities to perform business activities and functions and as defined and documented in a service-level agreement.~~

~~(d) In its procurement process, show preference for cloud-computing solutions that minimize or do not require the purchasing or financing of state data center infrastructure, that meet the needs of state agency customer entities, that reduce costs, and that meet or exceed the applicable state and federal laws, regulations, and standards for cybersecurity.~~

~~(e) Assist state agency customer entities in transitioning from state data center services to other third-party cloud-computing services procured by a customer entity or by the Northwest Regional Data Center on behalf of the customer entity.~~



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~~(f) Provide to the Board of Governors the total annual budget by major expenditure category, including, but not limited to, salaries, expenses, operating capital outlay, contracted services, or other personnel services by July 30 each fiscal year.~~

~~(g) Provide to each state agency customer its projected annual cost for providing the agreed-upon data center services by September 1 each fiscal year.~~

~~(h) Provide a plan for consideration by the Legislative Budget Commission if the governing body of the center approves the use of a billing rate schedule after the start of the fiscal year that increases any state agency customer's costs for that fiscal year.~~

~~(i) Provide data center services that comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and auditing requirements.~~

~~(j) Maintain performance of the data center facilities by ensuring proper data backup; data backup recovery; disaster recovery; and appropriate security, power, cooling, fire suppression, and capacity.~~

~~(k) Prepare and submit state agency customer invoices to the Department of Management Services for approval. Upon approval or by default pursuant to s. 282.201(5), submit invoices to state agency customers.~~

~~(1) As funded in the General Appropriations Act, provide data center services to state agencies from multiple facilities.~~

~~(2) Unless exempt from the requirement to use the state data center pursuant to s. 282.201(2) or as authorized by the~~



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~~Legislature, a state agency may not do any of the following:~~

~~(a) Terminate services with the Northwest Regional Data Center without giving written notice of intent to terminate services 180 days before such termination.~~

~~(b) Procure third-party cloud-computing services without evaluating the cloud-computing services provided by the Northwest Regional Data Center.~~

~~(c) Exceed 30 days from receipt of approved invoices to remit payment for state data center services provided by the Northwest Regional Data Center.~~

~~(3) The Northwest Regional Data Center's authority to provide data center services to its state agency customers may be terminated if:~~

~~(a) The center requests such termination to the Board of Governors, the President of the Senate, and the Speaker of the House of Representatives; or~~

~~(b) The center fails to comply with the provisions of this section.~~

~~(4) The Northwest Regional Data Center is the lead entity responsible for creating, operating, and managing, including the research conducted by, the Florida Behavioral Health Care Data Repository as established by this subsection.~~

~~(a) The purpose of the data repository is to create a centralized system for:~~

~~1. Collecting and analyzing existing statewide behavioral health care data to:~~

~~a. Better understand the scope of and trends in behavioral health services, spending, and outcomes to improve patient care and enhance the efficiency and effectiveness of behavioral~~



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~~health services;~~

~~b. Better understand the scope of, trends in, and relationship between behavioral health, criminal justice, incarceration, and the use of behavioral health services as a diversion from incarceration for individuals with mental illness; and~~

~~e. Enhance the collection and coordination of treatment and outcome information as an ongoing evidence base for research and education related to behavioral health.~~

~~2. Developing useful data analytics, economic metrics, and visual representations of such analytics and metrics to inform relevant state agencies and the Legislature of data and trends in behavioral health.~~

~~(b) The Northwest Regional Data Center shall develop, in collaboration with the Data Analysis Committee of the Commission on Mental Health and Substance Use Disorder created under s. 394.9086 and with relevant stakeholders, a plan that includes all of the following:~~

~~1. A project plan that describes the technology, methodology, timeline, cost, and resources necessary to create a centralized, integrated, and coordinated data system.~~

~~2. A proposed governance structure to oversee the implementation and operations of the repository.~~

~~3. An integration strategy to incorporate existing data from relevant state agencies, including, but not limited to, the Agency for Health Care Administration, the Department of Children and Families, the Department of Juvenile Justice, the Office of the State Courts Administrator, and the Department of Corrections.~~



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~~4. Identification of relevant data and metrics to support actionable information and ensure the efficient and responsible use of taxpayer dollars within behavioral health systems of care.~~

~~5. Data security requirements for the repository.~~

~~6. The structure and process that will be used to create an annual analysis and report that gives state agencies and the Legislature a better general understanding of trends and issues in the state's behavioral health systems of care and the trends and issues in behavioral health systems related to criminal justice treatment, diversion, and incarceration.~~

~~(c) By December 1, 2025, the Northwest Regional Data Center, in collaboration with the Data Analysis Committee of the Commission on Mental Health and Substance Use Disorder, shall submit the developed plan for implementation and ongoing operation with a proposed budget to the Governor, the President of the Senate, and the Speaker of the House of Representatives for review.~~

~~(d) Beginning December 1, 2026, and annually thereafter, the Northwest Regional Data Center shall submit the developed trends and issues report under subparagraph (b)6. to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

~~(5) If such authority is terminated, the center has 1 year to provide for the transition of its state agency customers to a qualified alternative cloud-based data center that meets the enterprise architecture standards established by the Florida Digital Service.~~

Section 23. Section 287.0583, Florida Statutes, is created



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to read:

287.0583 Contract requirements for information technology commodities or services.—A contract for information technology commodities or services involving the development, customization, implementation, integration, support, or maintenance of software systems, applications, platforms, or related services must include provisions ensuring all of the following:

(1) Any data created, processed, or maintained under the contract is portable and can be extracted in a machine-readable format upon request.

(2) The vendor will provide, upon request, comprehensive operational documentation sufficient to allow continued operation and maintenance by the agency or a new vendor.

(3) The vendor will provide, upon request, reasonable assistance and support during a transition to the agency or to a new vendor.

(4) All anticipated software license fees, license renewal fees, and operation and maintenance costs are documented in detail. If exact figures are not feasible, the vendor must provide a reasonable cost range.

Section 24. Section 287.0591, Florida Statutes, is amended to read:

287.0591 Information technology; vendor disqualification.—

(1)(a) Any competitive solicitation issued by the department for a state term contract for information technology commodities must include a term that does not exceed 48 months.

(b)~~(2)~~ Any competitive solicitation issued by the department for a state term contract for information technology



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consultant services or information technology staff augmentation contractual services must include a term that does not exceed 48 months.

(c)(3) The department may execute a state term contract for information technology commodities, consultant services, or staff augmentation contractual services that exceeds the 48-month requirement if the Secretary of Management Services and the state chief information officer certify in writing to the Executive Office of the Governor that a longer contract term is in the best interest of the state.

(2)(4) If the department issues a competitive solicitation for information technology commodities, consultant services, or staff augmentation contractual services, the department shall coordinate with the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor ~~Florida Digital Service within the department shall participate~~ in such solicitations. Such coordination must include reviewing the solicitation specifications to verify compliance with enterprise architecture and cybersecurity standards, evaluating vendor responses under established criteria, answering vendor questions, and providing any other technical expertise necessary.

(3)(a)(5) If an agency issues a request for quote to purchase information technology commodities, information technology consultant services, or information technology staff augmentation contractual services from the state term contract which meets the CATEGORY TWO threshold amount, but is less than the CATEGORY FOUR threshold amount:7

1. For any contract with 25 approved vendors or fewer, the



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agency must issue a request for quote to all vendors approved to provide such commodity or service.

2. For any contract with more than 25 approved vendors, the agency must issue a request for quote to at least 25 of the vendors approved to provide such commodity or contractual service.

(b) The agency shall maintain a copy of the request for quote, the identity of the vendors that were sent the request for quote, and any vendor response to the request for quote for 2 years after the date of issuance of the purchase order.

(c) Use of a request for quote does not constitute a decision or intended decision that is subject to protest under s. 120.57(3).

(4) (a) An agency issuing a request for quote to purchase information technology commodities, information technology consultant services, or information technology staff augmentation contractual services from the state term contract which exceeds the CATEGORY FOUR threshold amount is subject to public records requirements pursuant to s. 287.057.

Additionally, an agency shall publish:

1. The request for quote for a minimum of 10 days before executing the purchase order; and

2. The name of the vendor awarded the purchase order.

(b) The agency shall maintain a copy of the request for quote, the identity of the vendors that were sent the request for quote, and all vendor responses to the request for quote for 2 years after the date of issuance of the purchase order.

(c) Use of a request for quote does not constitute a decision or intended decision that is subject to protest under



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s. 120.57(3).

(5) A state agency may request the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor for procurement advisory and review services pursuant to s. 282.0061.

(6) (a) ~~Beginning October 1, 2021, and~~ Each October 1 thereafter, the department shall prequalify firms and individuals to provide information technology staff augmentation contractual services and information technology commodities on state term contract.

(b) In order to prequalify a firm or individual for participation on the state term contract, the department must consider, at a minimum, the capability, experience, and past performance record of the firm or individual.

(c) A firm or individual removed from the source of supply pursuant to s. 287.042(1)(b) or placed on a disqualified vendor list pursuant to s. 287.133 or s. 287.134 is immediately disqualified from state term contract eligibility.

(d) Once a firm or individual has been prequalified to provide information technology staff augmentation contractual services or information technology commodities on state term contract, the firm or individual may respond to requests for quotes from an agency to provide such services.

Section 25. Subsection (2) of section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions, programs, and services within the Department of Management Services are established:



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2389 (a) Facilities Program.
2390 (b) ~~The Florida Digital Service.~~
2391 ~~(e)~~ Workforce Program.
2392 (c)1.~~(d)1.~~ Support Program.
2393 2. Federal Property Assistance Program.
2394 (d)~~(e)~~ Administration Program.
2395 (e)~~(f)~~ Division of Administrative Hearings.
2396 (f)~~(g)~~ Division of Retirement.
2397 (g)~~(h)~~ Division of State Group Insurance.
2398 (h)~~(i)~~ Division of Telecommunications.
2399 Section 26. Subsections (1), (5), (7), and (8) of section
2400 282.802, Florida Statutes, are amended to read:
2401 282.802 Government Technology Modernization Council.—
2402 (1) The Government Technology Modernization Council, an
2403 advisory council as defined in s. 20.03(7), is located ~~created~~
2404 within DIGIT ~~the department~~. Except as otherwise provided in
2405 this section, the advisory council shall operate in a manner
2406 consistent with s. 20.052.
2407 (5) The state chief information officer ~~Secretary of~~
2408 ~~Management Services~~, or his or her designee, shall serve as the
2409 ex officio, nonvoting executive director of the council.
2410 (7)~~(a)~~ The council shall meet at least quarterly to:
2411 (a)1. Recommend legislative and administrative actions that
2412 the Legislature and state agencies as defined in s. 282.0041 ~~s.~~
2413 ~~282.318(2)~~ may take to promote the development of data
2414 modernization in this state.
2415 (b)2. Assess and provide guidance on necessary legislative
2416 reforms and the creation of a state code of ethics for
2417 artificial intelligence systems in state government.



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(c)3. Assess the effect of automated decision systems or identity management on constitutional and other legal rights, duties, and privileges of residents of this state.

(d)4. Evaluate common standards for artificial intelligence safety and security measures, including the benefits of requiring disclosure of the digital provenance for all images and audio created using generative artificial intelligence as a means of revealing the origin and edit of the image or audio, as well as the best methods for such disclosure.

(e)5. Assess the manner in which governmental entities and the private sector are using artificial intelligence with a focus on opportunity areas for deployments in systems across this state.

(f)6. Determine the manner in which artificial intelligence is being exploited by bad actors, including foreign countries of concern as defined in s. 287.138(1).

(g)7. Evaluate the need for curriculum to prepare school-age audiences with the digital media and visual literacy skills needed to navigate the digital information landscape.

~~(b) At least one quarterly meeting of the council must be a joint meeting with the Florida Cybersecurity Advisory Council.~~

~~(8) By December 31, 2024, and Each December 31 thereafter,~~ the council shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives any legislative recommendations considered necessary by the council to modernize government technology, including:

(a) Recommendations for policies necessary to:

1. Accelerate adoption of technologies that will increase productivity of state enterprise information technology systems,



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improve customer service levels of government, and reduce administrative or operating costs.

2. Promote the development and deployment of artificial intelligence systems, financial technology, education technology, or other enterprise management software in this state.

3. Protect Floridians from bad actors who use artificial intelligence.

(b) Any other information the council considers relevant.

Section 27. Section 282.604, Florida Statutes, is amended to read:

282.604 Adoption of rules.—~~DIGIT The Department of Management Services~~ shall, with input from stakeholders, adopt rules pursuant to ss. 120.536(1) and 120.54 for the development, procurement, maintenance, and use of accessible electronic information technology by governmental units.

Section 28. Paragraph (b) of subsection (4) of section 443.1113, Florida Statutes, is amended to read:

443.1113 Reemployment Assistance Claims and Benefits Information System.—

(4)

(b) The department shall seek input on recommended enhancements from, at a minimum, the following entities:

1. The Division of Integrated Government Innovation and Technology within the Executive Office of the Governor ~~Florida Digital Service within the Department of Management Services.~~

2. The General Tax Administration Program Office within the Department of Revenue.

3. The Division of Accounting and Auditing within the



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Department of Financial Services.

Section 29. Subsection (5) of section 943.0415, Florida Statutes, is amended to read:

943.0415 Cybercrime Office.—There is created within the Department of Law Enforcement the Cybercrime Office. The office may:

(5) Consult with the state chief information security officer of the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor ~~Florida Digital Service within the Department of Management Services~~ in the adoption of rules relating to the information technology security provisions in s. 282.318.

Section 30. Subsection (3) of section 1004.444, Florida Statutes, is amended to read:

1004.444 Florida Center for Cybersecurity.—

(3) Upon receiving a request for assistance from a ~~the Department of Management Services, the Florida Digital Service,~~ ~~or another~~ state agency, the center is authorized, but may not be compelled by the agency, to conduct, consult on, or otherwise assist any state-funded initiatives related to:

(a) Cybersecurity training, professional development, and education for state and local government employees, including school districts and the judicial branch; and

(b) Increasing the cybersecurity effectiveness of the state's and local governments' technology platforms and infrastructure, including school districts and the judicial branch.

Section 31. This act shall take effect January 5, 2027.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to information technology; providing
for a type two transfer of the duties and functions of
the Florida Digital Service from the Department of
Management Services to the Division of Integrated
Government Innovation and Technology; creating s.
14.205, F.S.; creating the Division of Integrated
Government Innovation and Technology (DIGIT) within
the Executive Office of the Governor; providing that
the division is a separate budget entity and must
prepare and submit a budget in accordance with
specified provisions; requiring the division to be
responsible for all professional, technical, and
administrative support to carry out its assigned
duties; providing for a director of the division;
providing that the director also serves as the state
chief information officer; providing for the
appointment of the director; prohibiting the state
chief information officer from having certain
conflicts of interest; providing the qualifications
for the state chief information officer; providing
that the deputy director also serves as the deputy
chief information officer; providing that the director
will select a state chief information security
officer, state chief data officer, state chief



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2534 technology officer, and state chief technology
2535 procurement officer; transferring the state chief
2536 information officer of the Department of Management
2537 Services to DIGIT until the Governor appoints a
2538 permanent officer; requiring that such appointment
2539 occur by a specified date; amending s. 20.055, F.S.;
2540 requiring agency inspectors general to review and
2541 report whether certain agency practices are consistent
2542 with specified reporting requirements and standards;
2543 requiring such inspectors general to prepare and
2544 submit a certain compliance report to certain persons
2545 by a specified date annually; requiring the chief
2546 inspector general to review certain reports and
2547 prepare a consolidated report; requiring that such
2548 report be submitted to the Executive Office of the
2549 Governor and the Legislature annually by a specified
2550 date; requiring certain agency heads to submit certain
2551 reports to the Executive Office of the Governor and
2552 the Legislature annually by a specified date; amending
2553 s. 97.0525, F.S.; requiring that the Division of
2554 Elections comprehensive risk assessment comply with
2555 the risk assessment methodology developed by DIGIT;
2556 amending s. 112.22, F.S.; defining the term "DIGIT";
2557 deleting the term "department"; revising the
2558 definition of the term "prohibited application";
2559 authorizing public employers to request a certain
2560 waiver from DIGIT; requiring DIGIT to take specified
2561 actions; deleting obsolete language; requiring DIGIT
2562 to adopt rules; amending s. 119.0725, F.S.; requiring



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2563 that certain confidential and exempt information be
2564 made available to DIGIT; amending s. 216.023, F.S.;
2565 deleting a provision requiring state agencies and the
2566 judicial branch to include a cumulative inventory and
2567 a certain status report of specified projects as part
2568 of a budget request; deleting provisions relating to
2569 ongoing technology-related projects; conforming a
2570 cross-reference; amending s. 282.0041, F.S.; deleting
2571 and revising definitions; defining the terms "DIGIT"
2572 and "technical debt"; amending s. 282.00515, F.S.;
2573 authorizing the Department of Legal Affairs, the
2574 Department of Financial Services, and the Department
2575 of Agriculture and Consumer Services to adopt
2576 alternative standards that must be based on specified
2577 industry-recognized best practices and standards;
2578 requiring the departments to evaluate the adoption of
2579 such standards on a case-by-case basis; requiring the
2580 departments to follow specified standards under
2581 certain circumstances; requiring the departments to
2582 conduct a certain full baseline needs assessment;
2583 authorizing the departments to contract with DIGIT to
2584 assist or complete such assessment; requiring the
2585 departments to each produce certain phased roadmaps
2586 that must be submitted annually with specified budget
2587 requests; authorizing the departments to contract with
2588 DIGIT to assist or complete such roadmaps; authorizing
2589 the departments to contract with DIGIT for specified
2590 services; requiring the departments to use certain
2591 information technology reports and follow a specified



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2592 reporting process; requiring the departments to submit
2593 a certain report annually by a specified date to the
2594 Governor and the Legislature; revising applicability;
2595 authorizing DIGIT to perform project oversight on
2596 information technology projects of the departments
2597 which have a specified project cost; requiring that
2598 such projects comply with certain standards; requiring
2599 DIGIT to report periodically to the Legislature high-
2600 risk information technology projects; specifying
2601 report requirements; requiring state agencies to
2602 consult with DIGIT and work cooperatively with certain
2603 departments under specified circumstances; revising
2604 cross-references; creating s. 282.006, F.S.; requiring
2605 DIGIT to operate as the state enterprise organization
2606 for information technology governance and as the lead
2607 entity responsible for understanding needs and
2608 environments, creating standards and strategy,
2609 supporting state agency technology efforts, and
2610 reporting on the state of information technology in
2611 this state; providing legislative intent; requiring
2612 DIGIT to establish the strategic direction of
2613 information technology in the state; requiring DIGIT
2614 to develop and publish an information technology
2615 policy for a specified purpose; requiring that such
2616 policy be updated as necessary to meet certain
2617 requirements and reflect advancements in technology;
2618 requiring DIGIT, in coordination with certain subject
2619 matter experts, to develop, publish, and maintain
2620 specified enterprise architecture; requiring DIGIT to



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2621 take specified actions related to oversight of the
2622 state's technology enterprise; requiring DIGIT to
2623 develop open data standards and technologies for use
2624 by state agencies; requiring DIGIT to develop certain
2625 testing, best practices, and standards; specifying
2626 such best practices and standards; requiring DIGIT to
2627 produce specified reports and provide the reports to
2628 the Governor and the Legislature by specified dates
2629 and at specified intervals; specifying requirements
2630 for such reports; requiring DIGIT to conduct a market
2631 analysis at a certain interval beginning on a
2632 specified date; specifying requirements for the market
2633 analysis; requiring that each market analysis be used
2634 to prepare a strategic plan for specified purposes;
2635 requiring that the market analysis and strategic plan
2636 be submitted by a specified date; requiring DIGIT to
2637 develop, implement, and maintain a certain library;
2638 specifying requirements for the library; requiring
2639 DIGIT to establish procedures that ensure the
2640 integrity, security, and availability of the library;
2641 requiring DIGIT to regularly update documents and
2642 materials in the library to reflect current state and
2643 federal requirements, industry best practices, and
2644 emerging technologies; requiring DIGIT to create
2645 mechanisms for state agencies to submit feedback,
2646 request clarification, and recommend updates;
2647 requiring state agencies to actively participate and
2648 collaborate with DIGIT to achieve certain objectives
2649 and to reference and adhere to the policies,



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standards, and guidelines of the library in specified tasks; authorizing state agencies to request exemptions to specific policies, standards, or guidelines under specified circumstances; providing the mechanism for a state agency to request such exemption; requiring DIGIT to review the request and make a recommendation to the state chief information officer; requiring the state chief information officer to present the exemption to the chief information officer workgroup; requiring that approval of the exemption be by majority vote; requiring that state agencies granted an exemption be reviewed periodically to determine whether such exemption is necessary or whether compliance can be achieved; authorizing DIGIT to adopt rules; creating s. 282.0061, F.S.; providing legislative intent; requiring DIGIT to complete a certain full baseline needs assessment of state agencies, develop a specified plan to conduct such assessments, and submit the plan to the Governor and the Legislature within a specified timeframe; requiring DIGIT to support state agency strategic planning efforts and assist agencies with production of a certain phased roadmap; specifying requirements for such roadmaps; requiring DIGIT to make recommendations for standardizing data across state agencies for a specified purpose, identify any opportunities for standardization and consolidation of information technology services across state agencies, support specified functions, review all state agency



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2679 legislative budget requests for compliance, and
2680 provide a certain review to the Office of Policy and
2681 Budget in the Executive Office of the Governor;
2682 requiring DIGIT to develop standards for use by state
2683 agencies which support specified best practices for
2684 data management at the state agency level; requiring
2685 DIGIT to provide a certain report to the Governor and
2686 the Legislature by a specified date; specifying
2687 requirements for the report; providing the duties and
2688 responsibilities of DIGIT related to state agency
2689 technology projects; requiring DIGIT, in consultation
2690 with state agencies, to create a methodology,
2691 approach, and applicable templates and formats for
2692 identifying and collecting information technology
2693 expenditure data at the state agency level; requiring
2694 DIGIT to continuously obtain, review, and maintain
2695 records of the appropriations, expenditures, and
2696 revenues for information technology for each state
2697 agency; requiring DIGIT to prescribe the format for
2698 state agencies to provide financial information to
2699 DIGIT for inclusion in a certain annual report;
2700 requiring state agencies to submit such information by
2701 a specified date annually; requiring DIGIT to work
2702 with state agencies to provide alternative standards,
2703 policies, or requirements under specified
2704 circumstances; creating s. 282.0062, F.S.;
2705 establishing workgroups within DIGIT to facilitate
2706 coordination with state agencies; providing for the
2707 membership and duties of such workgroups; requiring



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2708 the appropriate staff of the Department of Legal
2709 Affairs, the Department of Financial Services, and the
2710 Department of Agriculture and Consumer Services to
2711 participate in specified workgroups; authorizing such
2712 staff to participate in specified workgroups and any
2713 other workgroups as authorized by their respective
2714 elected official; creating s. 282.0063, F.S.;

2715 requiring DIGIT to perform specified actions to
2716 develop and manage career paths, progressions, and
2717 training programs for the benefit of state agency
2718 personnel; requiring DIGIT to consult with specified
2719 entities to implement specified provisions; creating
2720 s. 282.0064, F.S.; requiring DIGIT, in coordination
2721 with the Department of Management Services, to
2722 establish a policy for all information technology-
2723 related solicitations, contracts, and procurements;
2724 specifying requirements for the policy related to
2725 state term contracts, all contracts, and information
2726 technology projects that require oversight;
2727 prohibiting entities providing independent
2728 verification and validation from having certain
2729 interests, responsibilities, or other participation in
2730 the project; providing the primary objective of
2731 independent verification and validation; requiring the
2732 entity performing such verification and validation to
2733 provide specified regular reports and assessments;
2734 requiring the Division of State Purchasing within the
2735 Department of Management Services to coordinate with
2736 DIGIT on state term contract solicitations and



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2737 invitations to negotiate; specifying the scope of the
2738 coordination; requiring DIGIT to evaluate vendor
2739 responses and assist with answers to vendor questions
2740 on such solicitations and invitations; authorizing the
2741 Department of Legal Affairs, the Department of
2742 Financial Services, and the Department of Agriculture
2743 and Consumer Services to adopt alternative information
2744 technology policy; providing requirements for adopting
2745 such alternative policy; amending s. 282.318, F.S.;
2746 providing that DIGIT is the lead entity responsible
2747 for establishing enterprise technology and
2748 cybersecurity standards and processes and security
2749 measures that comply with specified standards;
2750 requiring DIGIT to adopt specified rules; requiring
2751 DIGIT to take specified actions; revising the
2752 responsibilities of the state chief information
2753 security officer; revising the guidelines and
2754 processes for state agency cybersecurity governance
2755 frameworks; requiring state agencies to report all
2756 ransomware incidents to the state chief information
2757 security officer instead of the Cybersecurity
2758 Operations Center; requiring state agencies to also
2759 notify the Northwest Regional Data Center of such
2760 incidents under specified conditions; requiring the
2761 state chief information security officer, instead of
2762 the Cybersecurity Operations Center, to notify the
2763 Legislature of certain incidents; requiring state
2764 agencies to notify the state chief information
2765 security officer within specified timeframes after the



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2766 discovery of a specified cybersecurity incident or
2767 ransomware incident; requiring state agencies to also
2768 notify the Northwest Regional Data Center of such
2769 incidents under specified conditions; requiring the
2770 state chief information security officer, instead of
2771 the Cybersecurity Operations Center, to provide a
2772 certain report on a quarterly basis to the
2773 Legislature; revising the actions that state agency
2774 heads are required to perform relating to
2775 cybersecurity; revising the timeframe that the state
2776 agency strategic cybersecurity plan must cover;
2777 requiring that a specified comprehensive risk
2778 assessment be completed biennially; authorizing such
2779 assessment to be completed by an independent third
2780 party; requiring the third party to attest to the
2781 validity of the findings; specifying requirements for
2782 the comprehensive risk assessment; providing that
2783 confidential and exempt records be made available to
2784 the state chief information security officer and
2785 Legislature; conforming provisions to changes made by
2786 the act; amending s. 282.3185, F.S.; requiring the
2787 state chief information security officer to perform
2788 specified actions relating to cybersecurity training
2789 for state employees; deleting obsolete language;
2790 requiring local governments to notify the state chief
2791 information security officer of compliance with
2792 specified provisions as soon as possible; requiring
2793 local governments to notify the state chief
2794 information security officer, instead of the



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2795 Cybersecurity Operations Center, of cybersecurity or
2796 ransomware incidents; revising the timeframes in which
2797 such notifications must be made; requiring the state
2798 chief information security officer to notify the
2799 Governor and the Legislature of certain incidents
2800 within a specified timeframe; authorizing local
2801 governments to report certain cybersecurity incidents
2802 to the state chief information security officer
2803 instead of the Cybersecurity Operations Center;
2804 requiring the state chief information security officer
2805 to provide a certain consolidated incident report
2806 within a specified timeframe to the Legislature;
2807 requiring the state chief information security officer
2808 to establish certain guidelines and processes by a
2809 specified date; conforming provisions to changes made
2810 by the act; repealing s. 282.319, F.S., relating to
2811 the Florida Cybersecurity Advisory Council; amending
2812 s. 282.201, F.S.; establishing the state data center
2813 within the Northwest Regional Data Center; requiring
2814 the Northwest Regional Data Center to meet or exceed
2815 specified information technology standards; revising
2816 requirements of the state data center; abrogating the
2817 scheduled repeal of the Division of Emergency
2818 Management's exemption from using the state data
2819 center; deleting the Department of Management
2820 Services' responsibilities related to the state data
2821 center; deleting provisions relating to contracting
2822 with the Northwest Regional Data Center; creating s.
2823 282.2011, F.S.; designating the Northwest Regional



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2824 Data Center as the state data center for all state
2825 agencies; requiring the data center to engage in
2826 specified actions; prohibiting state agencies from
2827 terminating services with the data center without
2828 giving written notice within a specified timeframe,
2829 procuring third-party cloud-computing services without
2830 evaluating the data center's cloud-computing services,
2831 and exceeding a specified timeframe to remit payments
2832 for services provided by the data center; specifying
2833 circumstances under which the data center's
2834 authorization to provide services may be terminated;
2835 providing that the data center has a specified
2836 timeframe to provide for the transition of state
2837 agency customers to a qualified alternative cloud-
2838 based data center that meets specified standards;
2839 providing that the data center is the lead entity
2840 responsible for creating, operating, and managing the
2841 Florida Behavioral Health Care Data Repository;
2842 providing the purpose of the repository; requiring the
2843 data center, in collaboration with the Data Analysis
2844 Committee of the Commission on Mental Health and
2845 Substance Use Disorder, to develop a specified plan;
2846 requiring, beginning on a specified date, the data
2847 center to submit a certain report annually to the
2848 Governor and the Legislature; providing for a
2849 transition to an alternative cloud-based data center
2850 under specified circumstances; revising the
2851 information the plan identifies and documents;
2852 amending s. 282.206, F.S.; requiring state agencies to



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2853 submit a certain strategic plan to DIGIT and the
2854 Northwest Regional Data Center annually by a specified
2855 date; amending s. 1004.649, F.S.; creating the
2856 Northwest Regional Data Center at Florida State
2857 University; conforming provisions to changes made by
2858 the act; creating s. 287.0583, F.S.; requiring that
2859 contracts for information technology commodities and
2860 services ensure extraction of data, certain
2861 documentation, assistance and support, and anticipated
2862 fees; amending s. 287.0591, F.S.; requiring the
2863 Department of Management Services to coordinate with
2864 DIGIT in specified solicitations; specifying the scope
2865 of the coordination; requiring agencies to maintain
2866 copies of certain documents when issuing a request for
2867 quote for state term contracts within specified
2868 threshold amounts; providing that agencies that issue
2869 requests for quotes in excess of certain thresholds
2870 are subject to specified public records requirements;
2871 requiring such agencies to publish specified
2872 information; requiring such agencies to maintain
2873 copies of certain documentation for a specified
2874 timeframe; providing that use of a request for quote
2875 is not subject to certain protest provisions;
2876 authorizing agencies to request certain services from
2877 DIGIT; requiring the department to prequalify firms
2878 and individuals who provide information technology
2879 commodities; authorizing such firms and individuals to
2880 submit responses to requests for quotes; amending s.
2881 20.22, F.S.; conforming provisions to changes made by



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2882 the act; amending s. 282.802, F.S.; providing that the
2883 Government Technology Modernization Council is located
2884 within DIGIT; providing that the state chief
2885 information officer, rather than the Secretary of
2886 Management Services, is the ex officio head of the
2887 council; conforming a cross-reference; amending s.
2888 282.604, F.S.; conforming provisions to changes made
2889 by the act; amending s. 443.1113, F.S.; conforming
2890 provisions to changes made by the act; amending s.
2891 943.0415, F.S.; requiring the state chief information
2892 security officer, rather than the Florida Digital
2893 Service, to consult with the Department of Law
2894 Enforcement's Cybercrime Office in the adoption of
2895 certain rules; amending s. 1004.444, F.S.; revising
2896 the list of who may request certain assistance from
2897 the Florida Center for Cybersecurity; providing an
2898 effective date.

By Senator Harrell

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1 A bill to be entitled
 2 An act relating to information technology; providing
 3 for a type two transfer of the duties and functions of
 4 the Florida Digital Service from the Department of
 5 Management Services to the Division of Integrated
 6 Government Innovation and Technology; creating s.
 7 14.205, F.S.; creating the Division of Integrated
 8 Government Innovation and Technology (DIGIT) within
 9 the Executive Office of the Governor; providing that
 10 the division is a separate budget entity and must
 11 prepare and submit a budget in accordance with
 12 specified provisions; requiring the division to be
 13 responsible for all professional, technical, and
 14 administrative support to carry out its assigned
 15 duties; providing for a director of the division;
 16 providing that the director also serves as the state
 17 chief information officer; providing for the
 18 appointment of the director; prohibiting the state
 19 chief information officer from having certain
 20 conflicts of interest; providing the qualifications
 21 for the state chief information officer; providing
 22 that the deputy director also serves as the deputy
 23 chief information officer; providing that the director
 24 will select a state chief information security officer
 25 and state chief information officer; transferring the
 26 state chief information officer of the Department of
 27 Management Services to DIGIT until the Governor and
 28 the Cabinet appoint a permanent officer; requiring
 29 that such appointment occur by a specified date;

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30 amending s. 20.055, F.S.; requiring agency inspectors
 31 general to review and evaluate agency compliance with
 32 specified requirements and standards; requiring such
 33 inspectors general to prepare and submit a certain
 34 compliance report to certain persons by a specified
 35 date annually; requiring the chief inspector general
 36 to review certain reports and prepare a consolidated
 37 report; requiring that such report be submitted to the
 38 Executive Office of the Governor and the Legislature
 39 annually by a specified date; requiring certain agency
 40 heads to submit certain reports to the Executive
 41 Office of the Governor and the Legislature annually by
 42 a specified date; amending s. 97.0525, F.S.; requiring
 43 that the Division of Elections comprehensive risk
 44 assessment comply with the risk assessment methodology
 45 developed by DIGIT; amending s. 112.22, F.S.; defining
 46 the term "DIGIT"; deleting the term "department";
 47 revising the definition of the term "prohibited
 48 application"; authorizing public employers to request
 49 a certain waiver from DIGIT; requiring DIGIT to take
 50 specified actions; deleting obsolete language;
 51 requiring DIGIT to adopt rules; amending s. 119.0725,
 52 F.S.; requiring that certain confidential and exempt
 53 information be made available to DIGIT; amending s.
 54 216.023, F.S.; deleting a provision requiring state
 55 agencies and the judicial branch to include a
 56 cumulative inventory and a certain status report of
 57 specified projects as part of a budget request;
 58 deleting provisions relating to ongoing technology-

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59 related projects; conforming a cross-reference;
 60 amending s. 282.0041, F.S.; deleting and revising
 61 definitions; defining the terms "DIGIT" and "technical
 62 debt"; amending s. 282.00515, F.S.; authorizing the
 63 Department of Legal Affairs, the Department of
 64 Financial Services, and the Department of Agriculture
 65 and Consumer Services to adopt alternative standards
 66 that must be based on best practices and certain
 67 standards; requiring the departments to evaluate the
 68 adoption of such standards on a case-by-case basis;
 69 requiring the departments to follow specified
 70 standards under certain circumstances; requiring the
 71 departments to conduct a certain full baseline needs
 72 assessment; authorizing the departments to contract
 73 with DIGIT to assist or complete such assessment;
 74 requiring the departments to each produce certain
 75 phased roadmaps that must be submitted annually with
 76 specified budget requests; authorizing the departments
 77 to contract with DIGIT to assist or complete such
 78 roadmaps; authorizing the departments to contract with
 79 DIGIT for specified services; requiring the
 80 departments to use certain information technology
 81 reports and follow a specified reporting process;
 82 requiring the departments to submit a certain report
 83 annually by a specified date to the Governor and the
 84 Legislature; revising applicability; authorizing DIGIT
 85 to perform project oversight on information technology
 86 projects of the departments which have a specified
 87 project cost; requiring that such projects comply with

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88 certain standards; requiring DIGIT to report
 89 periodically to the Legislature high risk information
 90 technology projects; specifying report requirements;
 91 requiring DIGIT to consult with applicable departments
 92 under specified circumstances; revising cross-
 93 references; creating s. 282.006, F.S.; requiring DIGIT
 94 to operate as the state enterprise organization for
 95 information technology governance and as the lead
 96 entity responsible for understanding needs and
 97 environments, creating standards and strategy,
 98 supporting state agency technology efforts, and
 99 reporting on the state of information technology in
 100 this state; providing legislative intent; requiring
 101 DIGIT to establish the strategic direction of
 102 information technology in the state; requiring DIGIT
 103 to develop and publish an information technology
 104 policy for a specified purpose; requiring that such
 105 policy be updated as necessary to meet certain
 106 requirements and reflect advancements in technology;
 107 requiring DIGIT, in coordination with certain subject
 108 matter experts, to develop, publish, and maintain
 109 specified enterprise architecture; requiring DIGIT to
 110 take specified actions related to oversight of the
 111 state's technology enterprise; requiring DIGIT to
 112 develop open data standards and technologies for use
 113 by state agencies; requiring DIGIT to develop certain
 114 testing, best practices, and standards; specifying
 115 such best practices and standards; requiring DIGIT to
 116 produce specified reports and provide the reports to

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117 the Governor and the Legislature by specified dates
 118 and at specified intervals; specifying requirements
 119 for such reports; requiring DIGIT to conduct a market
 120 analysis at a certain interval beginning on a
 121 specified date; specifying requirements for the market
 122 analysis; requiring that each market analysis be used
 123 to prepare a strategic plan for specified purposes;
 124 requiring that the market analysis and strategic plan
 125 be submitted by a specified date; requiring DIGIT to
 126 develop, implement, and maintain a certain library;
 127 specifying requirements for the library; requiring
 128 DIGIT to establish procedures that ensure the
 129 integrity, security, and availability of the library;
 130 requiring DIGIT to regularly update documents and
 131 materials in the library to reflect current state and
 132 federal requirements, industry best practices, and
 133 emerging technologies; requiring DIGIT to create
 134 mechanisms for state agencies to submit feedback,
 135 request clarification, and recommend updates;
 136 requiring state agencies to actively participate and
 137 collaborate with DIGIT to achieve certain objectives
 138 and to reference and adhere to the policies,
 139 standards, and guidelines of the library in specified
 140 tasks; authorizing state agencies to request
 141 exemptions to specific policies, standards, or
 142 guidelines under specified circumstances; providing
 143 the mechanism for a state agency to request such
 144 exemption; requiring DIGIT to review the request and
 145 make a recommendation to the state chief information

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146 officer; requiring the state chief information officer
 147 to present the exemption to the chief information
 148 officer workgroup; requiring that approval of the
 149 exemption be by majority vote; requiring that state
 150 agencies granted an exemption be reviewed periodically
 151 to determine whether such exemption is necessary or
 152 whether compliance can be achieved; authorizing DIGIT
 153 to adopt rules; creating s. 282.0061, F.S.; providing
 154 legislative intent; requiring DIGIT to complete a
 155 certain full baseline needs assessment of state
 156 agencies, develop a specified plan to conduct such
 157 assessments, and submit the plan to the Governor and
 158 the Legislature within a specified timeframe;
 159 requiring DIGIT to support state agency strategic
 160 planning efforts and assist agencies with production
 161 of a certain phased roadmap; specifying requirements
 162 for such roadmaps; requiring DIGIT to make
 163 recommendations for standardizing data across state
 164 agencies for a specified purpose, identify any
 165 opportunities for standardization and consolidation of
 166 information technology services across state agencies,
 167 and support specified functions; requiring DIGIT to
 168 develop standards for use by state agencies which
 169 support specified best practices for data management
 170 at the state agency level; requiring DIGIT to provide
 171 a certain report to the Governor and the Legislature
 172 by a specified date; specifying requirements for the
 173 report; providing the duties and responsibilities of
 174 DIGIT related to state agency technology projects;

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175 requiring DIGIT, in consultation with state agencies,
 176 to create a methodology, approach, and applicable
 177 templates and formats for identifying and collecting
 178 information technology expenditure data at the state
 179 agency level; requiring DIGIT to continuously obtain,
 180 review, and maintain records of the appropriations,
 181 expenditures, and revenues for information technology
 182 for each state agency; requiring DIGIT to prescribe
 183 the format for state agencies to provide financial
 184 information to DIGIT for inclusion in a certain annual
 185 report; requiring state agencies to submit such
 186 information by a specified date annually; requiring
 187 DIGIT to work with state agencies to provide
 188 alternative standards, policies, or requirements under
 189 specified circumstances; creating s. 282.0062, F.S.;
 190 establishing workgroups within DIGIT to facilitate
 191 coordination with state agencies; providing for the
 192 membership and duties of such workgroups; requiring
 193 the appropriate staff of the Department of Legal
 194 Affairs, the Department of Financial Services, and the
 195 Department of Agriculture and Consumer Services to
 196 participate in specified workgroups; authorizing such
 197 staff to participate in specified workgroups and any
 198 other workgroups as authorized by their respective
 199 elected official; creating s. 282.0063, F.S.;
 200 requiring DIGIT to perform specified actions to
 201 develop and manage career paths, progressions, and
 202 training programs for the benefit of state agency
 203 personnel; requiring DIGIT to consult with specified

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204 entities to implement specified provisions; creating
 205 s. 282.0064, F.S.; requiring DIGIT, in coordination
 206 with the Department of Management Services, to
 207 establish a policy for all information technology-
 208 related solicitations, contracts, and procurements;
 209 specifying requirements for the policy related to
 210 state term contracts, all contracts, and information
 211 technology projects that require oversight;
 212 prohibiting entities providing independent
 213 verification and validation from having certain
 214 interests, responsibilities, or other participation in
 215 the project; providing the primary objective of
 216 independent verification and validation; requiring the
 217 entity performing such verification and validation to
 218 provide specified regular reports and assessments;
 219 requiring the Division of State Purchasing within the
 220 Department of Management Services to coordinate with
 221 DIGIT on state term contract solicitations and
 222 invitations to negotiate; requiring DIGIT to evaluate
 223 vendor responses and assist with answers to vendor
 224 questions on such solicitations and invitations;
 225 authorizing the Department of Legal Affairs, the
 226 Department of Financial Services, and the Department
 227 of Agriculture and Consumer Services to adopt
 228 alternative information technology policy; providing
 229 requirements for adopting such alternative policy;
 230 amending s. 282.318, F.S.; providing that DIGIT is the
 231 lead entity responsible for establishing enterprise
 232 technology and cybersecurity standards and processes

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233 and security measures that comply with specified
 234 standards; requiring DIGIT to adopt specified rules;
 235 requiring DIGIT to take specified actions; revising
 236 the responsibilities of the state chief information
 237 security officer; requiring state agencies to report
 238 all ransomware incidents to the state chief
 239 information security officer instead of the
 240 Cybersecurity Operations Center; requiring state
 241 agencies to also notify the Northwest Regional Data
 242 Center of such incidents under specified conditions;
 243 requiring the state chief information security
 244 officer, instead of the Cybersecurity Operations
 245 Center, to notify the Legislature of certain
 246 incidents; requiring state agencies to notify the
 247 state chief information security officer within
 248 specified timeframes after the discovery of a
 249 specified cybersecurity incident or ransomware
 250 incident; requiring state agencies to also notify the
 251 Northwest Regional Data Center of such incidents under
 252 specified conditions; requiring the state chief
 253 information security officer, instead of the
 254 Cybersecurity Operations Center, to provide a certain
 255 report on a quarterly basis to the Legislature;
 256 revising the actions that state agency heads are
 257 required to perform relating to cybersecurity;
 258 revising the timeframe that the state agency strategic
 259 cybersecurity plan must cover; requiring that a
 260 specified comprehensive risk assessment be completed
 261 biennially; specifying requirements for such

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262 assessment; providing that confidential and exempt
 263 records be made available to the state chief
 264 information security officer and Legislature;
 265 conforming provisions to changes made by the act;
 266 amending s. 282.3185, F.S.; requiring the state chief
 267 information security officer to perform specified
 268 actions relating to cybersecurity training for state
 269 employees; deleting obsolete language; requiring local
 270 governments to notify the state chief information
 271 security officer of compliance with specified
 272 provisions as soon as possible; requiring local
 273 governments to notify the state chief information
 274 security officer, instead of the Cybersecurity
 275 Operations Center, of cybersecurity or ransomware
 276 incidents; revising the timeframes in which such
 277 notifications must be made; requiring the state chief
 278 information security officer to notify the Governor
 279 and the Legislature of certain incidents within a
 280 specified timeframe; authorizing local governments to
 281 report certain cybersecurity incidents to the state
 282 chief information security officer instead of the
 283 Cybersecurity Operations Center; requiring the state
 284 chief information security officer to provide a
 285 certain consolidated incident report within a
 286 specified timeframe to the Legislature; requiring the
 287 state chief information security officer to establish
 288 certain guidelines and processes by a specified date;
 289 conforming provisions to changes made by the act;
 290 conforming cross-references; repealing s. 282.319,

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291 F.S., relating to the Florida Cybersecurity Advisory
 292 Council; amending s. 282.201, F.S.; establishing the
 293 state data center within the Northwest Regional Data
 294 Center; requiring the Northwest Regional Data Center
 295 to meet or exceed specified information technology
 296 standards; revising requirements of the state data
 297 center; abrogating the scheduled repeal of the
 298 Division of Emergency Management's exemption from
 299 using the state data center; deleting the Department
 300 of Management Services' responsibilities related to
 301 the state data center; deleting provisions relating to
 302 contracting with the Northwest Regional Data Center;
 303 creating s. 282.2011, F.S.; designating the Northwest
 304 Regional Data Center as the state data center for all
 305 state agencies; requiring the data center to engage in
 306 specified actions; prohibiting state agencies from
 307 terminating services with the data center without
 308 giving written notice within a specified timeframe,
 309 procuring third-party cloud-computing services without
 310 evaluating the data center's cloud-computing services,
 311 and exceeding a specified timeframe to remit payments
 312 for services provided by the data center; specifying
 313 circumstances under which the data center's
 314 authorization to provide services may be terminated;
 315 providing that the data center has a specified
 316 timeframe to provide for the transition of state
 317 agency customers to a qualified alternative cloud-
 318 based data center that meets specified standards;
 319 providing that the data center is the lead entity

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320 responsible for creating, operating, and managing the
 321 Florida Behavioral Health Care Data Repository;
 322 providing the purpose of the repository; requiring the
 323 data center, in collaboration with the Data Analysis
 324 Committee of the Commission on Mental Health and
 325 Substance Use Disorder, to develop a specified plan;
 326 requiring, beginning on a specified date, the data
 327 center to submit a certain report annually to the
 328 Governor and the Legislature; providing for a
 329 transition to an alternative cloud-based data center
 330 under specified circumstances; amending s. 282.206,
 331 F.S.; requiring state agencies to submit a certain
 332 strategic plan to DIGIT and the Northwest Regional
 333 Data Center annually by a specified date; amending s.
 334 1004.649, F.S.; creating the Northwest Regional Data
 335 Center at Florida State University; conforming
 336 provisions to changes made by the act; amending s.
 337 20.22, F.S.; conforming provisions to changes made by
 338 the act; amending s. 282.802, F.S.; providing that the
 339 Government Technology Modernization Council is located
 340 within DIGIT; providing that the state chief
 341 information officer, rather than the Secretary of
 342 Management Services, is the ex officio head of the
 343 council; requiring the council to submit a certain
 344 recommendation to the Governor, the Commissioner of
 345 Agriculture, the Chief Financial Officer, the Attorney
 346 General, and the Legislature; conforming a cross-
 347 reference; amending s. 282.604, F.S.; conforming
 348 provisions to changes made by the act; amending s.

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287.0591, F.S.; requiring the state chief information officer, rather than the Florida Digital Service, to participate in certain solicitations; amending s. 443.1113, F.S.; conforming provisions to changes made by the act; amending s. 943.0415, F.S.; requiring the state chief information security officer, rather than the Florida Digital Service, to consult with the Department of Law Enforcement's Cybercrime Office in the adoption of certain rules; amending s. 1004.444, F.S.; revising the list of who may request certain assistance from the Florida Center for Cybersecurity; providing an effective date.

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

Section 1. All duties, functions, records, pending issues, existing contracts, administrative authority, and administrative rules relating to the Florida Digital Service are transferred by a type two transfer, as described in s. 20.06, Florida Statutes, to the Division of Integrated Government Innovation and Technology as created by this act. Any unexpended balances of appropriations, allocations, and other public funds will revert or will be appropriated or allocated as provided in the General Appropriations Act or otherwise by law.

Section 2. Section 14.205, Florida Statutes, is created to read:

14.205 Division of Integrated Government Innovation and Technology.—

(1) Division of Integrated Government Innovation and

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Technology is established within the Executive Office of the Governor. The division shall be a separate budget entity, as provided in the General Appropriations Act, and shall prepare and submit a budget request in accordance with chapter 216. The division shall be responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under chapter 282 and as otherwise provided in law.

(2)(a) The director of the division shall serve as the state chief information officer. The director shall be appointed by the Governor, subject to confirmation by the Senate. The state chief information officer is prohibited from having any financial, personal, or business conflicts of interest related to technology vendors, contractors, or other information technology service providers doing business with the state.

(b) The state chief information officer must meet the following qualifications:

1. Education requirements.—The state chief information officer must meet one of the following criteria:

a. Hold a bachelor's degree from an accredited institution in information technology, computer science, business administration, public administration, or a related field; or
b. Hold a master's degree in any of the fields listed above, which may be substituted for a portion of the experience requirement.

2. Professional experience requirements.—The state chief information officer must have at least 10 years of progressively responsible experience in information technology management, digital transformation, cybersecurity, or information technology

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governance, including:

a. A minimum of 5 years in an executive or senior leadership role, overseeing information technology strategy, operations, or enterprise technology management, in either the public or private sector;

b. Managing large-scale information technology projects, enterprise infrastructure, and implementation of emerging technologies;

c. Budget planning, procurement oversight, and financial management of information technology investments; and

d. Working with state and federal information technology regulations, digital services, and cybersecurity compliance frameworks.

3. Technical and policy expertise.—The state chief information officer must have demonstrated expertise in:

a. Cybersecurity and data protection by demonstrating knowledge of cybersecurity risk management, compliance with National Institute of Standards and Technology Cybersecurity Framework, ISO 27001, and applicable federal and state security regulations;

b. Cloud and digital services with experience with cloud computing, enterprise systems modernization, digital transformation, and emerging information technology trends;

c. Information technology governance and policy development by demonstrating an understanding of statewide information technology governance structures, digital services, and information technology procurement policies; and

d. Public sector information technology management by demonstrating familiarity with government information technology

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funding models, procurement requirements, and legislative processes affecting information technology strategy.

4. Leadership and administrative competencies.—The state chief information officer must demonstrate:

a. Strategic vision and innovation by possessing the capability to modernize information technology systems, drive digital transformation, and align information technology initiatives with state goals;

b. Collaboration and engagement with stakeholders by working with legislators, state agency heads, local governments, and private sector partners to implement information technology initiatives;

c. Crisis management and cyber resilience by possessing the capability to develop and lead cyber incident response, disaster recovery, and information technology continuity plans; and

d. Fiscal management and budget expertise managing multi-million-dollar information technology budgets, cost-control strategies, and financial oversight of information technology projects.

(3) The deputy director of the division shall serve as the deputy chief information officer. There also shall be selected by the director separate positions for the state chief information security officer and state chief data officer.

Section 3. Until a state chief information officer is appointed pursuant to s. 14.205, Florida Statutes, the current state chief information officer of the Department of Management Services shall be transferred to the Division of Integrated Government Innovation and Technology and serve as interim state chief information officer. A state chief information officer for

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the Division of Integrated Government Innovation and Technology
must be appointed by the Governor by June 30, 2027.

Section 4. Subsection (6) of section 20.055, Florida
Statutes, is amended to read:

20.055 Agency inspectors general.—

(6) In carrying out the auditing duties and
responsibilities of this act, each inspector general shall
review and evaluate internal controls necessary to ensure the
fiscal accountability of the state agency. The inspector general
shall conduct financial, compliance, electronic data processing,
and performance audits of the agency and prepare audit reports
of his or her findings. The scope and assignment of the audits
are ~~shall be~~ determined by the inspector general; however, the
agency head may at any time request the inspector general to
perform an audit of a special program, function, or
organizational unit. In addition to these duties, each inspector
general annually shall review and evaluate the agency's
compliance with information technology reporting requirements
and the standards published by the Division of Integrated
Government Innovation and Technology. The inspector general
shall prepare an annual agency information technology compliance
report that assesses the adequacy of internal controls,
documentation, and implementation processes to ensure conformity
with statewide information technology governance, security, and
performance standards. The performance of the audits ~~is audit~~
~~shall be~~ under the direction of the inspector general, except
that if the inspector general does not possess the
qualifications specified in subsection (4), the director of
auditing must ~~shall~~ perform the functions listed in this

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subsection.

(a) Such audits ~~must shall~~ be conducted in accordance with
the current International Standards for the Professional
Practice of Internal Auditing as published by the Institute of
Internal Auditors, Inc., or, where appropriate, in accordance
with generally accepted governmental auditing standards. All
audit reports issued by internal audit staff must ~~shall~~ include
a statement that the audit was conducted pursuant to the
appropriate standards.

(b) Audit workpapers and reports are ~~shall be~~ public
records to the extent that they do not include information which
has been made confidential and exempt from the provisions of s.
119.07(1) pursuant to law. However, when the inspector general
or a member of the staff receives from an individual a complaint
or information that falls within the definition provided in s.
112.3187(5), the name or identity of the individual may not be
disclosed to anyone else without the written consent of the
individual, unless the inspector general determines that such
disclosure is unavoidable during the course of the audit or
investigation.

(c) The inspector general and the staff shall have access
to any records, data, and other information of the state agency
he or she deems necessary to carry out his or her duties. The
inspector general may also request such information or
assistance as may be necessary from the state agency or from any
federal, state, or local government entity.

(d) At the conclusion of each audit, the inspector general
shall submit preliminary findings and recommendations to the
person responsible for supervision of the program function or

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operational unit who shall respond to any adverse findings within 20 working days after receipt of the preliminary findings. Such response and the inspector general's rebuttal to the response ~~must shall~~ be included in the final audit report.

(e) At the conclusion of an audit in which the subject of the audit is a specific entity contracting with the state or an individual substantially affected, if the audit is not confidential or otherwise exempt from disclosure by law, the inspector general must ~~shall~~, consistent with s. 119.07(1), submit the findings to the entity contracting with the state or the individual substantially affected, who must ~~shall~~ be advised in writing that they may submit a written response within 20 working days after receipt of the findings. The response and the inspector general's rebuttal to the response, if any, must be included in the final audit report.

(f) The inspector general shall submit the final report to the agency head, the Auditor General, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General.

1. The agency information technology compliance reports must be submitted to the agency head, the Auditor General, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General by September 30 of each year.

2. The Chief Inspector General shall review the annual agency information technology compliance reports submitted by agency inspectors general under the jurisdiction of the Governor and shall prepare a consolidated statewide information technology compliance report summarizing agency performance, findings, and recommendations for improvement. The consolidated

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report must be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

3. Agency heads for agencies not under the jurisdiction of the Governor shall submit the annual agency information technology compliance reports to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

(g) The Auditor General, in connection with the independent postaudit of the same agency pursuant to s. 11.45, shall give appropriate consideration to internal audit reports and the resolution of findings therein. The Legislative Auditing Committee may inquire into the reasons or justifications for failure of the agency head to correct the deficiencies reported in internal audits that are also reported by the Auditor General and shall take appropriate action.

(h) The inspector general shall monitor the implementation of the state agency's response to any report on the state agency issued by the Auditor General or by the Office of Program Policy Analysis and Government Accountability. No later than 6 months after the Auditor General or the Office of Program Policy Analysis and Government Accountability publishes a report on the state agency, the inspector general shall provide a written response to the agency head or, for state agencies under the jurisdiction of the Governor, the Chief Inspector General on the status of corrective actions taken. The inspector general shall file a copy of such response with the Legislative Auditing Committee.

(i) The inspector general shall develop long-term and

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annual audit plans based on the findings of periodic risk assessments. The plan, where appropriate, should include postaudit samplings of payments and accounts. The plan must ~~shall~~ show the individual audits to be conducted during each year and related resources to be devoted to the respective audits. The plan must ~~shall~~ include a specific cybersecurity audit plan. The Chief Financial Officer, to assist in fulfilling the responsibilities for examining, auditing, and settling accounts, claims, and demands pursuant to s. 17.03(1), and examining, auditing, adjusting, and settling accounts pursuant to s. 17.04, may use audits performed by the inspectors general and internal auditors. For state agencies under the jurisdiction of the Governor, the audit plans must ~~shall~~ be submitted to the Chief Inspector General. The plan must ~~shall~~ be submitted to the agency head for approval. A copy of the approved plan must ~~shall~~ be submitted to the Auditor General.

Section 5. Paragraph (b) of subsection (3) of section 97.0525, Florida Statutes, is amended to read:

97.0525 Online voter registration.—

(3)

(b) The division shall conduct a comprehensive risk assessment of the online voter registration system every 2 years. The comprehensive risk assessment must comply with the risk assessment methodology developed by the Division of Integrated Government Innovation and Technology ~~Department of Management Services~~ for identifying security risks, determining the magnitude of such risks, and identifying areas that require safeguards. In addition, the comprehensive risk assessment must incorporate all of the following:

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1. Load testing and stress testing to ensure that the online voter registration system has sufficient capacity to accommodate foreseeable use, including during periods of high volume of website users in the week immediately preceding the book-closing deadline for an election.

2. Screening of computers and networks used to support the online voter registration system for malware and other vulnerabilities.

3. Evaluation of database infrastructure, including software and operating systems, in order to fortify defenses against cyberattacks.

4. Identification of any anticipated threats to the security and integrity of data collected, maintained, received, or transmitted by the online voter registration system.

Section 6. Paragraphs (a) and (f) of subsection (1), paragraphs (b) and (c) of subsection (2), and subsections (3) and (4) of section 112.22, Florida Statutes, are amended to read:

112.22 Use of applications from foreign countries of concern prohibited.—

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

(a) "DIGIT" means the Division of Integrated Government Innovation and Technology ~~"Department" means the Department of Management Services.~~

(f) "Prohibited application" means an application that meets the following criteria:

1. Any Internet application that is created, maintained, or owned by a foreign principal and that participates in activities that include, but are not limited to:

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- 639 a. Collecting keystrokes or sensitive personal, financial,
 640 proprietary, or other business data;
 641 b. Compromising e-mail and acting as a vector for
 642 ransomware deployment;
 643 c. Conducting cyber-espionage against a public employer;
 644 d. Conducting surveillance and tracking of individual
 645 users; or
 646 e. Using algorithmic modifications to conduct
 647 disinformation or misinformation campaigns; or
 648 2. Any Internet application that DIGIT the department deems
 649 to present a security risk in the form of unauthorized access to
 650 or temporary unavailability of the public employer's records,
 651 digital assets, systems, networks, servers, or information.
 652 (2)
 653 (b) A person, including an employee or officer of a public
 654 employer, may not download or access any prohibited application
 655 on any government-issued device.
 656 1. This paragraph does not apply to a law enforcement
 657 officer as defined in s. 943.10(1) if the use of the prohibited
 658 application is necessary to protect the public safety or conduct
 659 an investigation within the scope of his or her employment.
 660 2. A public employer may request a waiver from DIGIT the
 661 ~~department~~ to allow designated employees or officers to download
 662 or access a prohibited application on a government-issued
 663 device.
 664 (c) Within 15 calendar days after DIGIT the department
 665 issues or updates its list of prohibited applications pursuant
 666 to paragraph (3)(a), an employee or officer of a public employer
 667 who uses a government-issued device must remove, delete, or

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- 668 uninstall any prohibited applications from his or her
 669 government-issued device.
 670 (3) DIGIT The department shall do all of the following:
 671 (a) Compile and maintain a list of prohibited applications
 672 and publish the list on its website. DIGIT The department shall
 673 update this list quarterly and shall provide notice of any
 674 update to public employers.
 675 (b) Establish procedures for granting or denying requests
 676 for waivers pursuant to subparagraph (2)(b)2. The request for a
 677 waiver must include all of the following:
 678 1. A description of the activity to be conducted and the
 679 state interest furthered by the activity.
 680 2. The maximum number of government-issued devices and
 681 employees or officers to which the waiver will apply.
 682 3. The length of time necessary for the waiver. Any waiver
 683 granted pursuant to subparagraph (2)(b)2. must be limited to a
 684 timeframe of no more than 1 year, but DIGIT the department may
 685 approve an extension.
 686 4. Risk mitigation actions that will be taken to prevent
 687 access to sensitive data, including methods to ensure that the
 688 activity does not connect to a state system, network, or server.
 689 5. A description of the circumstances under which the
 690 waiver applies.
 691 (4) ~~(a) Notwithstanding s. 120.74(4) and (5), the department~~
 692 ~~is authorized, and all conditions are deemed met, to adopt~~
 693 ~~emergency rules pursuant to s. 120.54(4) and to implement~~
 694 ~~paragraph (3)(a). Such rulemaking must occur initially by filing~~
 695 ~~emergency rules within 30 days after July 1, 2023.~~
 696 ~~(b)~~ DIGIT The department shall adopt rules necessary to

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administer this section.

Section 7. Paragraph (a) of subsection (5) of section 119.0725, Florida Statutes, is amended to read:

119.0725 Agency cybersecurity information; public records exemption; public meetings exemption.—

(5) (a) Information made confidential and exempt pursuant to this section must ~~shall~~ be made available to a law enforcement agency, the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Division of Integrated Government Innovation and Technology ~~Florida Digital Service within the Department of Management Services~~, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.

Section 8. Paragraph (a) of subsection (4) and subsection (7) of section 216.023, Florida Statutes, are amended to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(4) (a) The legislative budget request for each program must contain:

1. The constitutional or statutory authority for a program, a brief purpose statement, and approved program components.

2. Information on expenditures for 3 fiscal years (actual prior-year expenditures, current-year estimated expenditures, and agency budget requested expenditures for the next fiscal year) by appropriation category.

3. Details on trust funds and fees.

4. The total number of positions (authorized, fixed, and requested).

5. An issue narrative describing and justifying changes in

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amounts and positions requested for current and proposed programs for the next fiscal year.

6. Information resource requests.

7. Supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions. The cost-benefit and business case analyses must include an assessment of the impact on each affected activity from those identified in accordance with paragraph (b). Performance standards must include standards for each affected activity and be expressed in terms of the associated unit of activity.

8. An evaluation of major outsourcing and privatization initiatives undertaken during the last 5 fiscal years having aggregate expenditures exceeding \$10 million during the term of the contract. The evaluation must include an assessment of contractor performance, a comparison of anticipated service levels to actual service levels, and a comparison of estimated savings to actual savings achieved. Consolidated reports issued by the Department of Management Services may be used to satisfy this requirement.

9. Supporting information for any proposed consolidated financing of deferred-payment commodity contracts including guaranteed energy performance savings contracts. Supporting information must also include narrative describing and justifying the need, baseline for current costs, estimated cost savings, projected equipment purchases, estimated contract costs, and return on investment calculation.

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10. For projects that exceed \$10 million in total cost, the statutory reference of the existing policy or the proposed substantive policy that establishes and defines the project's governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes. The governance structure for information technology-related projects must incorporate the applicable project management and oversight standards established pursuant to s. 282.0061 ~~s. 282.0051~~. Information technology budget requests for the continuance of existing hardware and software maintenance agreements, renewal of existing software licensing agreements, or the replacement of desktop units with new technology that is similar to the technology currently in use are exempt from this requirement.

~~(7) As part of the legislative budget request, each state agency and the judicial branch shall include an inventory of all ongoing technology-related projects that have a cumulative estimated or realized cost of more than \$1 million. The inventory must, at a minimum, contain all of the following information:~~

- ~~(a) The name of the technology system.~~
- ~~(b) A brief description of the purpose and function of the system.~~
- ~~(c) A brief description of the goals of the project.~~
- ~~(d) The initiation date of the project.~~
- ~~(e) The key performance indicators for the project.~~
- ~~(f) Any other metrics for the project evaluating the health and status of the project.~~
- ~~(g) The original and current baseline estimated end dates of the project.~~

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~~(h) The original and current estimated costs of the project.~~

~~(i) Total funds appropriated or allocated to the project and the current realized cost for the project by fiscal year.~~

~~For purposes of this subsection, an ongoing technology-related project is one which has been funded or has had or is expected to have expenditures in more than one fiscal year. An ongoing technology-related project does not include the continuance of existing hardware and software maintenance agreements, the renewal of existing software licensing agreements, or the replacement of desktop units with new technology that is substantially similar to the technology being replaced. This subsection expires July 1, 2026.~~

Section 9. Present subsections (2) through (11) and (36), (37), and (38) of section 282.0041, Florida Statutes, are redesignated as subsections (1) through (10) and (37), (38), and (39), respectively, new subsections (11) and (36) are added to that section, and present subsections (1) and (7) of that section are amended, to read:

282.0041 Definitions.—As used in this chapter, the term:

~~(1) "Agency assessment" means the amount each customer entity must pay annually for services from the Department of Management Services and includes administrative and data center services costs.~~

(6)(7) "Customer entity" means an entity that obtains services from DIGIT the Department of Management Services.

(11) "DIGIT" means the Division of Integrated Government Innovation and Technology.

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(36) "Technical debt" means the accumulated cost and operational impact resulting from the use of suboptimal, expedient, or outdated technology solutions that require future remediation, refactoring, or replacement to ensure maintainability, security, efficiency, and compliance with enterprise architecture standards.

Section 10. Section 282.00515, Florida Statutes, is amended to read:

282.00515 Duties of Cabinet agencies.—

(1) (a) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall adopt the standards, best practices, processes, and methodologies established in s. 282.0061(4) and (5) (b) and (d). However, such departments may ~~s. 282.0051(1)(b), (c), and (e)~~ and (3) (c) ~~or~~ adopt alternative standards, best practices, and methodologies that must be based on best practices and industry standards that allow for open data interoperability. Such departments shall evaluate the adoption of alternative standards on a case-by-case basis for each standard, project, or system and reevaluate such alternative standards periodically.

(b) Notwithstanding paragraph (a), if an enterprise project has a measurable impact on, or requires participation from, a state agency and the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services, then the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services, as applicable, must follow the standards established under this chapter.

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(2) If the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services adopts alternative standards, best practices, processes, and methodologies in lieu of the ~~enterprise architecture~~ standards, best practices, processes, and methodologies adopted pursuant to s. 282.0061(4) and (5) (b) and ~~(d) s. 282.0051~~, such department must notify DIGIT, the Governor, the President of the Senate, and the Speaker of the House of Representatives in writing of the adoption of the alternative standards and provide a justification for adoption of the alternative standards and explain the manner in which ~~how~~ the agency will achieve the policy, standard, guideline, or best practice ~~open data interoperability~~.

(3) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall each conduct a full baseline needs assessment to document their respective technical environments, existing technical debt, security risks, and compliance with adopted information technology best practices, guidelines, and standards, similar to the assessments conducted by DIGIT pursuant to s. 282.0061(2) (a) and (b). The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services may contract with DIGIT to assist with or complete the assessments.

(4) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall each produce a phased roadmap for strategic planning to address known technology gaps and deficiencies, similar to the assessments conducted by DIGIT

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871 pursuant to s. 282.0061(2)(d). The phased roadmap must be
 872 submitted annually with legislative budget requests required
 873 under s. 216.023. The Department of Legal Affairs, the
 874 Department of Financial Services, and the Department of
 875 Agriculture and Consumer Services may contract with DIGIT to
 876 assist with or complete the phased roadmap.

877 (5) The Department of Legal Affairs, the Department of
 878 Financial Services, and the Department of Agriculture and
 879 Consumer Services may, but are not required to, contract with
 880 DIGIT the department to provide procurement advisory and review
 881 services for information technology projects as provided in s.
 882 282.0061(5)(a) or perform any of the services and functions
 883 described in s. 282.0051.

884 (6) The Department of Legal Affairs, the Department of
 885 Financial Services, and the Department of Agriculture and
 886 Consumer Services shall use the information technology reports
 887 developed by DIGIT pursuant to s. 282.0061(5)(e) and follow the
 888 streamlined reporting process pursuant to s. 282.0061(5)(h). The
 889 Department of Legal Affairs, the Department of Financial
 890 Services, and the Department of Agriculture and Consumer
 891 Services shall report annually to the President of the Senate
 892 and the Speaker of the House of Representatives by December 15
 893 information related to the respective department similar to the
 894 information required under s. 282.006(6)(a) and the information
 895 technology financial data methodology and reporting required by
 896 s. 282.0061(6). The Department of Legal Affairs, the Department
 897 of Financial Services, and the Department of Agriculture and
 898 Consumer Services may provide the report required under this
 899 subsection collectively with DIGIT or shall report separately to

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900 the Governor, the President of the Senate, and the Speaker of
 901 the House of Representatives.

902 (7) (a) ~~(4) (a)~~ Nothing in this chapter ~~section or in s.~~
 903 ~~282.0051~~ requires the Department of Legal Affairs, the
 904 Department of Financial Services, or the Department of
 905 Agriculture and Consumer Services to integrate with information
 906 technology outside its own department or with DIGIT ~~the Florida~~
 907 ~~Digital Service~~.

908 (b) DIGIT ~~The department, acting through the Florida~~
 909 ~~Digital Service~~, may not retrieve or disclose any data without a
 910 shared-data agreement in place between DIGIT ~~the department~~ and
 911 the Department of Legal Affairs, the Department of Financial
 912 Services, or the Department of Agriculture and Consumer
 913 Services.

914 (8) Notwithstanding s. 282.0061(5)(g), DIGIT may perform
 915 project oversight only on information technology projects of the
 916 Department of Legal Affairs, the Department of Financial
 917 Services, and the Department of Agriculture and Consumer
 918 Services which have a project cost of \$20 million or more. Such
 919 information technology projects must also comply with the
 920 applicable information technology architecture, project
 921 management and oversight, and reporting standards established by
 922 DIGIT. DIGIT shall report by the 30th day after the end of each
 923 quarter to the President of the Senate and the Speaker of the
 924 House of Representatives on any information technology project
 925 under this subsection which DIGIT identifies as high risk. The
 926 report must include a risk assessment, including fiscal risks,
 927 associated with proceeding to the next stage of the project, and
 928 a recommendation for any corrective action required, including

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suspension or termination of the project.

(9) If an information technology project implemented by a state agency must be connected to or otherwise accommodated by an information technology system administered by the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services, DIGIT must consult with the applicable department regarding the risks and other effects of such project on the department's information technology systems and must work cooperatively with the department regarding connections, interfaces, timing, or accommodations required to implement such project.

Section 11. Section 282.006, Florida Statutes, is created to read:

282.006 Division of Integrated Government Innovation and Technology; enterprise responsibilities; reporting.—

(1) The Division of Integrated Government Innovation and Technology established in s. 14.205 is the state organization for information technology governance and is the lead entity responsible for understanding the unique state agency information technology needs and environments, creating technology standards and strategy, supporting state agency technology efforts, and reporting on the status of technology for state agencies.

(2) The Legislature intends for DIGIT policy, standards, guidance, and oversight to allow for adaptability to emerging technology and organizational needs while maintaining compliance with industry best practices. All policies, standards, and guidelines established pursuant to this chapter must be technology-agnostic and may not prescribe specific tools,

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platforms, or vendors.

(3) DIGIT shall establish the strategic direction of information technology for state agencies. DIGIT shall develop and publish information technology policy that aligns with industry best practices for the management of the state's information technology resources. The policy must be updated as necessary to meet the requirements of this chapter and advancements in technology.

(4) DIGIT shall, in coordination with state agency technology subject matter experts, develop, publish, and maintain an enterprise architecture that:

(a) Acknowledges the unique needs of the entities within the enterprise in the development and publication of standards and terminologies to facilitate digital interoperability;

(b) Supports the cloud-first policy as specified in s. 282.206;

(c) Addresses the manner in which information technology infrastructure may be modernized to achieve security, scalability, maintainability, interoperability, and improved cost-efficiency goals; and

(d) Includes, at a minimum, best practices, guidelines, and standards for:

1. Data models and taxonomies.

2. Master data management.

3. Data integration and interoperability.

4. Data security and encryption.

5. Bot prevention and data protection.

6. Data backup and recovery.

7. Application portfolio and catalog requirements.

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987 8. Application architectural patterns and principles.
 988 9. Technology and platform standards.
 989 10. Secure coding practices.
 990 11. Performance and scalability.
 991 12. Cloud infrastructure and architecture.
 992 13. Networking, connectivity, and security protocols.
 993 14. Authentication, authorization, and access controls.
 994 15. Disaster recovery.
 995 16. Quality assurance.
 996 17. Testing methodologies and measurements.
 997 18. Logging and log retention.
 998 19. Application and use of artificial intelligence.
 999 (5) DIGIT shall develop open data technical standards and
 1000 terminologies for use by state agencies. DIGIT shall develop
 1001 enterprise technology testing and quality assurance best
 1002 practices and standards to ensure the reliability, security, and
 1003 performance of information technology systems. Such best
 1004 practices and standards must include:
 1005 (a) Functional testing to ensure software or systems meet
 1006 required specifications.
 1007 (b) Performance and load testing to ensure software and
 1008 systems operate efficiently under various conditions.
 1009 (c) Security testing to protect software and systems from
 1010 vulnerabilities and cyber threats.
 1011 (d) Compatibility and interoperability testing to ensure
 1012 software and systems operate seamlessly across environments.
 1013 (6) DIGIT shall produce and provide the following reports
 1014 to the Governor, the President of the Senate, and the Speaker of
 1015 the House of Representatives:

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1016 (a) Annually by December 15, an enterprise analysis report
 1017 for state agencies that includes all of the following:
 1018 1. Results of the state agency needs assessments, including
 1019 any plan to address technical debt as required by s. 282.0061
 1020 pursuant to the schedule adopted.
 1021 2. Alternative standards related to federal funding adopted
 1022 pursuant to s. 282.0061.
 1023 3. Information technology financial data for each state
 1024 agency for the previous fiscal year. This portion of the annual
 1025 report must include, at a minimum, the following recurring and
 1026 nonrecurring information:
 1027 a. Total number of full-time equivalent positions.
 1028 b. Total amount of salary.
 1029 c. Total amount of benefits.
 1030 d. Total number of comparable full-time equivalent
 1031 positions and total amount of expenditures for information
 1032 technology staff augmentation.
 1033 e. Total number of contracts and purchase orders and total
 1034 amount of associated expenditures for information technology
 1035 managed services.
 1036 f. Total amount of expenditures by state term contract as
 1037 defined in s. 287.012, contracts procured using alternative
 1038 purchasing methods as authorized pursuant to s. 287.042(16), and
 1039 state agency procurements through request for proposal,
 1040 invitation to negotiate, invitation to bid, single source, and
 1041 emergency purchases.
 1042 g. Total amount of expenditures for hardware.
 1043 h. Total amount of expenditures for non-cloud software.
 1044 i. Total amount of expenditures for cloud software licenses

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and services with a separate amount for expenditures for state data center services.

j. Total amount of expenditures for cloud data center services with a separate amount for expenditures for state data center services.

k. Total amount of expenditures for administrative costs.

4. Consolidated information for the previous fiscal year about state information technology projects, which must include, at a minimum, the following information:

a. Anticipated funding requirements for information technology support over the next 5 years.

b. An inventory of current information technology assets and major projects. As used in this paragraph, the term "major project" includes projects costing more than \$500,000 to implement.

c. Significant unmet needs for information technology resources over the next 5 fiscal years, ranked in priority order according to their urgency.

5. A review and summary of whether the information technology contract policy established pursuant to s. 282.0064 is included in all solicitations and contracts.

(b) Biennially by December 15 of even-numbered years, a report on the strategic direction of information technology in the state which includes recommendations for all of the following:

1. Standardization and consolidation of information technology services that are identified as common across state agencies as required in s. 282.0061.

2. Information technology services needed to be designed,

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delivered, and managed as state agency enterprise information technology services. Recommendations must include the identification of existing information technology resources associated with the services, if existing services must be transferred as a result of being delivered and managed as enterprise information technology services, and which entity is best suited to manage the service.

(c)1. When conducted as provided in this paragraph, a market analysis and accompanying strategic plan submitted by December 31 of each year that the market analysis is conducted.

2. No less frequently than every 3 years, DIGIT shall conduct market analysis to determine whether the:

a. Information technology resources across state agencies are used in the most cost-effective and cost-efficient manner, while recognizing that the replacement of certain legacy information technology systems within the enterprise may be cost prohibitive or cost inefficient due to the remaining useful life of those resources; and

b. State agencies are using best practices with respect to information technology, information services, and the acquisition of emerging technologies and information services.

3. Each market analysis must be used to prepare a strategic plan for continued and future information technology and information services, including, but not limited to, proposed acquisition of new services or technologies and approaches to the implementation of any new services or technologies.

(6)(a) DIGIT shall develop, implement, and maintain a library to serve as the official repository for all enterprise information technology policies, standards, guidelines, and best

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practices applicable to state agencies. The online library must be accessible and searchable by all state agencies and the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services, through a secure authentication system. The library must include standardized checklists organized by technical subject areas to assist state agencies in measuring compliance with the information technology policies, standards, guidelines, and best practices.

(b) DIGIT shall establish procedures to ensure the integrity, security, and availability of the library, including appropriate access controls, encryption, and disaster recovery measures. DIGIT shall regularly update documents and materials of the library to reflect current state and federal requirements, industry best practices, and emerging technologies and shall maintain version control and revision history for all published documents. DIGIT shall create mechanisms for state agencies to submit feedback, request clarifications, and recommend updates.

(7) (a) Each state agency shall actively participate and collaborate with DIGIT to achieve the objectives set forth in this chapter. Each state agency shall also adhere to the policies, standards, guidelines, and best practices established by DIGIT in information technology planning, procurement, implementation, and operations as required by this chapter.

(b) 1. A state agency may request an exemption to a specific policy, standard, or guideline when compliance is not technically feasible, would cause undue hardship, or conflicts with any agency-specific statutory requirement. The state agency

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requesting an exception must submit a formal justification to DIGIT detailing all of the following:

a. The specific requirement for which an exemption is sought.

b. The reason compliance is not feasible or practical.

c. Any compensating control or alternative measure the state agency will implement to mitigate associated risks.

d. The anticipated duration of the exemption.

2. DIGIT shall review all exemption requests and provide a recommendation to the state chief information officer who shall present the compliance exemption requests to the chief information officer workgroup. Approval of exemption requests must be made by a majority vote of the workgroup. Approved exemptions must be documented, including conditions and expiration dates.

3. A state agency with an approved exemption shall undergo periodic review to determine whether the exemption remains necessary or whether compliance can be achieved.

(8) DIGIT may adopt rules to implement this chapter.

Section 12. Section 282.0061, Florida Statutes, is created to read:

282.0061 DIGIT support of state agencies; information technology procurement and projects.-

(1) LEGISLATIVE INTENT.-The Legislature intends for DIGIT to support state agencies in their information technology efforts through the adoption of policies, standards, and guidance and by providing oversight that recognizes unique state agency information technology needs, environments, and goals. DIGIT assistance and support must allow for adaptability to

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emerging technologies and organizational needs while maintaining compliance with industry best practices. DIGIT may not prescribe specific tools, platforms, or vendors.

(2) NEEDS ASSESSMENTS.—

(a) By January 1, 2029, DIGIT shall conduct full baseline needs assessments of state agencies to document their respective technical environments, existing technical debt, security risks, and compliance with all information technology standards and guidelines developed and published by DIGIT. The needs assessment must use the latest version of the Capability Maturity Model Integration to evaluate each state agency's information technology capabilities, providing a maturity level rating for each assessed domain. After completion of the initial full baseline needs assessment, such assessments must be maintained and updated on a regular schedule adopted by DIGIT.

(b) In assessing the existing technical debt portion of the needs assessment, DIGIT shall analyze the state's legacy information technology systems and develop a plan to document the needs and costs for replacement systems. The plan must include an inventory of legacy applications and infrastructure; the required capabilities not available with the legacy system; the estimated process, timeline, and cost to migrate from legacy environments; and any other information necessary for fiscal or technology planning. The plan must determine and document the estimated timeframe during which the state agency can continue to efficiently use legacy information technology systems, resources, security, and data management to support operations. State agencies shall provide all necessary documentation to enable accurate reporting on legacy systems.

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(c) DIGIT shall develop a plan and schedule to conduct the initial full baseline needs assessments. By October 1, 2027, DIGIT shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(d) DIGIT shall support state agency strategic planning efforts and assist state agencies with the production of a phased roadmap to address known technology gaps and deficiencies as identified in the needs assessments. The roadmaps must include specific strategies and initiatives aimed at advancing the state agency's maturity level in accordance with the latest version of the Capability Maturity Model Integration. State agencies shall create, maintain, and submit the roadmap on an annual basis with their legislative budget requests required under s. 216.023.

(3) STANDARDIZATION.—DIGIT shall:

(a) Recommend in its annual enterprise analysis report for state agencies required under s. 282.006 any potential method for standardizing data across state agencies which will promote interoperability and reduce the collection of duplicative data.

(b) Identify any opportunities in such enterprise analysis report for state agencies for standardization and consolidation of information technology services that are common across all state agencies and that support:

1. Improved interoperability, security, scalability, maintainability, and cost efficiency; and

2. Business functions and operations, including administrative functions such as purchasing, accounting and reporting, cash management, and personnel.

(4) DATA MANAGEMENT.—

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(a) DIGIT shall develop standards for use by state agencies which support best practices for master data management at the state agency level to facilitate enterprise data sharing and interoperability.

(b) DIGIT shall establish a methodology and strategy for implementing statewide master data management and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2029. The report must include the vision, goals, and benefits of implementing a statewide master data management initiative, an analysis of the current state of data management, and the recommended strategy, methodology, and estimated timeline and resources needed at a state agency and enterprise level to accomplish the initiative.

(5) INFORMATION TECHNOLOGY PROJECTS.—DIGIT has the following duties and responsibilities related to state agency technology projects:

(a) Provide procurement advisory and review services for information technology projects to all state agencies, including procurement and contract development assistance to meet the information technology contract policy established pursuant to s. 282.0064.

(b) Establish best practices and procurement processes and develop metrics to support these processes for the procurement of information technology products and services in order to reduce costs or improve the provision of government services.

(c) Upon request, assist state agencies in the development of information technology-related legislative budget requests.

(d) Develop standards and accountability measures for

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information technology projects, including criteria for effective project management and oversight. State agencies shall satisfy these standards and measures when implementing information technology projects. To support data-driven decision making, the standards and measures must include, but are not limited to:

1. Performance measurements and metrics that objectively reflect the status of an information technology project based on a defined and documented project scope, to include the volume of impacted stakeholders, cost, and schedule.

2. Methodologies for calculating and defining acceptable variances in the projected versus actual scope, schedule, or cost of an information technology project.

3. Reporting requirements designed to alert all defined stakeholders that an information technology project has exceeded acceptable variances defined and documented in a project plan as well as any variance that represents a schedule delay of 1 month or more or a cost increase of \$1 million or more.

4. Technical standards to ensure an information technology project complies with the enterprise architecture standards.

(e) Develop information technology project reports for use by state agencies, including, but not limited to, operational work plans, project spending plans, and project status reports. Reporting standards must include content, format, and frequency of project updates.

(f) Provide training opportunities to state agencies to assist in the adoption of the project management and oversight standards.

(g) Perform project oversight on all state agency

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information technology projects that have total project costs of \$10 million or more. DIGIT shall report by the 30th day after the end of each quarter to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that DIGIT identifies as high-risk. The report must include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project, and a recommendation for corrective actions required, including suspension or termination of the project.

(h) Establish a streamlined reporting process with clear timelines and escalation procedures for notifying a state agency of noncompliance with the standards developed and adopted by DIGIT.

(6) INFORMATION TECHNOLOGY FINANCIAL DATA.—

(a) In consultation with state agencies, DIGIT shall create a methodology, an approach, and applicable templates and formats for identifying and collecting both current and planned information technology expenditure data at the state agency level. DIGIT shall continuously obtain, review, and maintain records of the appropriations, expenditures, and revenues for information technology for each state agency.

(b) DIGIT shall prescribe the format for state agencies to provide all necessary financial information to DIGIT for inclusion in the annual report required under s. 282.006. State agencies shall provide the information to DIGIT by October 1 for the previous fiscal year.

(7) FEDERAL CONFLICTS.—DIGIT must work with state agencies to provide alternative standards, policies, or requirements that

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do not conflict with federal regulations or requirements if adherence to standards or policies adopted by or established pursuant to this section conflict with federal regulations or requirements imposed on an entity within the enterprise and results in, or is expected to result in, adverse action against any state agency or loss of federal funding.

Section 13. Section 282.0062, Florida Statutes, is created to read:

282.0062 DIGIT workgroups.—The following workgroups are established within DIGIT to facilitate coordination with state agencies:

(1) CHIEF INFORMATION OFFICER WORKGROUP.—

(a) The chief information officer workgroup, composed of all state agency chief information officers, shall consider and make recommendations to the state chief information officer and the state chief information architect on such matters as enterprise information technology policies, standards, services, and architecture. The workgroup may also identify and recommend opportunities for the establishment of public-private partnerships when considering technology infrastructure and services in order to accelerate project delivery and provide a source of new or increased project funding.

(b) At a minimum, the state chief information officer shall consult with the workgroup on a quarterly basis with regard to executing the duties and responsibilities of the state agencies related to statewide information technology strategic planning and policy.

(2) ENTERPRISE DATA AND INTEROPERABILITY WORKGROUP.—

(a) The enterprise data and interoperability workgroup,

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composed of chief data officer representatives from all state agencies, shall consider and make recommendations to the state chief data officer on such matters as enterprise data policies, standards, services, and architecture that promote data consistency, accessibility, and seamless integration across the enterprise.

(b) At a minimum, the state chief data officer shall consult with the workgroup on a quarterly basis with regard to executing the duties and responsibilities of the state agencies related to statewide data governance planning and policy.

(3) ENTERPRISE SECURITY WORKGROUP.—

(a) The enterprise security workgroup, composed of chief information security officer representatives from all state agencies, shall consider and make recommendations to the state chief information security officer on such matters as cybersecurity policies, standards, services, and architecture that promote the protection of state assets.

(b) At a minimum, the state chief information security officer shall consult with the workgroup on a quarterly basis with regard to executing the duties and responsibilities of the state agencies related to cybersecurity governance and policy development.

(4) ENTERPRISE INFORMATION TECHNOLOGY QUALITY ASSURANCE WORKGROUP.—

(a) The enterprise information technology quality assurance workgroup, composed of testing and quality assurance representatives from all state agencies, shall consider and make recommendations to the state chief technology officer on such matters as testing methodologies, tools, and best practices to

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reduce risks related to software defects, cybersecurity threats, and operational failures.

(b) At a minimum, the state chief information officer shall consult with the workgroup on a quarterly basis with regard to executing the duties and responsibilities of the state agencies related to enterprise software testing and quality assurance standards.

(5) ENTERPRISE INFORMATION TECHNOLOGY PROJECT MANAGEMENT WORKGROUP.—

(a) The enterprise information technology project management workgroup, composed of information technology project manager representatives from all state agencies, shall consider and make recommendations to the state chief technology officer on such matters as information technology project management policies, standards, accountability measures, and services that promote project governance and standardization across the enterprise.

(b) At a minimum, the state chief information officer shall consult with the workgroup on a quarterly basis with regard to executing the duties and responsibilities of the state agencies related to project management and oversight.

(6) ENTERPRISE INFORMATION TECHNOLOGY PURCHASING WORKGROUP.—

(a) The enterprise information technology purchasing workgroup, composed of information technology procurement representatives from all state agencies, shall consider and make recommendations to the state chief information technology procurement officer on such matters as information technology procurement policies, standards, and purchasing strategy and

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1393 optimization that promote best practices for contract
 1394 negotiation, consolidation, and effective service-level
 1395 agreement implementation across the enterprise.

1396 (b) At a minimum, the state chief information officer shall
 1397 consult with the workgroup on a quarterly basis with regard to
 1398 executing the duties and responsibilities of the state agencies
 1399 related to technology evaluation, purchasing, and cost savings.

1400 (7) DEPARTMENT OF LEGAL AFFAIRS, DEPARTMENT OF FINANCIAL
 1401 SERVICES, AND DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
 1402 INFORMATION TECHNOLOGY STAFF.-Appropriate information technology
 1403 staff of the Department of Legal Affairs, the Department of
 1404 Financial Services, and the Department of Agriculture and
 1405 Consumer Services shall participate in the workgroups created
 1406 under subsections (1), (2), and (3) and may participate in any
 1407 other workgroups as authorized by their respective elected
 1408 official.

1409 Section 14. Section 282.0063, Florida Statutes, is created
 1410 to read:

1411 282.0063 State information technology professionals career
 1412 paths and training.-

1413 (1) DIGIT shall develop standardized frameworks for, and
 1414 career paths, progressions, and training programs for, the
 1415 benefit of state agency information technology personnel. To
 1416 meet that goal, DIGIT shall:

1417 (a) Assess current and future information technology
 1418 workforce needs across state agencies, identify skill gaps, and
 1419 develop strategies to address them.

1420 (b) Develop and establish a training program for state
 1421 agencies to support the understanding and implementation of each

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1422 element of the enterprise architecture.

1423 (c) Establish training programs, certifications, and
 1424 continuing education opportunities to enhance information
 1425 technology competencies, including cybersecurity, cloud
 1426 computing, and emerging technologies.

1427 (d) Support initiatives to provide existing employees with
 1428 training or other opportunities to develop skills in emerging
 1429 technologies and automation, ensuring that state agencies remain
 1430 competitive and innovative.

1431 (e) Develop strategies to recruit and retain information
 1432 technology professionals, including internship programs,
 1433 apprenticeships, partnerships with educational institutions,
 1434 scholarships for service, and initiatives to attract diverse
 1435 talent.

1436 (2) DIGIT shall consult with CareerSource Florida, Inc.,
 1437 the Department of Commerce, and the Department of Education in
 1438 the implementation of this section.

1439 Section 15. Section 282.0064, Florida Statutes, is created
 1440 to read:

1441 282.0064 Information technology contract policy.-

1442 (1) In coordination with the Department of Management
 1443 Services, DIGIT shall establish a policy for all information
 1444 technology-related solicitations and contracts, including state
 1445 term contracts; contracts sourced using alternative purchasing
 1446 methods as authorized pursuant to s. 287.042(16); sole source
 1447 and emergency procurements; and contracts for commodities,
 1448 consultant services, and staff augmentation services.

1449 (2) Related to state term contracts, the information
 1450 technology policy must include:

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1451 (a) Identification of the information technology product
 1452 and service categories to be included in state term contracts.
 1453 (b) The term of each information technology-related state
 1454 term contract.
 1455 (c) The maximum number of vendors authorized on each state
 1456 term contract.
 1457 (3) For all contracts, the information technology policy
 1458 must include:
 1459 (a) Evaluation criteria for the award of information
 1460 technology-related contracts.
 1461 (b) Requirements to be included in solicitations.
 1462 (c) At a minimum, a requirement that any contract for
 1463 information technology commodities or services meet the
 1464 requirements of the enterprise architecture and National
 1465 Institute of Standards and Technology Cybersecurity Framework.
 1466 (4) The policy must include the following requirements for
 1467 any information technology project that requires project
 1468 oversight through independent verification and validation:
 1469 (a) An entity providing independent verification and
 1470 validation may not have any:
 1471 1. Technical, managerial, or financial interest in the
 1472 project; or
 1473 2. Responsibility for or participation in any other aspect
 1474 of the project.
 1475 (b) The primary objective of independent verification and
 1476 validation must be to provide an objective assessment throughout
 1477 the entire project life cycle, reporting directly to all
 1478 relevant stakeholders. An independent verification and
 1479 validation entity shall independently verify and validate

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1480 whether:
 1481 1. The project is being built and implemented in accordance
 1482 with defined technical architecture, specifications, and
 1483 requirements.
 1484 2. The project is adhering to established project
 1485 management processes.
 1486 3. The procurement of products, tools, and services and
 1487 resulting contracts aligns with current statutory and regulatory
 1488 requirements.
 1489 4. The value of services delivered is commensurate with
 1490 project costs.
 1491 5. The completed project meets the actual needs of the
 1492 intended users.
 1493 (c) The entity performing independent verification and
 1494 validation shall provide regular reports and assessments
 1495 directly to the designated oversight body, identifying risks,
 1496 deficiencies, and recommendations for corrective actions to
 1497 ensure project success and compliance with statutory
 1498 requirements.
 1499 (5) The Division of State Purchasing in the Department of
 1500 Management Services shall coordinate with DIGIT on state term
 1501 contract solicitations and invitations to negotiate related to
 1502 information technology. Such coordination must include DIGIT
 1503 providing the Division of State Purchasing with an evaluation of
 1504 vendor responses and assistance with answers to vendor questions
 1505 on such solicitations or invitations to negotiate.
 1506 (6) The Department of Legal Affairs, the Department of
 1507 Financial Services, and the Department of Agriculture and
 1508 Consumer Services may adopt alternatives to the information

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technology policy established by DIGIT pursuant to this section. If alternatives to the policy are adopted, such department must notify DIGIT, the Governor, the President of the Senate, and the Speaker of the House of Representatives in writing of the adoption of the alternatives and provide a justification for adoption of the alternatives, including whether the alternatives were necessary to meet alternatives adopted pursuant to s. 282.00515, and explain the manner in which the department will achieve the information technology policy.

Section 16. Subsections (3), (4), (7), and (10) of section 282.318, Florida Statutes, are amended to read:

282.318 Cybersecurity.—

(3) DIGIT ~~The department, acting through the Florida Digital Service,~~ is the lead entity responsible for establishing standards and processes for assessing state agency cybersecurity risks and determining appropriate security measures that comply with all national and state data compliance security standards.

Such standards and processes must be consistent with generally accepted technology best practices, including the National Institute for Standards and Technology Cybersecurity Framework, for cybersecurity. DIGIT ~~The department, acting through the Florida Digital Service,~~ shall adopt rules that mitigate risks; safeguard state agency digital assets, data, information, and information technology resources to ensure availability, confidentiality, and integrity; and support a security governance framework. DIGIT ~~The department, acting through the Florida Digital Service,~~ shall also:

(a) Designate an employee ~~of the Florida Digital Service~~ as the state chief information security officer. The state chief

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information security officer must have experience and expertise in security and risk management for communications and information technology resources. The state chief information security officer is responsible for the development of enterprise cybersecurity policy, standards, operation, and security architecture oversight ~~of cybersecurity~~ for state technology systems. The state chief information security officer ~~must shall~~ be notified of all confirmed or suspected incidents or threats of state agency information technology resources and must report such incidents or threats to the state chief information officer ~~and the Governor.~~

(b) Develop, and annually update by February 1, a statewide cybersecurity strategic plan that includes security goals and objectives for cybersecurity, including the identification and mitigation of risk, proactive protections against threats, tactical risk detection, threat reporting, and response and recovery protocols for a cyber incident.

(c) Develop and publish for use by state agencies a cybersecurity governance framework that, at a minimum, includes guidelines and processes for:

1. Establishing asset management procedures to ensure that an agency's information technology resources are identified and managed consistent with their relative importance to the agency's business objectives.

2. Using a standard risk assessment methodology that includes the identification of an agency's priorities, constraints, risk tolerances, and assumptions necessary to support operational risk decisions.

3. Completing comprehensive risk assessments and

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cybersecurity audits, which may be completed by a private sector vendor, and submitting completed assessments and audits to the department.

4. Identifying protection procedures to manage the protection of an agency's information, data, and information technology resources.

5. Establishing procedures for accessing information and data to ensure the confidentiality, integrity, and availability of such information and data.

6. Detecting threats through proactive monitoring of events, continuous security monitoring, and defined detection processes.

7. Establishing agency cybersecurity incident response teams and describing their responsibilities for responding to cybersecurity incidents, including breaches of personal information containing confidential or exempt data.

8. Recovering information and data in response to a cybersecurity incident. The recovery may include recommended improvements to the agency processes, policies, or guidelines.

9. Establishing a cybersecurity incident reporting process that includes procedures for notifying DIGIT ~~the department~~ and the Department of Law Enforcement of cybersecurity incidents.

a. The level of severity of the cybersecurity incident is defined by the National Cyber Incident Response Plan of the United States Department of Homeland Security as follows:

(I) Level 5 is an emergency-level incident within the specified jurisdiction that poses an imminent threat to the provision of wide-scale critical infrastructure services; national, state, or local government security; or the lives of

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the country's, state's, or local government's residents.

(II) Level 4 is a severe-level incident that is likely to result in a significant impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; or civil liberties.

(III) Level 3 is a high-level incident that is likely to result in a demonstrable impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

(IV) Level 2 is a medium-level incident that may impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

(V) Level 1 is a low-level incident that is unlikely to impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

b. The cybersecurity incident reporting process must specify the information that must be reported by a state agency following a cybersecurity incident or ransomware incident, which, at a minimum, must include the following:

(I) A summary of the facts surrounding the cybersecurity incident or ransomware incident.

(II) The date on which the state agency most recently backed up its data; the physical location of the backup, if the backup was affected; and if the backup was created using cloud computing.

(III) The types of data compromised by the cybersecurity incident or ransomware incident.

(IV) The estimated fiscal impact of the cybersecurity

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incident or ransomware incident.

(V) In the case of a ransomware incident, the details of the ransom demanded.

c.(I) A state agency shall report all ransomware incidents and any cybersecurity incident determined by the state agency to be of severity level 3, 4, or 5 to the state chief information security officer ~~Cybersecurity Operations Center~~ and the Cybercrime Office of the Department of Law Enforcement as soon as possible but no later than 48 hours after discovery of the cybersecurity incident and no later than 12 hours after discovery of the ransomware incident. The report must contain the information required in sub-subparagraph b. If the event involves services housed or procured through the Northwest Regional Data Center, the state agency must also notify the Northwest Regional Data Center.

(II) The state chief information security officer ~~Cybersecurity Operations Center~~ shall notify the President of the Senate and the Speaker of the House of Representatives of any severity level 3, 4, or 5 incident as soon as possible but no later than 12 hours after receiving a state agency's incident report. The notification must include a high-level description of the incident and the likely effects.

d. A state agency shall report a cybersecurity incident determined by the state agency to be of severity level 1 or 2 to the state chief information security officer ~~Cybersecurity Operations Center~~ and the Cybercrime Office of the Department of Law Enforcement as soon as possible, but no later than 96 hours after the discovery of the cybersecurity incident and no later than 72 hours after the discovery of the ransomware incident.

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The report must contain the information required in sub-subparagraph b. If the event involves services housed or procured through the Northwest Regional Data Center, the state agency must also notify the Northwest Regional Data Center.

e. The state chief information security officer ~~Cybersecurity Operations Center~~ shall provide a consolidated incident report on a quarterly basis to the President of the Senate ~~and, the Speaker of the House of Representatives, and the Florida Cybersecurity Advisory Council.~~ The report provided to the Florida Cybersecurity Advisory Council may not contain the name of any agency, network information, or system identifying information but must contain sufficient relevant information to allow the Florida Cybersecurity Advisory Council to fulfill its responsibilities as required in s. 282.319(9).

10. Incorporating information obtained through detection and response activities into the agency's cybersecurity incident response plans.

11. Developing agency strategic and operational cybersecurity plans required pursuant to this section.

12. Establishing the managerial, operational, and technical safeguards for protecting state government data and information technology resources that align with the state agency risk management strategy and that protect the confidentiality, integrity, and availability of information and data.

13. Establishing procedures for procuring information technology commodities and services that require the commodity or service to meet the National Institute of Standards and Technology Cybersecurity Framework.

14. Submitting after-action reports following a

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cybersecurity incident or ransomware incident. ~~Such guidelines and processes for submitting after-action reports must be developed and published by December 1, 2022.~~

(d) Assist state agencies in complying with this section.

(e) In collaboration with the Cybercrime Office of the Department of Law Enforcement, annually provide training for state agency information security managers and computer security incident response team members that contains training on cybersecurity, including cybersecurity threats, trends, and best practices.

(f) Annually review the strategic and operational cybersecurity plans of state agencies.

(g) Annually provide cybersecurity training to all state agency technology professionals and employees with access to highly sensitive information which develops, assesses, and documents competencies by role and skill level. The cybersecurity training curriculum must include training on the identification of each cybersecurity incident severity level referenced in sub-subparagraph (c)9.a. The training may be provided in collaboration with the Cybercrime Office of the Department of Law Enforcement, a private sector entity, or an institution of the State University System.

~~(h) Operate and maintain a Cybersecurity Operations Center led by the state chief information security officer, which must be primarily virtual and staffed with tactical detection and incident response personnel. The Cybersecurity Operations Center shall serve as a clearinghouse for threat information and coordinate with the Department of Law Enforcement to support state agencies and their response to any confirmed or suspected~~

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cybersecurity incident.

~~(i) Lead an Emergency Support Function, ESF CYBER, under the state comprehensive emergency management plan as described in s. 252.35.~~

(4) Each state agency head shall, at a minimum:

(a) Designate an information security manager to administer the cybersecurity program of the state agency. This designation must be provided annually in writing to DIGIT ~~the department~~ by January 1. A state agency's information security manager, for purposes of these information security duties, shall report directly to the agency head.

(b) In consultation with the state chief information security officer ~~department, through the Florida Digital Service,~~ and the Cybercrime Office of the Department of Law Enforcement, establish an agency cybersecurity response team to respond to a cybersecurity incident. The agency cybersecurity response team shall convene upon notification of a cybersecurity incident and shall ~~must~~ immediately report all confirmed or suspected incidents to the state chief information security officer, or his or her designee, and comply with all applicable guidelines and processes established pursuant to paragraph (3)(c).

(c) Submit to the state chief information security officer ~~department~~ annually by July 31, the state agency's strategic and operational cybersecurity plans developed pursuant to rules and guidelines established by the state chief information security officer ~~department, through the Florida Digital Service.~~

1. The state agency strategic cybersecurity plan must cover a 2-year ~~3-year~~ period and, at a minimum, define security goals,

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intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and disaster recovery. The plan must be based on the statewide cybersecurity strategic plan created by the state chief information security officer ~~department~~ and include performance metrics that can be objectively measured to reflect the status of the state agency's progress in meeting security goals and objectives identified in the agency's strategic information security plan.

2. The state agency operational cybersecurity plan must include a set of measures that objectively assess the performance of the agency's cybersecurity program in accordance with its risk management plan ~~progress report that objectively measures progress made towards the prior operational cybersecurity plan and a project plan that includes activities, timelines, and deliverables for security objectives that the state agency will implement during the current fiscal year.~~

(d) Conduct, and update every 2 ~~3~~ years, a comprehensive risk assessment, which may be completed by a private sector vendor, to determine the security threats to the data, information, and information technology resources, including mobile devices and print environments, of the agency. The risk assessment must comply with the risk assessment methodology developed by the state chief information security officer ~~department~~ and is confidential and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, the state chief information security officer ~~Florida Digital Service within the department~~, the Cybercrime Office of

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the Department of Law Enforcement, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General. If a private sector vendor is used to complete a comprehensive risk assessment, it must attest to the validity of the risk assessment findings. The comprehensive risk assessment must include all of the following:

1. The results of vulnerability and penetration tests on any Internet website or mobile application that processes any sensitive personal information or confidential information and a plan to address any vulnerability identified in the tests.

2. A written acknowledgment that the executive director or the secretary of the agency, the chief financial officer of the agency, and each executive manager as designated by the state agency have been made aware of the risks revealed during the preparation of the agency's operations cybersecurity plan and the comprehensive risk assessment.

(e) Develop, and periodically update, written internal policies and procedures, which include procedures for reporting cybersecurity incidents and breaches to the Cybercrime Office of the Department of Law Enforcement and the state chief information security officer ~~Florida Digital Service within the department~~. Such policies and procedures must be consistent with the rules, guidelines, and processes established by DIGIT ~~the department~~ to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information must

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~~shall~~ be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the state chief information security officer ~~the Florida Digital Service within the department~~, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General.

(f) Implement managerial, operational, and technical safeguards and risk assessment remediation plans recommended by DIGIT ~~the department~~ to address identified risks to the data, information, and information technology resources of the agency. ~~The state chief information security officer department, through the Florida Digital Service,~~ shall track implementation by state agencies upon development of such remediation plans in coordination with agency inspectors general.

(g) Ensure that periodic internal audits and evaluations of the agency's cybersecurity program for the data, information, and information technology resources of the agency are conducted. The results of such audits and evaluations are confidential information and exempt from s. 119.07(1), except that such information must ~~shall~~ be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the state chief information security officer ~~Florida Digital Service within the department~~, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.

(h) Ensure that the cybersecurity requirements in the written specifications for the solicitation, contracts, and service-level agreement of information technology and information technology resources and services meet or exceed the applicable state and federal laws, regulations, and standards

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for cybersecurity, including the National Institute of Standards and Technology Cybersecurity Framework. Service-level agreements must identify service provider and state agency responsibilities for privacy and security, protection of government data, personnel background screening, and security deliverables with associated frequencies.

(i) Provide cybersecurity awareness training to all state agency employees within 30 days after commencing employment, and annually thereafter, concerning cybersecurity risks and the responsibility of employees to comply with policies, standards, guidelines, and operating procedures adopted by the state agency to reduce those risks. The training may be provided in collaboration with the Cybercrime Office of the Department of Law Enforcement, a private sector entity, or an institution of the State University System.

(j) Develop a process for detecting, reporting, and responding to threats, breaches, or cybersecurity incidents which is consistent with the security rules, guidelines, and processes established by DIGIT ~~the department~~ through the state chief information security officer ~~Florida Digital Service~~.

1. All cybersecurity incidents and ransomware incidents must be reported by state agencies. Such reports must comply with the notification procedures and reporting timeframes established pursuant to paragraph (3)(c).

2. For cybersecurity breaches, state agencies shall provide notice in accordance with s. 501.171.

(k) Submit to the state chief information security officer ~~Florida Digital Service~~, within 1 week after the remediation of a cybersecurity incident or ransomware incident, an after-action

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report that summarizes the incident, the incident's resolution, and any insights gained as a result of the incident.

(7) The portions of records made confidential and exempt in subsections (5) and (6) ~~must shall~~ be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the state chief information security officer, the Legislature Florida Digital Service within the department, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General. Such portions of records may be made available to a local government, another state agency, or a federal agency for cybersecurity purposes or in furtherance of the state agency's official duties.

(10) DIGIT ~~The department~~ shall adopt rules relating to cybersecurity and to administer this section.

Section 17. Subsections (3) through (6) of section 282.3185, Florida Statutes, are amended to read:

282.3185 Local government cybersecurity.—

(3) CYBERSECURITY TRAINING.—

(a) The state chief information security officer Florida Digital Service shall:

1. Develop a basic cybersecurity training curriculum for local government employees. All local government employees with access to the local government's network must complete the basic cybersecurity training within 30 days after commencing employment and annually thereafter.

2. Develop an advanced cybersecurity training curriculum for local governments which is consistent with the cybersecurity training required under s. 282.318(3)(f) ~~s. 282.318(3)(g)~~. All local government technology professionals and employees with

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access to highly sensitive information must complete the advanced cybersecurity training within 30 days after commencing employment and annually thereafter.

(b) The state chief information security officer Florida Digital Service may provide the cybersecurity training required by this subsection in collaboration with the Cybercrime Office of the Department of Law Enforcement, a private sector entity, or an institution of the State University System.

(4) CYBERSECURITY STANDARDS.—

(a) Each local government shall adopt cybersecurity standards that safeguard its data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The cybersecurity standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology Cybersecurity Framework.

(b) ~~Each county with a population of 75,000 or more must adopt the cybersecurity standards required by this subsection by January 1, 2024. Each county with a population of less than 75,000 must adopt the cybersecurity standards required by this subsection by January 1, 2025.~~

~~(c) Each municipality with a population of 25,000 or more must adopt the cybersecurity standards required by this subsection by January 1, 2024. Each municipality with a population of less than 25,000 must adopt the cybersecurity standards required by this subsection by January 1, 2025.~~

~~(d)~~ Each local government shall notify the state chief information security officer Florida Digital Service of its compliance with this subsection as soon as possible.

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(5) INCIDENT NOTIFICATION.—

(a) A local government shall provide notification of a cybersecurity incident or ransomware incident to the state chief information security officer ~~Cybersecurity Operations Center~~, ~~the~~ Cybercrime Office of the Department of Law Enforcement, and ~~the~~ sheriff who has jurisdiction over the local government in accordance with paragraph (b). The notification must include, at a minimum, the following information:

1. A summary of the facts surrounding the cybersecurity incident or ransomware incident.

2. The date on which the local government most recently backed up its data; the physical location of the backup, if the backup was affected; and if the backup was created using cloud computing.

3. The types of data compromised by the cybersecurity incident or ransomware incident.

4. The estimated fiscal impact of the cybersecurity incident or ransomware incident.

5. In the case of a ransomware incident, the details of the ransom demanded.

6. A statement requesting or declining assistance from ~~the Cybersecurity Operations Center~~, the Cybercrime Office of the Department of Law Enforcement, or the sheriff who has jurisdiction over the local government.

(b)1. A local government shall report all ransomware incidents and any cybersecurity incident determined by the local government to be of severity level 3, 4, or 5 as provided in s. 282.318(3)(b) ~~s. 282.318(3)(c)~~ to the state chief information security officer ~~Cybersecurity Operations Center~~, the Cybercrime

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Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government as soon as possible but no later than 12 ~~48~~ hours after discovery of the cybersecurity incident and no later than 6 ~~12~~ hours after discovery of the ransomware incident. The report must contain the information required in paragraph (a).

2. The state chief information security officer ~~Cybersecurity Operations Center~~ shall notify the President of the Senate and the Speaker of the House of Representatives of any severity level 3, 4, or 5 incident as soon as possible but no later than 12 hours after receiving a local government's incident report. The notification must include a high-level description of the incident and the likely effects.

(c) A local government may report a cybersecurity incident determined by the local government to be of severity level 1 or 2 as provided in s. 282.318(3)(b) ~~s. 282.318(3)(c)~~ to the state chief information security officer ~~Cybersecurity Operations Center~~, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government. The report must ~~shall~~ contain the information required in paragraph (a).

(d) The state chief information security officer ~~Cybersecurity Operations Center~~ shall provide a consolidated incident report by the 30th day after the end of each quarter ~~on a quarterly basis~~ to the President of the Senate, and the Speaker of the House of Representatives, ~~and the Florida Cybersecurity Advisory Council.~~ ~~The report provided to the Florida Cybersecurity Advisory Council may not contain the name of any local government, network information, or system~~

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identifying information but must contain sufficient relevant information to allow the Florida Cybersecurity Advisory Council to fulfill its responsibilities as required in s. 282.319(9).

(6) AFTER-ACTION REPORT.—A local government shall ~~must~~ submit to the state chief information security officer Florida Digital Service, within 1 week after the remediation of a cybersecurity incident or ransomware incident, an after-action report that summarizes the incident, the incident's resolution, and any insights gained as a result of the incident. ~~By December 1, 2022, the Florida Digital Service shall establish guidelines and processes for submitting an after-action report.~~

Section 18. Section 282.319, Florida Statutes, is repealed.

Section 19. Section 282.201, Florida Statutes, is amended to read:

282.201 State data center.—The state data center is established within the Northwest Regional Data Center pursuant to s. 282.2011 and shall meet or exceed the information technology standards specified in ss. 282.006 and 282.318 the department. ~~The provision of data center services must comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and auditing requirements. The department shall appoint a director of the state data center who has experience in leading data center facilities and has expertise in cloud computing management.~~

~~(1) STATE DATA CENTER DUTIES.—The state data center shall:~~

~~(a) Offer, develop, and support the services and applications defined in service level agreements executed with its customer entities.~~

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~~(b) Maintain performance of the state data center by ensuring proper data backup, data backup recovery, disaster recovery, and appropriate security, power, cooling, fire suppression, and capacity.~~

~~(c) Develop and implement business continuity and disaster recovery plans, and annually conduct a live exercise of each plan.~~

~~(d) Enter into a service-level agreement with each customer entity to provide the required type and level of service or services. If a customer entity fails to execute an agreement within 60 days after commencement of a service, the state data center may cease service. A service level agreement may not have a term exceeding 3 years and at a minimum must:~~

~~1. Identify the parties and their roles, duties, and responsibilities under the agreement.~~

~~2. State the duration of the contract term and specify the conditions for renewal.~~

~~3. Identify the scope of work.~~

~~4. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit.~~

~~5. Establish the services to be provided, the business standards that must be met for each service, the cost of each service by agency application, and the metrics and processes by which the business standards for each service are to be objectively measured and reported.~~

~~6. Provide a timely billing methodology to recover the costs of services provided to the customer entity pursuant to s. 215.422.~~

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~~7. Provide a procedure for modifying the service-level agreement based on changes in the type, level, and cost of a service.~~

~~8. Include a right-to-audit clause to ensure that the parties to the agreement have access to records for audit purposes during the term of the service-level agreement.~~

~~9. Provide that a service-level agreement may be terminated by either party for cause only after giving the other party and the department notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period.~~

~~10. Provide for mediation of disputes by the Division of Administrative Hearings pursuant to s. 120.573.~~

~~(c) For purposes of chapter 273, be the custodian of resources and equipment located in and operated, supported, and managed by the state data center.~~

~~(f) Assume administrative access rights to resources and equipment, including servers, network components, and other devices, consolidated into the state data center.~~

~~1. Upon consolidation, a state agency shall relinquish administrative rights to consolidated resources and equipment. State agencies required to comply with federal and state criminal justice information security rules and policies shall retain administrative access rights sufficient to comply with the management control provisions of those rules and policies; however, the state data center shall have the appropriate type or level of rights to allow the center to comply with its duties pursuant to this section. The Department of Law Enforcement shall serve as the arbiter of disputes pertaining to the~~

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~~appropriate type and level of administrative access rights pertaining to the provision of management control in accordance with the federal criminal justice information guidelines.~~

~~2. The state data center shall provide customer entities with access to applications, servers, network components, and other devices necessary for entities to perform business activities and functions, and as defined and documented in a service-level agreement.~~

~~(g) In its procurement process, show preference for cloud-computing solutions that minimize or do not require the purchasing, financing, or leasing of state data center infrastructure, and that meet the needs of customer agencies, that reduce costs, and that meet or exceed the applicable state and federal laws, regulations, and standards for cybersecurity.~~

~~(h) Assist customer entities in transitioning from state data center services to the Northwest Regional Data Center or other third-party cloud-computing services procured by a customer entity or by the Northwest Regional Data Center on behalf of a customer entity.~~

(1)(2) USE OF THE STATE DATA CENTER.—

~~(a) The following are exempt from the use of the state data center: the Department of Law Enforcement, the Department of the Lottery's Gaming System, Systems Design and Development in the Office of Policy and Budget, the regional traffic management centers as described in s. 335.14(2) and the Office of Toll Operations of the Department of Transportation, the State Board of Administration, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, and the Florida Housing Finance Corporation, and the~~

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Division of Emergency Management within the Executive Office of the Governor.

~~(b) The Division of Emergency Management is exempt from the use of the state data center. This paragraph expires July 1, 2026.~~

(2)(3) AGENCY LIMITATIONS.—Unless exempt from the use of the state data center pursuant to this section or authorized by the Legislature, a state agency may not:

(a) Create a new agency computing facility or data center, or expand the capability to support additional computer equipment in an existing agency computing facility or data center; or

(b) Terminate services with the state data center without giving written notice of intent to terminate services 180 days before such termination.

~~(4) DEPARTMENT RESPONSIBILITIES.—The department shall provide operational management and oversight of the state data center, which includes:~~

~~(a) Implementing industry standards and best practices for the state data center's facilities, operations, maintenance, planning, and management processes.~~

~~(b) Developing and implementing cost-recovery mechanisms that recover the full direct and indirect cost of services through charges to applicable customer entities. Such cost-recovery mechanisms must comply with applicable state and federal regulations concerning distribution and use of funds and must ensure that, for any fiscal year, no service or customer entity subsidizes another service or customer entity. The department may recommend other payment mechanisms to the~~

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~~Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such mechanisms may be implemented only if specifically authorized by the Legislature.~~

~~(c) Developing and implementing appropriate operating guidelines and procedures necessary for the state data center to perform its duties pursuant to subsection (1). The guidelines and procedures must comply with applicable state and federal laws, regulations, and policies and conform to generally accepted governmental accounting and auditing standards. The guidelines and procedures must include, but need not be limited to:~~

~~1. Implementing a consolidated administrative support structure responsible for providing financial management, procurement, transactions involving real or personal property, human resources, and operational support.~~

~~2. Implementing an annual reconciliation process to ensure that each customer entity is paying for the full direct and indirect cost of each service as determined by the customer entity's use of each service.~~

~~3. Providing rebates that may be credited against future billings to customer entities when revenues exceed costs.~~

~~4. Requiring customer entities to validate that sufficient funds exist before implementation of a customer entity's request for a change in the type or level of service provided, if such change results in a net increase to the customer entity's cost for that fiscal year.~~

~~5. By November 15 of each year, providing to the Office of Policy and Budget in the Executive Office of the Governor and to~~

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the chairs of the legislative appropriations committees the projected costs of providing data center services for the following fiscal year.

~~6. Providing a plan for consideration by the Legislative Budget Commission if the cost of a service is increased for a reason other than a customer entity's request made pursuant to subparagraph 4. Such a plan is required only if the service cost increase results in a net increase to a customer entity for that fiscal year.~~

~~7. Standardizing and consolidating procurement and contracting practices.~~

~~(d) In collaboration with the Department of Law Enforcement and the Florida Digital Service, developing and implementing a process for detecting, reporting, and responding to cybersecurity incidents, breaches, and threats.~~

~~(e) Adopting rules relating to the operation of the state data center, including, but not limited to, budgeting and accounting procedures, cost-recovery methodologies, and operating procedures.~~

~~(5) NORTHWEST REGIONAL DATA CENTER CONTRACT.—In order for the department to carry out its duties and responsibilities relating to the state data center, the secretary of the department shall contract by July 1, 2022, with the Northwest Regional Data Center pursuant to s. 287.057(11). The contract shall provide that the Northwest Regional Data Center will manage the operations of the state data center and provide data center services to state agencies.~~

~~(a) The department shall provide contract oversight, including, but not limited to, reviewing invoices provided by~~

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the Northwest Regional Data Center for services provided to state agency customers.

~~(b) The department shall approve or request updates to invoices within 10 business days after receipt. If the department does not respond to the Northwest Regional Data Center, the invoice will be approved by default. The Northwest Regional Data Center must submit approved invoices directly to state agency customers.~~

Section 20. Section 282.2011, Florida Statutes, is created to read:

282.2011 Northwest Regional Data Center.—

(1) For the purpose of providing data center services to its state agency customers, the Northwest Regional Data Center is designated as the state data center for all state agencies, except as otherwise provided by law, and shall:

(a) Operate under a governance structure that represents its customers proportionally.

(b) Maintain an appropriate cost-allocation methodology that accurately bills state agency customers based solely on the actual direct and indirect costs of the services provided to state agency customers and ensures that, for any fiscal year, state agency customers are not subsidizing other customers of the data center. Such cost-allocation methodology must comply with applicable state and federal regulations concerning the distribution and use of state and federal funds.

(c) Enter into a service-level agreement with each state agency customer to provide services as defined and approved by the governing board of the center. At a minimum, such service-level agreements must:

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- 2205 1. Identify the parties and their roles, duties, and
 2206 responsibilities under the agreement;
- 2207 2. State the duration of the agreement term, which may not
 2208 exceed 3 years, and specify the conditions for up to two
 2209 optional 1-year renewals of the agreement before execution of a
 2210 new agreement;
- 2211 3. Identify the scope of work;
- 2212 4. Establish the services to be provided, the business
 2213 standards that must be met for each service, the cost of each
 2214 service, and the process by which the business standards for
 2215 each service are to be objectively measured and reported;
- 2216 5. Provide a timely billing methodology for recovering the
 2217 cost of services provided pursuant to s. 215.422;
- 2218 6. Provide a procedure for modifying the service-level
 2219 agreement to address any changes in projected costs of service;
- 2220 7. Include a right-to-audit clause to ensure that the
 2221 parties to the agreement have access to records for audit
 2222 purposes during the term of the service-level agreement;
- 2223 8. Identify the products or services to be delivered with
 2224 sufficient specificity to permit an external financial or
 2225 performance audit;
- 2226 9. Provide that the service-level agreement may be
 2227 terminated by either party for cause only after giving the other
 2228 party notice in writing of the cause for termination and an
 2229 opportunity for the other party to resolve the identified cause
 2230 within a reasonable period; and
- 2231 10. Provide state agency customer entities with access to
 2232 applications, servers, network components, and other devices
 2233 necessary for entities to perform business activities and

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- 2234 functions and as defined and documented in a service-level
 2235 agreement.
- 2236 (d) In its procurement process, show preference for cloud-
 2237 computing solutions that minimize or do not require the
 2238 purchasing or financing of state data center infrastructure,
 2239 that meet the needs of state agency customer entities, that
 2240 reduce costs, and that meet or exceed the applicable state and
 2241 federal laws, regulations, and standards for cybersecurity.
- 2242 (e) Assist state agency customer entities in transitioning
 2243 from state data center services to other third-party cloud-
 2244 computing services procured by a customer entity or by the
 2245 Northwest Regional Data Center on behalf of the customer entity.
- 2246 (f) Provide to the Board of Governors the total annual
 2247 budget by major expenditure category, including, but not limited
 2248 to, salaries, expenses, operating capital outlay, contracted
 2249 services, or other personnel services, by July 30 each fiscal
 2250 year.
- 2251 (g) Provide to each state agency customer its projected
 2252 annual cost for providing the agreed-upon data center services
 2253 by September 1 each fiscal year.
- 2254 (h) By November 15 of each year, provide to the Office of
 2255 Policy and Budget in the Executive Office of the Governor and to
 2256 the chairs of the legislative appropriations committees the
 2257 projected costs of providing data center services for the
 2258 following fiscal year.
- 2259 (i) Provide a plan for consideration by the Legislative
 2260 Budget Commission if the governing body of the center approves
 2261 the use of a billing rate schedule after the start of the fiscal
 2262 year that increases any state agency customer's costs for that

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fiscal year.

(j) Provide data center services that comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and auditing requirements.

(k) Maintain performance of the data center facilities by ensuring proper data backup; data backup recovery; disaster recovery; and appropriate security, power, cooling, fire suppression, and capacity.

(l) Submit invoices to state agency customers.

(m) As funded in the General Appropriations Act, provide data center services to state agencies from multiple facilities.

(2) Unless exempt from the requirement to use the state data center pursuant to s. 282.201(1) or as authorized by the Legislature, a state agency may not do any of the following:

(a) Terminate services with the Northwest Regional Data Center without giving written notice of intent to terminate services 180 days before such termination.

(b) Procure third-party cloud-computing services without evaluating the cloud-computing services provided by the Northwest Regional Data Center.

(c) Exceed 30 days from receipt of approved invoices to remit payment for state data center services provided by the Northwest Regional Data Center.

(3) The Northwest Regional Data Center's authority to provide data center services to its state agency customers may be terminated if:

(a) The center requests such termination to the Board of Governors, the President of the Senate, and the Speaker of the

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House of Representatives; or

(b) The center fails to comply with the provisions of this section.

(4) The Northwest Regional Data Center is the lead entity responsible for creating, operating, and managing, including the research conducted by, the Florida Behavioral Health Care Data Repository as established by this subsection.

(a) The purpose of the data repository is to create a centralized system for:

1. Collecting and analyzing existing statewide behavioral health care data to:

a. Better understand the scope of and trends in behavioral health services, spending, and outcomes to improve patient care and enhance the efficiency and effectiveness of behavioral health services;

b. Better understand the scope of, trends in, and relationship between behavioral health, criminal justice, incarceration, and the use of behavioral health services as a diversion from incarceration for individuals with mental illness; and

c. Enhance the collection and coordination of treatment and outcome information as an ongoing evidence base for research and education related to behavioral health.

2. Developing useful data analytics, economic metrics, and visual representations of such analytics and metrics to inform relevant state agencies and the Legislature of data and trends in behavioral health.

(b) The Northwest Regional Data Center shall develop, in collaboration with the Data Analysis Committee of the Commission

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2321 on Mental Health and Substance Use Disorder created under s.
 2322 394.9086 and with relevant stakeholders, a plan that includes
 2323 all of the following:

- 2324 1. A project plan that describes the technology,
 2325 methodology, timeline, cost, and resources necessary to create a
 2326 centralized, integrated, and coordinated data system.
- 2327 2. A proposed governance structure to oversee the
 2328 implementation and operations of the repository.
- 2329 3. An integration strategy to incorporate existing data
 2330 from relevant state agencies, including, but not limited to, the
 2331 Agency for Health Care Administration, the Department of
 2332 Children and Families, the Department of Juvenile Justice, the
 2333 Office of the State Courts Administrator, and the Department of
 2334 Corrections.
- 2335 4. Identification of relevant data and metrics to support
 2336 actionable information and ensure the efficient and responsible
 2337 use of taxpayer dollars within behavioral health systems of
 2338 care.
- 2339 5. Data security requirements for the repository.
- 2340 6. The structure and process that will be used to create an
 2341 annual analysis and report that gives state agencies and the
 2342 Legislature a better general understanding of trends and issues
 2343 in the state's behavioral health systems of care and the trends
 2344 and issues in behavioral health systems related to criminal
 2345 justice treatment, diversion, and incarceration.
- 2346 (c) Beginning December 1, 2026, and annually thereafter,
 2347 the Northwest Regional Data Center shall submit the developed
 2348 trends and issues report under subparagraph (b) 6. to the
 2349 Governor, the President of the Senate, and the Speaker of the

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2350 House of Representatives.

- 2351 (5) If such authority is terminated, the center has 1 year
 2352 to provide for the transition of its state agency customers to a
 2353 qualified alternative cloud-based data center that meets the
 2354 enterprise architecture standards established pursuant to this
 2355 chapter.

2356 Section 21. Subsection (4) of section 282.206, Florida
 2357 Statutes, is amended to read:

2358 282.206 Cloud-first policy in state agencies.—

- 2359 (4) Each state agency shall develop a strategic plan to be
 2360 updated annually to address its inventory of applications
 2361 located at the state data center. Each agency shall submit the
 2362 plan by October 15 of each year to DIGIT, the Office of Policy
 2363 and Budget in the Executive Office of the Governor, ~~and~~ the
 2364 chairs of the legislative appropriations committees, and the
 2365 Northwest Regional Data Center. For each application, the plan
 2366 must identify and document the readiness, appropriate strategy,
 2367 and high-level timeline for transition to a cloud-computing
 2368 service based on the application's quality, cost, and resource
 2369 requirements. This information must be used to assist the state
 2370 data center in making adjustments to its service offerings.

2371 Section 22. Section 1004.649, Florida Statutes, is amended
 2372 to read:

2373 1004.649 Northwest Regional Data Center.—There is created
 2374 at Florida State University the Northwest Regional Data Center.
 2375 The data center shall serve as the state data center as
 2376 designated in s. 282.201

2377 ~~(1) For the purpose of providing data center services to~~
 2378 ~~its state agency customers, the Northwest Regional Data Center~~

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is designated as a state data center for all state agencies and shall:

(a) ~~Operate under a governance structure that represents its customers proportionally.~~

(b) ~~Maintain an appropriate cost allocation methodology that accurately bills state agency customers based solely on the actual direct and indirect costs of the services provided to state agency customers and ensures that, for any fiscal year, state agency customers are not subsidizing other customers of the data center. Such cost allocation methodology must comply with applicable state and federal regulations concerning the distribution and use of state and federal funds.~~

(c) ~~Enter into a service-level agreement with each state agency customer to provide services as defined and approved by the governing board of the center. At a minimum, such service-level agreements must:~~

1. ~~Identify the parties and their roles, duties, and responsibilities under the agreement;~~

2. ~~State the duration of the agreement term, which may not exceed 3 years, and specify the conditions for up to two optional 1-year renewals of the agreement before execution of a new agreement;~~

3. ~~Identify the scope of work;~~

4. ~~Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported;~~

5. ~~Provide a timely billing methodology for recovering the cost of services provided pursuant to s. 215.422;~~

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6. ~~Provide a procedure for modifying the service-level agreement to address any changes in projected costs of service;~~

7. ~~Include a right-to-audit clause to ensure that the parties to the agreement have access to records for audit purposes during the term of the service level agreement;~~

8. ~~Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit;~~

9. ~~Provide that the service-level agreement may be terminated by either party for cause only after giving the other party notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period; and~~

10. ~~Provide state agency customer entities with access to applications, servers, network components, and other devices necessary for entities to perform business activities and functions and as defined and documented in a service-level agreement.~~

(d) ~~In its procurement process, show preference for cloud-computing solutions that minimize or do not require the purchasing or financing of state data center infrastructure, that meet the needs of state agency customer entities, that reduce costs, and that meet or exceed the applicable state and federal laws, regulations, and standards for cybersecurity.~~

(e) ~~Assist state agency customer entities in transitioning from state data center services to other third-party cloud-computing services procured by a customer entity or by the Northwest Regional Data Center on behalf of the customer entity.~~

(f) ~~Provide to the Board of Governors the total annual~~

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~~budget by major expenditure category, including, but not limited to, salaries, expenses, operating capital outlay, contracted services, or other personnel services by July 30 each fiscal year.~~

~~(g) Provide to each state agency customer its projected annual cost for providing the agreed-upon data center services by September 1 each fiscal year.~~

~~(h) Provide a plan for consideration by the Legislative Budget Commission if the governing body of the center approves the use of a billing rate schedule after the start of the fiscal year that increases any state agency customer's costs for that fiscal year.~~

~~(i) Provide data center services that comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and auditing requirements.~~

~~(j) Maintain performance of the data center facilities by ensuring proper data backup, data backup recovery, disaster recovery, and appropriate security, power, cooling, fire suppression, and capacity.~~

~~(k) Prepare and submit state agency customer invoices to the Department of Management Services for approval. Upon approval or by default pursuant to s. 282.201(5), submit invoices to state agency customers.~~

~~(1) As funded in the General Appropriations Act, provide data center services to state agencies from multiple facilities.~~

~~(2) Unless exempt from the requirement to use the state data center pursuant to s. 282.201(2) or as authorized by the Legislature, a state agency may not do any of the following:~~

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~~(a) Terminate services with the Northwest Regional Data Center without giving written notice of intent to terminate services 180 days before such termination.~~

~~(b) Procure third-party cloud computing services without evaluating the cloud computing services provided by the Northwest Regional Data Center.~~

~~(c) Exceed 30 days from receipt of approved invoices to remit payment for state data center services provided by the Northwest Regional Data Center.~~

~~(3) The Northwest Regional Data Center's authority to provide data center services to its state agency customers may be terminated if:~~

~~(a) The center requests such termination to the Board of Governors, the President of the Senate, and the Speaker of the House of Representatives; or~~

~~(b) The center fails to comply with the provisions of this section.~~

~~(4) The Northwest Regional Data Center is the lead entity responsible for creating, operating, and managing, including the research conducted by, the Florida Behavioral Health Care Data Repository as established by this subsection.~~

~~(a) The purpose of the data repository is to create a centralized system for:~~

~~1. Collecting and analyzing existing statewide behavioral health care data to:~~

~~a. Better understand the scope of and trends in behavioral health services, spending, and outcomes to improve patient care and enhance the efficiency and effectiveness of behavioral health services;~~

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~~b. Better understand the scope of, trends in, and relationship between behavioral health, criminal justice, incarceration, and the use of behavioral health services as a diversion from incarceration for individuals with mental illness; and~~

~~c. Enhance the collection and coordination of treatment and outcome information as an ongoing evidence base for research and education related to behavioral health.~~

~~2. Developing useful data analytics, economic metrics, and visual representations of such analytics and metrics to inform relevant state agencies and the Legislature of data and trends in behavioral health.~~

~~(b) The Northwest Regional Data Center shall develop, in collaboration with the Data Analysis Committee of the Commission on Mental Health and Substance Use Disorder created under s. 394.9086 and with relevant stakeholders, a plan that includes all of the following:~~

~~1. A project plan that describes the technology, methodology, timeline, cost, and resources necessary to create a centralized, integrated, and coordinated data system.~~

~~2. A proposed governance structure to oversee the implementation and operations of the repository.~~

~~3. An integration strategy to incorporate existing data from relevant state agencies, including, but not limited to, the Agency for Health Care Administration, the Department of Children and Families, the Department of Juvenile Justice, the Office of the State Courts Administrator, and the Department of Corrections.~~

~~4. Identification of relevant data and metrics to support~~

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~~actionable information and ensure the efficient and responsible use of taxpayer dollars within behavioral health systems of care.~~

~~5. Data security requirements for the repository.~~

~~6. The structure and process that will be used to create an annual analysis and report that gives state agencies and the Legislature a better general understanding of trends and issues in the state's behavioral health systems of care and the trends and issues in behavioral health systems related to criminal justice treatment, diversion, and incarceration.~~

~~(c) By December 1, 2025, the Northwest Regional Data Center, in collaboration with the Data Analysis Committee of the Commission on Mental Health and Substance Use Disorder, shall submit the developed plan for implementation and ongoing operation with a proposed budget to the Governor, the President of the Senate, and the Speaker of the House of Representatives for review.~~

~~(d) Beginning December 1, 2026, and annually thereafter, the Northwest Regional Data Center shall submit the developed trends and issues report under subparagraph (b)6. to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

~~(5) If such authority is terminated, the center has 1 year to provide for the transition of its state agency customers to a qualified alternative cloud-based data center that meets the enterprise architecture standards established by the Florida Digital Service.~~

Section 23. Subsection (2) of section 20.22, Florida Statutes, is amended to read:

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2553 20.22 Department of Management Services.—There is created a
 2554 Department of Management Services.
 2555 (2) The following divisions, programs, and services within
 2556 the Department of Management Services are established:
 2557 (a) Facilities Program.
 2558 (b) ~~The Florida Digital Service.~~
 2559 ~~(e)~~ Workforce Program.
 2560 ~~(c) 1. (d) 1.~~ Support Program.
 2561 2. Federal Property Assistance Program.
 2562 ~~(d) (e)~~ Administration Program.
 2563 ~~(e) (f)~~ Division of Administrative Hearings.
 2564 ~~(f) (g)~~ Division of Retirement.
 2565 ~~(g) (h)~~ Division of State Group Insurance.
 2566 ~~(h) (i)~~ Division of Telecommunications.
 2567 Section 24. Subsections (1), (5), (7), and (8) of section
 2568 282.802, Florida Statutes, are amended to read:
 2569 282.802 Government Technology Modernization Council.—
 2570 (1) The Government Technology Modernization Council, an
 2571 advisory council as defined in s. 20.03(7), is located ~~created~~
 2572 within DIGIT ~~the department~~. Except as otherwise provided in
 2573 this section, the advisory council shall operate in a manner
 2574 consistent with s. 20.052.
 2575 (5) The state chief information officer ~~Secretary of~~
 2576 ~~Management Services~~, or his or her designee, shall serve as the
 2577 ex officio, nonvoting executive director of the council.
 2578 (7) ~~(a)~~ The council shall meet at least quarterly to:
 2579 ~~(a) 1-~~ Recommend legislative and administrative actions that
 2580 the Legislature and state agencies as defined in s. 282.0041 ~~s.~~
 2581 ~~282.318(2)~~ may take to promote the development of data

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2582 modernization in this state.
 2583 ~~(b) 2-~~ Assess and provide guidance on necessary legislative
 2584 reforms and the creation of a state code of ethics for
 2585 artificial intelligence systems in state government.
 2586 ~~(c) 3-~~ Assess the effect of automated decision systems or
 2587 identity management on constitutional and other legal rights,
 2588 duties, and privileges of residents of this state.
 2589 ~~(d) 4-~~ Evaluate common standards for artificial intelligence
 2590 safety and security measures, including the benefits of
 2591 requiring disclosure of the digital provenance for all images
 2592 and audio created using generative artificial intelligence as a
 2593 means of revealing the origin and edit of the image or audio, as
 2594 well as the best methods for such disclosure.
 2595 ~~(e) 5-~~ Assess the manner in which governmental entities and
 2596 the private sector are using artificial intelligence with a
 2597 focus on opportunity areas for deployments in systems across
 2598 this state.
 2599 ~~(f) 6-~~ Determine the manner in which artificial intelligence
 2600 is being exploited by bad actors, including foreign countries of
 2601 concern as defined in s. 287.138(1).
 2602 ~~(g) 7-~~ Evaluate the need for curriculum to prepare school-
 2603 age audiences with the digital media and visual literacy skills
 2604 needed to navigate the digital information landscape.
 2605 ~~(b) At least one quarterly meeting of the council must be a~~
 2606 ~~joint meeting with the Florida Cybersecurity Advisory Council.~~
 2607 (8) ~~By December 31, 2024, and~~ Each December 31 ~~thereafter,~~
 2608 the council shall submit to the Governor, the Commissioner of
 2609 Agriculture, the Chief Financial Officer, the Attorney General,
 2610 the President of the Senate, and the Speaker of the House of

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2611 Representatives any legislative recommendations considered
 2612 necessary by the council to modernize government technology,
 2613 including:

2614 (a) Recommendations for policies necessary to:

2615 1. Accelerate adoption of technologies that will increase
 2616 productivity of state enterprise information technology systems,
 2617 improve customer service levels of government, and reduce
 2618 administrative or operating costs.

2619 2. Promote the development and deployment of artificial
 2620 intelligence systems, financial technology, education
 2621 technology, or other enterprise management software in this
 2622 state.

2623 3. Protect Floridians from bad actors who use artificial
 2624 intelligence.

2625 (b) Any other information the council considers relevant.

2626 Section 25. Section 282.604, Florida Statutes, is amended
 2627 to read:

2628 282.604 Adoption of rules.—~~DIGIT The Department of~~
 2629 ~~Management Services~~ shall, with input from stakeholders, adopt
 2630 rules pursuant to ss. 120.536(1) and 120.54 for the development,
 2631 procurement, maintenance, and use of accessible electronic
 2632 information technology by governmental units.

2633 Section 26. Subsection (4) of section 287.0591, Florida
 2634 Statutes, is amended to read:

2635 287.0591 Information technology; vendor disqualification.—

2636 (4) If the department issues a competitive solicitation for
 2637 information technology commodities, consultant services, or
 2638 staff augmentation contractual services, the state chief
 2639 information officer must ~~Florida Digital Service within the~~

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2640 ~~department shall~~ participate in such solicitations.

2641 Section 27. Paragraph (b) of subsection (4) of section
 2642 443.1113, Florida Statutes, is amended to read:

2643 443.1113 Reemployment Assistance Claims and Benefits
 2644 Information System.—

2645 (4)

2646 (b) The department shall seek input on recommended
 2647 enhancements from, at a minimum, the following entities:

2648 1. The Division of Integrated Government Innovation and
 2649 Technology ~~Florida Digital Service within the Department of~~
 2650 ~~Management Services~~.

2651 2. The General Tax Administration Program Office within the
 2652 Department of Revenue.

2653 3. The Division of Accounting and Auditing within the
 2654 Department of Financial Services.

2655 Section 28. Subsection (5) of section 943.0415, Florida
 2656 Statutes, is amended to read:

2657 943.0415 Cybercrime Office.—There is created within the
 2658 Department of Law Enforcement the Cybercrime Office. The office
 2659 may:

2660 (5) Consult with the state chief information security
 2661 officer of the Division of Integrated Government Innovation and
 2662 Technology ~~Florida Digital Service within the Department of~~
 2663 ~~Management Services~~ in the adoption of rules relating to the
 2664 information technology security provisions in s. 282.318.

2665 Section 29. Subsection (3) of section 1004.444, Florida
 2666 Statutes, is amended to read:

2667 1004.444 Florida Center for Cybersecurity.—

2668 (3) Upon receiving a request for assistance from a ~~the~~

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2669 ~~Department of Management Services, the Florida Digital Service,~~
2670 ~~or another~~ state agency, the center is authorized, but may not
2671 be compelled by the agency, to conduct, consult on, or otherwise
2672 assist any state-funded initiatives related to:

2673 (a) Cybersecurity training, professional development, and
2674 education for state and local government employees, including
2675 school districts and the judicial branch; and

2676 (b) Increasing the cybersecurity effectiveness of the
2677 state's and local governments' technology platforms and
2678 infrastructure, including school districts and the judicial
2679 branch.

2680 Section 30. This act shall take effect January 5, 2027.

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 546

INTRODUCER: Environment and Natural Resources Committee and Senator Mayfield and others

SUBJECT: Conservation Lands

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 546 requires the Division of State Lands (division) within the Department of Environmental Protection and water management districts to provide 30 days' notice before any meeting to review the proposed sale or exchange of conservation lands. The bill requires the notice to contain certain information, such as the parcels proposed for sale or exchange, the portions of lands which will be preserved in a permanent conservation easement, a statement explaining why the lands are no longer needed for conservation purposes or how the exchange will result in a conservation benefit to the state, and any applicable recommendations. The bill also provides that, for exchanges involving state-owned lands, each parcel proposed for exchange must have at least one appraisal that follows board-approved appraisal criteria, techniques, and methods.

The division and the water management districts may incur indeterminate costs to implement the bill's notice requirements. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Florida's Conservation Lands

Florida has a long tradition of conserving land and water areas to protect natural and cultural resources and to support outdoor, resource-based recreation.¹ Florida's land acquisition and conservation efforts shifted from ad hoc purchases before the 1960s to a series of structured, bond- and tax-funded programs beginning with the creation of the Land Acquisition Trust Fund in 1963.² Over the ensuing decades, programs such as Environmentally Endangered Lands, Conservation and Recreation Lands (CARL), Save Our Coast, Save Our Rivers, and Preservation 2000 were created to further the state's commitment to conserve sensitive land and natural resources.³ Florida's current blueprint for public land acquisition is the Florida Forever program, which was created in 1999 as the successor to the Preservation 2000 program.⁴ The Florida Forever program has protected over one million acres since its inception.⁵

In Florida, conservation lands can be owned by public or private entities and can be obtained in fee or less-than-fee simple ownership.⁶ Of the total 10.93 million acres of conservation lands in Florida, 96.9 percent are publicly owned.⁷ Among the publicly owned lands, approximately 55.4 percent is owned by the state, 39.7 percent is owned by the federal government, and five percent is owned by local governments.⁸ In total, over 31 percent of all land in the state is currently designated for conservation purposes.⁹

The Board of Trustees of the Internal Improvement Trust Fund—composed of the Governor, Chief Financial Officer, Attorney General, and Commissioner of Agriculture—is charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of state lands.¹⁰ The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations to the board of trustees on the acquisition, management, and disposal of state-owned lands.¹¹ The Division of State Lands within the Department of

¹ Office of Economic and Demographic Research (EDR), *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1*, 6 (2025), available at <https://edr.state.fl.us/Content/natural-resources/index.cfm>.

² *See id.*

³ *See id.* at 6-7.

⁴ *Id.* at 7; ch. 99-247, Laws of Fla. (codified as amended at section 259.105, F.S.).

⁵ Department of Environmental Protection (DEP), *2025 Florida Forever Plan*, 3 (2025), available at https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2025_FloridaForeverAnnualPlan.pdf.

⁶ EDR, *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1* at 4.

⁷ *Id.* at 13. This figure is as of July 2024. *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 253.03(1), F.S.; FLA. CONST. art. IV, s. 4(f); *see also* section 253.03, F.S.

¹¹ Sections 259.035(1) and (3), F.S. Four of ARC's 10 members are appointed by the Governor: three from scientific disciplines related to land, water, or environmental sciences and one with least five years of experience in managing lands for both active and passive types of recreation. Four of the members must include the Secretary of Environmental Protection, the director of the Florida Forest Service, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, or their respective designees. One member is appointed by the Commissioner of Agriculture from a discipline related to agriculture, including silviculture, and one member is appointed by the Fish and Wildlife Conservation Commission from a discipline related to wildlife management or wildlife ecology. Section 259.035(1)(a)-(c), F.S.

Environmental Protection (DEP) provides primary staff support for the board of trustees and the ARC.¹²

Surplusing State-owned Conservation Lands

The Florida Constitution and state statutes establish the process for surplusing conservation lands. For state-owned conservation lands, the process begins with a review by the ARC.¹³ The ARC reviews requests to surplus lands by private and public entities.¹⁴ In its review, the ARC must determine whether the request for surplusing is compatible with the resource values of and management objectives for the subject lands and makes a recommendation to the board of trustees.¹⁵

In addition to surplus requests, the ARC also reviews conservation lands that are not actively managed by a state agency, lands that do not have a land management plan, and lands not being used for the purpose for which they were originally leased to a land manager.¹⁶ The ARC then recommends to the board of trustees whether such lands should be retained in public ownership or disposed of by the board of trustees.¹⁷

Upon receiving the ARC's recommendation, and pursuant to the State Constitution, the board of trustees may dispose of conservation lands if it determines the lands are no longer needed for conservation purposes and upon an affirmative vote of at least three members.¹⁸ The Division of State Lands sets the sale price for surplus lands based on an appraisal of the property.¹⁹ If the estimated value of the land is \$500,000 or less, a comparable sales analysis or broker's opinion of value may be used. The value must be based on the highest and best use of the property, considering all applicable development rights, to ensure the maximum benefit and use to the state.²⁰

¹² DEP, *2025 Florida Forever Plan* at 2.

¹³ Section 253.0341(1), F.S. See generally DEP, *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 Dec. 10, 2025).

¹⁴ Section 253.0341(11), F.S. Local government requests to surplus land, whether for purchase, exchange, or any other means of transfer, must be expedited throughout the surplusing process. Section 253.0341(1), F.S.

¹⁵ Section 253.0341(6), F.S.

¹⁶ Sections 253.0341(4) and (5), F.S. At least every 10 years, as a component of each land management plan or land use plan, each manager must evaluate and indicate to the board of trustees those lands that are not being used for the purpose for which they were originally leased. Section 253.0341(4), F.S.

¹⁷ Section 253.0341(4), F.S.

¹⁸ FLA. CONST. art. X, sec. 18.; section 253.0341(1), F.S. Lands acquired by the state before July 1, 1999, using proceeds from Preservation 2000 bonds, the former CARL Trust Fund, the former Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board of trustees which are identified as core parcels or within original project boundaries are deemed to have been acquired for conservation purposes. For any lands purchased by the state on or after July 1, 1999, the board of trustees must determine which parcels must be designated as having been acquired for conservation purposes before acquisition. Sections 253.0341(2) and (3), F.S. If the land was acquired under the Preservation 2000 program, the board of trustees (or water management districts, if applicable) must determine that the land no longer needs to be preserved in furtherance of the intent of the Florida Preservation 2000 Act. Section 259.101(5)(b), F.S.

¹⁹ Section 253.0341(8), F.S. The division may require a second appraisal. *Id.*

²⁰ *Id.* "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. *Id.*

Land Exchanges

In addition to selling lands, the board of trustees is also authorized to exchange state lands for other lands in the state, including lands owned by counties, local governments, individuals, or private or public corporations.²¹

A person who owns land contiguous to state-owned land may submit a request to the Division of State Lands to exchange some or all of their private land for some or all of the state land, provided the state keeps a permanent conservation easement on portions of both the state and private lands being exchanged.²² The exchanged state-owned land must be contiguous to the privately owned land upon which the state retains a permanent conservation easement.²³

After receiving a request and the Division of State Lands's recommendations, the board of trustees may approve the request if:

- At least 30 percent of the perimeter of the privately owned land is bordered by state-owned land and the exchange does not create an inholding;
- The approval does not result in a violation of the terms of a preexisting lease or agreement by the board of trustees, the DEP, the Department of Agriculture and Consumer Services, or the Fish and Wildlife Conservation Commission;
- For state-owned conservation lands, the board of trustees makes a determination that the exchange of land will result in a net positive conservation benefit;
- The approval does not conflict with any existing flowage easement; and
- The request is approved by three or more members of the board of trustees.²⁴

An appraisal is required for each parcel conveyed to the board of trustees through a land exchange.²⁵ Two appraisals are required when the estimated value of the parcel exceeds \$5 million.²⁶ If both appraisals exceed \$5 million and differ significantly, a third appraisal may be obtained.²⁷ If a parcel is estimated to be worth \$100,000 or less and the director of the Division of State Lands finds that the cost of an outside appraisal is not justified, a comparable sales analysis, an appraisal prepared by the division, or other reasonably prudent procedures may be used by the division to estimate the value of the parcel, provided the public's interest is reasonably protected.²⁸ All appraisals must be prepared by a state-certified appraiser.²⁹ Appraisal fees and associated costs are paid by the agency proposing the acquisition.³⁰

²¹ Section 253.42 (1), F.S. For conservation lands acquired by the state through gift, donation, or any other conveyance for which no consideration was paid, the state may request land of equal conservation value from the county or local government but no other consideration. *Id.*

²² Section 253.42(4)(a), F.S.

²³ *Id.* Land subject to a permanent conservation easement is subject to inspection by DEP to ensure compliance with the terms of such easement. Section 253.42(4)(d), F.S.

²⁴ Section 253.42(4)(b), F.S.

²⁵ Section 253.025(8)(b), F.S. and Fla. Admin. Code R. 18-1.010. However, the state is not required to appraise the value of lands that are being donated. Section 253.025(8)(b), F.S.

²⁶ Section 253.025(8)(b), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 253.025(8)(c), F.S. *See also* Fla. Admin. Code R. 18-1.007.

³⁰ Section 253.025(8)(c), F.S.

Notice

State agencies must give notice of public meetings, hearings, and workshops by publication in the Florida Administrative Register and on the agency's website at least seven days before the event.³¹ The notice must include a statement of the general subject matter to be considered.³² The agenda and meeting materials must also be published on the agency's website.³³ Changes to the agenda can only be made for good cause, and notice of the change must be provided at the earliest practicable time.³⁴

After receiving an application requesting the board of trustees to sell, exchange, lease, or grant an easement on state-owned land, the board must provide notice of the application and certain information related to the proposal.³⁵ The notice must include:

- Name and address of the applicant;
- A brief description of the proposed activity and any mitigation;
- The location of the proposed activity, including whether it is located within an Outstanding Florida Water³⁶ or aquatic preserve;
- A map identifying the location of the proposed activity subject to the application;
- A diagram of the limits of the proposed activity; and
- A name or number identifying the application and the office where the application can be inspected.³⁷

Any public lands vested in the board of trustees may not be sold, conveyed, or disposed of by the board of trustees until such notice has been given.³⁸ However, state law does not specify when the notice must be issued. Failure to provide notice does not invalidate the sale, exchange, lease, or easement.³⁹ The board may also publish or require an applicant to publish a notice of receipt of the application and intended agency action in a newspaper of general circulation.⁴⁰

Surplusage Water Management District (WMD) Conservation Lands

Like the board of trustees, a WMD's governing board is authorized to sell land it determines to be surplus.⁴¹ For conservation lands, the governing board must make a determination that the

³¹ Section 120.525(1), F.S. "Agencies" subject to public hearing requirements include, among others, state officers, the Governor, and governmental entities including, but not limited to, state departments; multicounty special districts (unless a majority of its governing board is comprised of nonelected persons); entities described in chapters 163, 373, 380, and 582; and officers and governmental entities in the state having statewide jurisdiction or jurisdiction in more than one county. Section 120.52(1), F.S.

³² Section 120.525(1), F.S.

³³ Section 120.525(2), F.S.

³⁴ *Id.*

³⁵ Section 253.115(1), F.S.

³⁶ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Dec. 10, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

³⁷ Section 253.115(1), F.S.

³⁸ Section 270.07, F.S. Notice requirements do not apply to homestead, railroad, or canal grants, or the conveyance of certain riparian lands. *Id.*

³⁹ Section 253.115(4), F.S.

⁴⁰ Section 253.115(3), F.S.

⁴¹ Section 373.089(1)(a), F.S.

lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote.⁴² For lands acquired with Florida Forever funds, the WMDs must first offer title to the board of trustees, with certain exceptions.⁴³ Otherwise, surplus lands must be sold at the highest price obtainable, but not less than the appraised value of the lands, as determined by a certified appraisal obtained within 360 days before the effective date of the contract for sale.⁴⁴ When a parcel is no longer necessary for conservation purposes and is valued at \$25,000 or less, a WMD may be offer it for sale to adjacent landowners before being made available to the general public.⁴⁵

WMD governing boards can also exchange district-owned lands for other lands within the state.⁴⁶ The WMD's governing board sets the terms and conditions of any such exchange and may pay or receive any sum of money the governing board considers necessary to equalize the values of exchanged properties.⁴⁷

Notice

Before selling surplus land, a WMD's governing board must publish a notice of intention to sell on its website and in a newspaper published in the county where the land is situated once each week for three successive weeks.⁴⁸ The first publication must occur at least 30 days, but not more than 360 days, before the governing board approves the sale.⁴⁹

If the governing board elects to offer for sale the parcel to adjacent property owners, the governing board only needs to publish the notice one time; however, the governing board must also send the notice to adjacent property owners by certified mail and publish the notice on its website.⁵⁰ Fourteen days after publication of such notice, the governing board may sell the parcel to an adjacent property owner or, if there are two or more owners of adjacent property, accept sealed bids and sell the parcel to the highest bidder.⁵¹ If the parcel is not sold to an adjacent property owner, the governing board may sell the parcel at any time to the general public for the highest price obtainable.⁵²

⁴² Section 373.089(6)(a), F.S. and FLA. CONST. art. X, s. 18. Any land a governing board owned before July 1, 1999, is considered to have been acquired for conservation purposes. For lands acquired after this date, the governing board must determine which parcels will be designated as having been acquired for conservation purposes. Section 373.089(6)(c) and (d), F.S.

⁴³ Section 373.089(7), F.S. These exceptions include the disposition of lands for the following purposes: (a) linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances; (b) the disposition of the fee interest in the land where a conservation easement is retained by the district to fulfill the conservation objectives for which the land was acquired; (c) an exchange of the land for other lands that meet or exceed the conservation objectives for which the original land was acquired; (d) lands to be used by a governmental entity for a public purpose; (e) the portion of an overall purchase deemed surplus at the time of the acquisition. *Id.*

⁴⁴ Section 373.089(6)(b), F.S.

⁴⁵ Section 373.089(8)(a), F.S.

⁴⁶ Section 373.089(4), F.S.

⁴⁷ *Id.*

⁴⁸ Section 373.089(3), F.S.

⁴⁹ *Id.*

⁵⁰ Section 373.089(8)(a), F.S.

⁵¹ Section 373.089(8)(b), F.S.

⁵² Section 373.089(8)(c), F.S.

Summary of Recent Surplus Conservation Land Sales

The table below summarizes recent surplus conservation land sales and available surplus.⁵³

WMD/State	FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25		Available Acres for Surplus
	Acres	Revenue (\$Millions)	Acres	Revenue (\$Millions)	Acres	Revenue (\$Millions)	Acres	Revenue (\$Millions)	
NWFWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	115.0
SJRWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-
SFWMD	1,052.0	\$ 11.29	-	\$ -	-	\$ -	-	\$ -	-
SWFWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	23.5
SRWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-
Board of Trustees	1.3	\$ 0.07	-	\$ -	20.3	\$ 0.29	-	\$ -	6.9
Total	1,053.3	\$ 11.36	-	\$ -	20.3	\$ 0.29	-	\$ -	145.4

III. Effect of Proposed Changes:

Section 1 amends s. 253.0341, F.S., regarding surplus of state-owned lands. The bill provides that at least 30 days before any meeting of the Acquisition and Restoration Council or Board of Trustees of the Internal Improvement Trust Fund to review the proposed sale of conservation lands, the Division of State Lands⁵⁴ must publish the following information on its website:

- The parcels of state-owned land for sale; and
- A statement explaining why the lands are no longer needed for conservation purposes.

Section 2 amends s. 253.42, F.S., regarding land exchanges by the board of trustees. The bill provides that each parcel proposed for exchange must have at least one appraisal that follows the appraisal criteria, techniques, and methods adopted by the board of trustees.

The bill provides that at least 30 days before any meeting of Acquisition and Restoration Council or board of trustees to review the proposed land exchange of conservation lands, the Division of State Lands must publish the following information on its website:

- The parcels of state-owned lands proposed for exchange;
- The privately owned parcels of land proposed for exchange;
- The portions of such lands which will be preserved in a permanent conservation easement;
- A statement from the division explaining how the exchange will result in a conservation benefit to the state; and
- Any recommendations from the division and the council related to the request.

⁵³ EDR, *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1*, 8 (2025), available at <https://edr.state.fl.us/Content/natural-resources/index.cfm>; Division of State Lands, *2025 Disposition of State Lands and Facilities Report*, 6-7 (2025), available at <https://dms-media.ccplatform.net/content/download/439934/file/10.1.25%202025%20DEP%20Disposition%20of%20State%20Lands%20and%20Facilities%20Report.pdf>.

⁵⁴ The Division of State Lands provides primary staff support for the board of trustees and the Acquisition and Restoration Council. DEP, *2025 Florida Forever Plan*, 2 (2025), available at https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2025_FloridaForeverAnnualPlan.pdf.

Section 3 amends s. 373.089, F.S., regarding the sale or exchange of lands by governing boards of water management districts. The bill provides that at least 30 days before the governing board meets to review the proposed sale or exchange of conservation lands, it must publish the following information on its website, as applicable:

- The parcels of district-owned lands for sale or proposed for exchange;
- The parcels of privately owned lands proposed for exchange;
- The portions of such lands which will be preserved in a permanent conservation easement; and
- A statement from the district explaining why the lands are no longer needed for conservation purposes.

Section 4 amends s. 215.196, F.S., to conform a cross-reference.

Section 5 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:**

The Division of State Lands and water management districts may incur indeterminate costs to implement to the bill's notice requirements.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 253.0341, 253.42, 373.089, and 215.196.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

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

CS by Environment and Natural Resources Committee on January 13, 2026:

Clarified that the same notice requirements apply to the Acquisition and Restoration Council, the Board of Trustees of the Internal Improvement Trust Fund, and water management districts for any meeting to review the proposed sale or exchange of conservations lands.

B. **Amendments:**

None.

By the Committee on Environment and Natural Resources; and
Senators Mayfield and Harrell

592-01913-26

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A bill to be entitled

An act relating to conservation lands; amending s. 253.0341, F.S.; requiring the Division of State Lands to publish certain information on its website before the Acquisition and Restoration Council or the Board of Trustees of the Internal Improvement Trust Fund meets to review the proposed sale of conservation lands; amending s. 253.42, F.S.; requiring that certain parcels proposed for exchange be appraised in accordance with certain criteria; deleting provisions requiring the division to submit certain requests to the council for review; deleting provisions requiring the division to provide certain recommendations to the board; requiring the division to publish certain information on its website before the council or the board meets to review a proposed land exchange; requiring the division to submit certain requests to the council for review and requiring the council to provide recommendations to the division in certain circumstances; requiring the division to provide certain recommendations to the board of trustees in certain circumstances; making a technical change; amending s. 373.089, F.S.; requiring the governing board of a water management district to publish certain information on its website before meeting to review the proposed sale or exchange of certain lands; amending s. 215.196, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present subsections (7) through (19) of section 253.0341, Florida Statutes, are redesignated as subsections (8) through (20), respectively, a new subsection (7) is added to that section, and present subsection (11) of that section is amended, to read:

253.0341 Surplus of state-owned lands.—

(7) At least 30 days before any meeting of the Acquisition and Restoration Council or board of trustees to review the proposed sale of conservation lands, the Division of State Lands shall publish the following information on its website:

(a) The parcels of state-owned land for sale; and

(b) A statement from the division explaining why the lands are no longer needed for conservation purposes.

(12)(11) Requests to surplus lands may be made by any public or private entity or person and shall be determined by the board of trustees. All requests to surplus conservation lands shall be submitted to the lead managing agency for review and recommendation to the Acquisition and Restoration Council, and all requests to surplus nonconservation lands shall be submitted to the Division of State Lands for review and recommendation to the board of trustees. The lead managing agencies shall review such requests and make recommendations to the council within 90 days after receipt of the requests. Any requests to surplus conservation lands that are not acted upon within the 90-day period shall be immediately scheduled for hearing at the next regularly scheduled meeting of the council. Requests to surplus lands shall be considered by the board of

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trustees within 60 days after receipt of the requests from the council or division. Requests to surplus lands pursuant to this subsection are not required to be offered to state agencies as provided in subsection (8) ~~(7)~~.

Section 2. Present paragraphs (b), (c), and (d) of subsection (4) of section 253.42, Florida Statutes, are redesignated as paragraphs (d), (e), and (f), respectively, new paragraphs (b) and (c) are added to that subsection, and paragraph (a) of that subsection is amended, to read:

253.42 Board of trustees may exchange lands.—This section applies to all lands owned by, vested in, or titled in the name of the board of trustees whether the lands were acquired by the state as a purchase, or through gift, donation, or any other conveyance for which no consideration was paid.

(4)(a) A person who owns land contiguous to state-owned land titled to the board of trustees may submit a request to the Division of State Lands to exchange all or a portion of the privately owned land for all or a portion of the state-owned land, whereby the state retains a permanent conservation easement over all or a portion of the exchanged state-owned land and a permanent conservation easement over all or a portion of the exchanged privately owned land. State-owned land exchanged pursuant to this subsection ~~must shall~~ be contiguous to the privately owned land upon which the state retains a permanent conservation easement. Each parcel proposed for exchange pursuant to this subsection must have at least one appraisal that follows the appraisal criteria, techniques, and methods adopted by the board of trustees pursuant to s. 253.025(8)(e) If ~~the division elects to proceed with a request, the division must~~

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~~submit the request to the Acquisition and Restoration Council for review and the council must provide recommendations to the division. If the division elects to forward a request to the board of trustees, the division must provide its recommendations and the recommendations of the council to the board.~~ This subsection does not apply to state-owned sovereign submerged land.

(b) At least 30 days before any meeting of the Acquisition and Restoration Council or board of trustees to review the proposed land exchange of conservation lands, the Division of State Lands shall publish the following information on its website:

1. The parcels of state-owned lands proposed for exchange;
2. The privately owned parcels of land proposed for exchange;
3. The portions of the lands identified in subparagraphs 1. and 2. which will be preserved in a permanent conservation easement;
4. A statement from the division explaining how the exchange will result in a conservation benefit to the state; and
5. Any recommendations from the division and the council related to the request.

(c) If the Division of State Lands elects to proceed with a request, the division must submit the request to the council for review, and the council must provide recommendations to the division. If the division elects to forward a request to the board of trustees, the division must provide its recommendations and the recommendations of the council to the board.

Section 3. Paragraph (a) of subsection (6) of section

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373.089, Florida Statutes, is amended to read:

373.089 Sale or exchange of lands, or interests or rights in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(6) Any lands the title to which is vested in the governing board of a water management district may be surplused pursuant to the procedures set forth in this section and s. 373.056 and the following:

(a) For those lands designated as acquired for conservation purposes, the governing board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote. At least 30 days before the governing board meets to review the proposed sale or exchange of such lands, the governing board shall publish the following information on its website, as applicable:

1. The parcels of district-owned lands for sale or proposed for exchange;

2. The parcels of privately owned lands proposed for exchange;

3. The portions of the lands identified in subparagraphs 1. and 2. which will be preserved in a permanent conservation easement; and

4. A statement from the district explaining why the lands are no longer needed for conservation purposes.

If the Board of Trustees of the Internal Improvement Trust Fund declines to accept title to the lands offered under this

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section, the land may be disposed of by the district under the provisions of this section.

Section 4. Subsection (1) of section 215.196, Florida Statutes, is amended to read:

215.196 Architects Incidental Trust Fund; creation; assessment.—

(1) There is created the Architects Incidental Trust Fund for the purpose of:

(a) Collecting all funds received through the sale of surplus state-owned office buildings, as defined in s. 255.248, and the nonconservation lands associated with such buildings;

(b) Diverting funds referenced in s. 253.0341(15)(b) ~~§ 253.0341(14)(b)~~; and

(c) Providing sufficient funds for the operation of the facilities development activities of the Department of Management Services.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 636

INTRODUCER: Senator Leek

SUBJECT: Beach Management

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

I. Summary:

SB 636 provides that, in designating beaches as critically eroded, the Department of Environmental Protection (DEP) must review data related to beaches that have been preemptively and repeatedly repaired to avoid complete erosion and for which private funding, local government funding, and state and federal grants have been expended to stop or mitigate such erosion.

The bill also provides that, if a local government with jurisdiction over a beach has a financial plan that ensures funding for inclusion in the state strategic beach management plan, such beach must be designated as critically eroded if: (1) there is a perpetual easement requiring the local government to maintain shoreline parcels and ensure high value inland developments are protected; and (2) the beach has geological features that result in repeated inland flooding or structural damage.

The bill allows the DEP to require coastal local governments to develop local strategic beach management plans and specifies what must be included in such plans.

In addition, the bill expands the types of areas that may be designated as an area of critical state concern to include low elevation sections immediately inland of the dune and beach which have been repeatedly breached or overtopped by seawater flowing into an interconnected stormwater system or which have been designated in a local emergency declaration for a prolonged period.

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

The bill has an effective date of July 1, 2026.

II. Present Situation:

Florida's Beaches

Beaches are dynamic landforms subject to both natural and human-induced erosion.¹ Sand moves along the shore due to wave-driven currents and tides. Coastal erosion is caused in part by the creation and maintenance of inlets, where the sand has historically been removed from the coastal system by dredging, and the natural drift of sand along the shore is blocked by jetties, trapped in channels, or moved into ebb and flood shoals. The development and the placement of infrastructure near the shore can also contribute to coastal erosion by limiting the amount of sand stored in dunes and hardening the shore for protection of upland property. Storms and changing sea levels can also contribute to coastal erosion along Florida's coastline. Coastal communities will need to plan for community resiliency in low-lying coastal zones to be prepared for coastal flooding, extreme high tides, sea level rise, or storm surges.²

Florida depends on its 825 miles of sandy beaches as a natural resource for the enjoyment of its residents and tourists.³ Beaches are Florida's primary tourist attraction, generating millions of dollars annually for Florida's economy. Nourished beaches contribute to the expanding federal, state, and local tax bases; increase sales, income, and employment opportunities from resident and visitor spending; and enhance property values by protecting the developed shorefront from storm surges, preventing loss of upland property, and protecting wildlife habitat. Beaches also provide habitat for many species, including endangered and threatened marine turtles, birds, and mammals.⁴

Critically Eroded Beaches

A critically eroded shoreline is a segment of the shoreline where natural processes or human activity have caused or contributed to erosion and recession of the beach or dune system to such a degree that upland development, recreational interests, wildlife habitat, or important cultural resources are threatened or lost.⁵ Critically eroded shorelines may also include peripheral segments or gaps between identified critically eroded areas which, although they may be stable or slightly erosional now, their inclusion is necessary for continuity of management of the coastal system or for the design integrity of adjacent beach management projects.⁶

To determine whether a segment of shoreline is critically eroded, the DEP's coastal engineering staff investigates an area of concern using both qualitative assessments and quantitative data and analyses.⁷ When data are limited at the time of an investigation, staff utilizes professional engineering judgment based upon reasonably accepted standards and practices in evaluating the erosion condition of a shoreline. When new data is available, the DEP updates the analysis

¹ Department of Environmental Protection (DEP), *Strategic Beach Management Plan: Introduction*, 1 (2023), available at https://floridadep.gov/sites/default/files/SBMP_Introduction_2023_2.pdf.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Fla. Admin. Code R. 62B-36.002(5).

⁶ *Id.*

⁷ DEP, *Critically Eroded Beaches in Florida*, 6 (2025), available at https://floridadep.gov/sites/default/files/FDEP_Critically%20Eroded%20Beaches_08-2025_FINAL_1.pdf.

accordingly. The type of quantitative data and analyses considered includes beach and offshore profiles, upland topography, nearshore and offshore bathymetry, historical shoreline position changes, storm tide frequency, beach and dune erosion, recent storm damage, design adequacy, and proximity of upland development, infrastructure, wildlife habitat, and important cultural resources to the anticipated effects of a 25-year storm event.⁸



Many designated critically eroded beaches have been restored through the placement of beach and dune fill material.⁹ These shorelines have improved compared to their pre-project condition when they were designated as being critically eroded. Although these beach management projects and their subsequent maintenance have mitigated the original critical erosion conditions, these shorelines retain their critical erosion designation in order to retain their state of Florida funding eligibility for long-term management and beach project maintenance and monitoring.¹⁰

⁸ *Id.*

⁹ DEP, *Critically Eroded Beaches in Florida*, 1 (2025), available at https://floridadep.gov/sites/default/files/FDEP_Critically%20Eroded%20Beaches_08-2025_FINAL_1.pdf.

¹⁰ *Id.*

Roughly half of the designated critically eroded beaches are currently managed.¹¹ Many areas have significant historic or contemporary erosion conditions, yet the erosion processes do not currently threaten public or private interests. These areas are therefore designated as *non-critically* eroded beaches and require close monitoring in case the conditions become critical.¹²

As of August 2025, 55 percent (approximately 451 miles) of the state's sandy shorelines are designated as critically eroded.¹³ An additional 88.9 miles are designated as non-critically eroded.¹⁴

Beach Management

Beach management activities in Florida are governed by the Dennis L. Jones Beach and Shore Preservation Act.¹⁵ The DEP is the beach and shore preservation authority for the state and is charged with identifying beaches which are critically eroding and developing a comprehensive long-term management plan for their restoration.¹⁶ The DEP's long-term management plan has several components, including a critically eroded beaches report, a statewide long-range budget plan, and a strategic beach management plan.¹⁷

The DEP's strategic beach management plan identifies and recommends appropriate measures for the state's critically eroded beaches and incorporates plans prepared at the regional level, taking into account areas of greatest need and probable federal and local funding.¹⁸ The plan also describes the historical and current beach nourishment activities taken to restore and manage Florida's beaches to protect upland property, restore habitat for wildlife, and provide recreational opportunities.¹⁹ The plan contains strategies to:

- Maximize the infusion of beach-quality sand into the coastal system;
- Implement those projects that contribute most significantly to addressing the state's beach erosion problems;
- Promote inlet sand bypassing to replicate the natural flow of sand interrupted by improved, modified or altered inlets and ports;
- Extend the life of beach restoration projects and reduce the frequency of nourishment;
- Encourage regional approaches to ensure the geographic coordination and sequencing of projects; and
- Reduce equipment mobilization and demobilization costs.²⁰

¹¹ *Id.* at 1.

¹² *Id.*

¹³ DEP, *Critically Eroded Beaches Report* at 20.

¹⁴ *Id.*

¹⁵ DEP, *Strategic Beach Management Plan: Introduction*, 2 (2023), available at https://floridadep.gov/sites/default/files/SBMP_Introduction_2023_2.pdf. See chapter 161, F.S.

¹⁶ See section 161.101(1) and (2), F.S., and DEP, *Strategic Beach Management Plan* at 2.

¹⁷ DEP, *Strategic Beach Management Plan* at 2; section 161.161(2), F.S.

¹⁸ Section 161.161(2)(a), F.S.

¹⁹ DEP, *Strategic Beach Management Plan* at 40.

²⁰ DEP, *Strategic Beach Management Plan* at 2; section 161.091(2), F.S.

The statewide plan includes seven separate regional plans.²¹ Such regional plans, along with the long-range budget plan, serve as the basis for state funding decisions.²² The state, through the DEP, may authorize appropriations to pay up to 75 percent of the actual costs for restoring and nourishing a critically eroded beach.²³ The local government in which such a beach is located is responsible for the balance of such costs.²⁴ In order to receive state funds, a project must provide for adequate public access, protect natural resources, and provide protection for endangered and threatened species.²⁵ The DEP will not fund projects that provide only recreational benefits; all funded activities must have an identifiable beach erosion control or beach preservation benefit directed toward maintaining or enhancing sand in the system.²⁶

Areas of Critical State Concern

The Areas of Critical State Concern Program was created by the Florida Environmental Land and Water Management Act of 1972.²⁷ The program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.²⁸ State law specifies which areas may be considered for designation and establishes the process for doing so.

The Administration Commission²⁹ may designate an area of critical state concern for the following areas:

- An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance. This includes state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources.³⁰
- An area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts.³¹

²¹ See DEP, *Strategic Planning and Coordination*, <https://floridadep.gov/rcp/beaches-inlets-ports/content/strategic-planning-and-coordination#SBMP> (last visited Dec. 17, 2025).

²² Section 161.161(2)(a), F.S.

²³ Section 161.101(1), F.S.

²⁴ *Id.* DEP is authorized to pay up to 100 percent of the costs of approved beach erosion control projects when construction and maintenance are on lands of which the state is the upland riparian owner. Section 161.101(10), F.S.

²⁵ Section 161.101(12), F.S.

²⁶ Section 161.101(13), F.S.

²⁷ Florida Department of Commerce, *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Dec. 17, 2025). See also Ch. 72-317, s. 5, Laws of Fla.; section 380.05, F.S.

²⁸ Florida Department of Commerce, *Areas of Critical State Concern Program*. The term “development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. Section 380.04(1), F.S.

²⁹ The Administration Commission consists of the Governor and the Cabinet. Section 380.031(1), F.S.

³⁰ Section 380.05(2)(a), F.S.

³¹ Section 380.05(2)(b), F.S.

- An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment, such as highways, ports, airports, energy facilities, and water management projects.³²

The Florida Department of Commerce, the state land planning agency,³³ may recommend an area for designation as an area of critical state concern.³⁴ In its recommendations, the department must include:

- Recommendations for the purchase of land within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Program;
- Any report or recommendation of a resource planning and management committee;³⁵
- The dangers that would result from uncontrolled or inadequate development of the area and the advantages of developing the area in a coordinated manner;
- A detailed boundary description of the proposed area;
- Specific principles for guiding development within the area;³⁶
- An inventory of lands owned by the federal, state, and local governments within the proposed area; and
- A list of the state agencies with programs that affect the purpose of the designation.³⁷

If the Administration Commission adopts a recommendation, it will designate the area of critical state concern and applicable principles for guiding development by rule.³⁸ Such rules must be submitted to the Legislature for review.³⁹

Following the designation of the area of critical state concern, any local government that is wholly or partially located within the area must conform its previously adopted comprehensive plan to the principles for guiding development of the area of critical state concern.⁴⁰ In addition, all state agencies with rulemaking authority for programs that affect a designated area of critical state concern must review those programs for consistency with the purpose of the designation and principles for guiding development, and must adopt specific permitting standards and criteria applicable in the designated area, or otherwise amend the program, as necessary to further the purpose of the designation.⁴¹

³² Section 380.05(2)(c), F.S.

³³ Section 380.031(18), F.S.

³⁴ Local governments and regional planning agencies may submit recommendations to the department the areas within their jurisdictions that meet the statutory criteria for designation. Section 380.05(3), F.S.

³⁵ Prior to recommending the designation of an area of critical state concern, the Governor, acting as chief planning officer of the state, must appoint a resource planning and management committee for the area under study by the Florida Department of Commerce. The committee must organize a voluntary, cooperative resource planning and management program to resolve any problems which might endanger the area's resources and facilities. Section 380.045(1), F.S.

³⁶ The department must recommend actions which state and regional agencies and local governments must accomplish to implement these principles, such as revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements. Section 380.05(1)(a), F.S.

³⁷ Section 380.05(1)(a), F.S.

³⁸ Section 380.05(1)(b), F.S.

³⁹ Section 380.05(1)(c), F.S. The Legislature may reject, modify, or take no action relative to the adopted rule. *Id.*

⁴⁰ Section 380.05(14), F.S.

⁴¹ Section 380.05(22), F.S.

The current designated areas of critical state concern include:

- Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties);⁴²
- Green Swamp Area (portions of Polk and Lake Counties);⁴³
- City of Key West and the Florida Keys Areas (Monroe County);⁴⁴
- Apalachicola Bay Area (Franklin County);⁴⁵ and
- Brevard Barrier Island Area (portions of Brevard and Indian River Counties).⁴⁶

III. Effect of Proposed Changes:

Section 1 amends s. 161.101, F.S., regarding state and local participation in authorized projects and studies on beach management and erosion control. The bill provides that, in designating beaches as critically eroded, the Department of Environmental Protection (DEP) must review data related to beaches that have been preemptively and repeatedly repaired to avoid complete erosion and for which private funding, local government funding, and state and federal grants have been expended to stop or mitigate such erosion.

The bill also provides that, if a local government with jurisdiction over a beach that possesses all of the following features has a financial plan that ensures the preservation of funding for inclusion in the state strategic beach management plan, such beach must be designated as critically eroded:

- A perpetual easement that contains language stating that the local government with jurisdiction over the beach must assume maintenance responsibilities for shoreline parcels and must develop and implement a design whereby shoreline retreat is sufficiently managed to protect high value inland developments; and
- Geological features of the dune, beach, and seabed combined with insufficient spacing between the erosion control line to upland assets, which results in repeated inland flooding or structural damage.

The bill provides that the secretary of the DEP may, as he or she deems necessary, require coastal local governments to develop local strategic beach management plans. Local strategic beach management plans must include, but are not limited to, an identification of the most visited shoreline recreational facilities, university research centers, and shoreline protection areas and an analysis of all of the following:

- Compound flooding near the county's beaches.
- Assessed values of upland properties and developments.
- Environmentally sensitive lands and waters.
- Any recommendation from a certified coastal engineer or coastal engineering specialist.
- Any recommendation from the United States Army Corps of Engineers.

⁴² Section 380.055, F.S.

⁴³ Section 380.0551, F.S.

⁴⁴ Section 380.0552, F.S.

⁴⁵ Section 380.0555, F.S.

⁴⁶ Section 380.0553, F.S. *See also* Department of Commerce, *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Dec. 17, 2025).

Section 2 amends s. 161.161, F.S., regarding the procedure for approval of projects in the DEP's long-term beach management plans. The bill provides that the DEP's strategic beach management plan may incorporate local strategic beach management plans.

Section 3 amends s. 380.05, F.S., regarding areas of critical state concern. The bill expands the types of areas that may be designated as an area of critical state concern to include low elevation sections immediately inland of the dune and beach which have been repeatedly breached or overtopped by seawater flowing into an interconnected stormwater system or which have been designated in a local emergency declaration for a prolonged period.

Section 4 reenacts s. 380.045, F.S., relating to resource planning and management committees and objectives and procedures, for the purpose of incorporating the amendment made by this bill to s. 380.05, F.S.

Section 5 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 the following sections of the Florida Statutes: 161.101, 161.161, 380.05, and 380.045.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Leek) recommended the following:

Senate Amendment

Delete lines 58 - 59

and insert:

1. The local government possesses a perpetual easement that contains language stating the local government must

By Senator Leek

7-00348A-26

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A bill to be entitled

An act relating to beach management; amending s. 161.101, F.S.; requiring the Department of Environmental Protection to review certain data when designating certain beaches as critically eroded and in need of restoration and nourishment; requiring that certain beaches, whose local government preserved funds for a certain purpose and which possess specified features, be designated as critically eroded; authorizing the secretary of the department to require coastal local governments to develop a local strategic beach management plan; requiring that such plans include an analysis of certain information; making a technical change; amending s. 161.161, F.S.; conforming a provision to changes made by the act; amending s. 380.05, F.S.; revising the list of areas that may receive designation as an area of critical state concern; reenacting s. 380.045(1), (3), and (5), F.S., relating to resource planning and management committees and objectives and procedures, to incorporate the amendment made to s. 380.05, F.S., in references thereto; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 161.101, Florida Statutes, are amended to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion

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

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control.-

(1) (a) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and beach nourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach nourishment should not be accomplished without a commitment of local funds to combat the problem of beach erosion.

(b) Accordingly, the Legislature declares that the state, through the department, shall determine those beaches which are critically eroded and in need of restoration and nourishment and may authorize appropriations to pay up to 75 percent of the actual costs for restoring and nourishing a critically eroded beach. The local government in which such a beach is located is responsible for the balance of such costs. In designating beaches as critically eroded, the department shall review data related to beaches that have been preemptively and repeatedly repaired to avoid complete erosion and for which private funding, local government funding, and state and federal grants have been expended to stop or mitigate such erosion.

(c) If a local government with jurisdiction over a beach that possesses all of the following features has a financial plan that ensures the preservation of funding for inclusion in the state strategic beach management plan, such beach must be designated as critically eroded:

1. A perpetual easement that contains language stating that

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the local government with jurisdiction over the beach must assume maintenance responsibilities for shoreline parcels and must develop and implement a design whereby shoreline retreat is sufficiently managed to protect high value inland developments; and

2. Geological features of the dune, beach, and seabed combined with insufficient spacing between the erosion control line to upland assets, which results in repeated inland flooding or structural damage The local government in which the beach is located shall be responsible for the balance of such costs.

(2)(a) To carry out the beach and shore preservation programs, the department is hereby constituted as the beach and shore preservation authority for the state. In this capacity, the secretary of the department may at his or her own initiative take all necessary steps as soon as practicable and desirable to implement the provisions of this chapter.

(b) The secretary of the department may, as he or she deems necessary, require coastal local governments to develop local strategic beach management plans. Local strategic beach management plans must include, but are not limited to, an identification of the most visited shoreline recreational facilities, university research centers, and shoreline protection areas and an analysis of all of the following:

1. Compound flooding near the county's beaches.
2. Assessed values of upland properties and developments.
3. Environmentally sensitive lands and waters.
4. Any recommendation from a certified coastal engineer or coastal engineering specialist.
5. Any recommendation from the United States Army Corps of

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Engineers.

Section 2. Paragraph (a) of subsection (2) of section 161.161, Florida Statutes, is amended to read:

161.161 Procedure for approval of projects.—

(2) The comprehensive long-term management plan developed and maintained by the department pursuant to subsection (1) must include, at a minimum, a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan. The long-range budget plan must include a 3-year work plan for beach restoration, beach nourishment, and inlet management projects that lists planned projects for each of the 3 fiscal years addressed in the work plan.

(a) The strategic beach management plan must identify and recommend appropriate measures for all of the state's critically eroded sandy beaches and may incorporate plans prepared at the regional level, including plans developed pursuant to s. 161.101(2)(b), taking into account areas of greatest need and probable federal and local funding. Upon approval in accordance with this section, such ~~regional~~ plans, along with the 3-year work plan identified in subparagraph (c)1., must serve as the basis for state funding decisions. Before finalizing the strategic beach management plan, the department shall hold a public meeting in the region for which the plan is prepared or hold a publicly noticed webinar.

Section 3. Paragraph (a) of subsection (2) of section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(2) An area of critical state concern may be designated only for:

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(a) An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, but not limited to, state or federal parks;~~;~~ forests;~~;~~ wildlife refuges;~~;~~ wilderness areas;~~;~~ aquatic preserves;~~;~~ major rivers and estuaries;~~;~~ state environmentally endangered lands;~~;~~ Outstanding Florida Waters;~~;~~ low elevation sections immediately inland of the dune and beach which have been repeatedly breached or overtopped by seawater flowing into an interconnected stormwater system or which have been designated in a local emergency declaration for a prolonged period; and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources. Specific criteria which must ~~shall~~ be considered in designating an area under this paragraph include:

1. Whether the economic value of the area, as determined by the type, variety, distribution, relative scarcity, and condition of the environmental or natural resources within the area, is of substantial regional or statewide importance.

2. Whether the ecological value of the area, as determined by the physical and biological components of the environmental system, is of substantial regional or statewide importance.

3. Whether the area is a designated critical habitat of any state or federally designated threatened or endangered plant or animal species.

4. Whether the area is inherently susceptible to substantial development due to its geographic location or natural aesthetics.

5. Whether any existing or planned substantial development

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within the area will directly, significantly, and deleteriously affect any ~~or all~~ of the environmental or natural resources of the area which are of regional or statewide importance.

Section 4. For the purpose of incorporating the amendment made by this act to section 380.05, Florida Statutes, in references thereto, subsections (1), (3), and (5) of section 380.045, Florida Statutes, are reenacted to read:

380.045 Resource planning and management committees; objectives; procedures.—

(1) Prior to recommending an area as an area of critical state concern pursuant to s. 380.05, the Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the area under study by the state land planning agency. The objective of the committee shall be to organize a voluntary, cooperative resource planning and management program to resolve existing, and prevent future, problems which may endanger those resources, facilities, and areas described in s. 380.05(2) within the area under study by the state land planning agency.

(3) Not later than 12 months after its appointment by the Governor, the committee shall either adopt a proposed voluntary resource planning and management program for the area under study or recommend that a voluntary resource planning and management program not be adopted. The proposed voluntary resource planning and management program shall contain the committee findings with respect to problems that endanger those resources, facilities, and areas described in s. 380.05(2) and shall contain detailed recommendations for state, regional, and local governmental actions necessary to resolve current and

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175 prevent future problems identified by the committee. A major
176 objective of the proposed voluntary resource planning and
177 management program shall be the effective coordination of state,
178 regional, and local planning; program implementation; and
179 regulatory activities for comprehensive resource management. The
180 committee shall submit the proposed voluntary resource planning
181 and management program to the head of the state land planning
182 agency, who shall transmit the program along with the
183 recommendations of the agency for monitoring and enforcing the
184 program, as well as any other recommendations deemed
185 appropriate, to the Administration Commission.

186 (5) The state land planning agency shall report to the
187 Administration Commission within 12 months of the approval of
188 the program by the commission concerning the implementation and
189 the effects of the approved voluntary resource planning and
190 management program. The report shall include, but shall not be
191 limited to:

192 (a) An assessment of state agency compliance with the
193 program, including the degree to which the program
194 recommendations have been integrated into agency planning,
195 program implementation, regulatory activities, and rules;

196 (b) An assessment of the compliance by each affected local
197 government with the program;

198 (c) An evaluation of state, regional, and local monitoring
199 and enforcement activities and recommendations for improving
200 such activities; and

201 (d) A recommendation as to whether or not all or any
202 portion of the study area should be designated an area of
203 critical state concern pursuant to s. 380.05.

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204
205 The state land planning agency may make such other reports to
206 the commission as it deems necessary, including recommending
207 that all or any portion of the study area be designated an area
208 of critical state concern because of special circumstances in
209 the study area or in the implementation of the approved
210 voluntary resource planning and management program.

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

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 774

INTRODUCER: Senator Pizzo and others

SUBJECT: 911 Public Safety Telecommunicator Employment-related Mental or Nervous Injuries

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Favorable
2.	Sanders	Betta	AEG	Pre-meeting
3.			FP	

I. Summary:

SB 774 extends enhanced workers' compensation benefits to 911 public safety telecommunicators for employment-related accidents and injuries. For a mental or nervous injury arising out of employment but unaccompanied by a physical injury, only medical benefits will be payable to a 911 public safety telecommunicator pursuant to workers' compensation. These benefits for a 911 public safety telecommunicator are not subject to the limitation on temporary benefits under s. 440.093, F.S.

The bill has an indeterminate, yet negative, impact to state expenditures and revenues. *See Section V., Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation:

Diagnosis of Posttraumatic Stress Disorder

According to the American Psychiatric Association, Posttraumatic Stress Disorder (PTSD) is a psychiatric disorder that may occur in people who have experienced or witnessed a traumatic event, such as a natural disaster, serious accident, terrorist act, war, or rape; or people who have been threatened with death, sexual violence, or serious injury.¹ Exposure to an upsetting traumatic event may be indirect rather than first hand. PTSD can occur if a person learns of the violent death of a close family member or friend or if he or she is repeatedly exposed to the horrible details of trauma.²

¹ American Psychiatric Association, *What is Posttraumatic Stress Disorder (PTSD)?*, <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd> (last visited Jan. 23, 2026).

² *Id.*

Symptoms of PTSD may begin shortly after the traumatic event or may not appear until years after the event. For a person to be diagnosed with PTSD, symptoms must last for more than one month and must cause significant distress or interfere with the individual's daily functioning.³

Symptoms may include flashbacks, nightmares, severe anxiety, and uncontrollable thoughts about the event. This can lead to avoidance of any stimuli that recalls the traumatic events, negative thoughts about oneself or the world, and changes in emotional reactions to events, like being easily startled or having trouble sleeping or concentrating.⁴

Rates of PTSD are higher among veterans, police officers, firefighters, and emergency medical personnel.⁵

Florida Workers' Compensation System

Workers' compensation is a no-fault system that provides medical benefits and compensation for lost wages when an employee is injured or killed in the course of employment. Employers must secure coverage and may do so by purchasing insurance from an authorized carrier, qualifying as a self-insurer, or purchasing coverage from the Florida Workers' Compensation Joint Underwriting Association, which is the state-sponsored insurer of last resort. In return for providing compensation, the employer is relieved of civil tort liability for workplace injuries and may only be sued for intentional acts that result in injury or death.⁶

In addition to on-the-job injuries, employers may be required to pay compensation or furnish benefits if an occupational disease causes death or disablement.⁷ The term "occupational disease" means a disease that arises out of employment as a first responder and is due to causes and conditions that are characteristic of and peculiar to a particular trade, occupation, process, or employment and excludes all ordinary diseases of life to which the general public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, process, or employment than for the general public.⁸ In cases involving occupational disease, both causation and sufficient exposure to a specific harmful substance shown to be present in the workplace to support causation must be proven by a preponderance of the evidence.

In general, an occupational disease is compensable if:

- A condition peculiar to the occupation causes the disease;
- Epidemiological studies show exposure to a specific substance involved, at the levels to which the employee was exposed, may cause the disease;
- The disease is the result of the *nature of the employment*, meaning the occupation presents a particular hazard of the disease or the incidence of the disease is substantially higher in the occupation than in the public;

³ *Id.*

⁴ Mayo Clinic, *Post-traumatic stress disorder (PTSD)*, <https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967> (last visited Jan. 23, 2026).

⁵ Institutes of Public Health, *PTSD in First Responders*, <https://institutesofhealth.org/ptsd-in-first-responders> (last visited Jan. 23, 2026).

⁶ Sections 440.015, 440.09, 440.10, 440.38, and 627.313, F.S.

⁷ Section 440.151(1), F.S.

⁸ Section 112.1815(4), F.S.

- The disease is contracted during the course and scope of employment; and
- The nature of the employment is the *major contributing cause* of the disease, meaning the cause is more than 50 percent responsible for the disease as compared to all other causes combined, as demonstrated by medical evidence only.⁹

Benefits for Temporary and Permanent Disability

An employer must pay compensation or furnish benefits if an employee suffers a compensable injury or death “arising out of work performed in the course and scope of employment.”¹⁰

Medical Benefits

Employees are entitled to receive all medically necessary remedial treatment, care, and attendance, including medications, medical supplies, durable medical equipment, and prostheses, for as long as the nature of the injury and process of recovery requires.¹¹

Indemnity Benefits

Payments for lost wages, known as indemnity benefits, may be required if an injured employee is unable to work, as determined by an authorized medical provider, and typically begin on the eighth day after the employee loses time from work.¹² Indemnity benefits fall into four categories:

- Permanent Total Disability – In the case of total disability adjudged to be permanent (i.e., the employee is unable to engage in any type of employment), the employer or its insurance carrier must pay two-thirds of the employee’s average weekly wages until the employee reaches the age of 75.¹³
- Temporary Total Disability – In the case of disability total in character but temporary in quality, the employer or its insurance carrier must pay two-thirds of the employee’s average weekly wages until the employee returns to work or reaches maximum medical improvement, but in no event more than 260 weeks (five years).¹⁴
- Permanent Impairment¹⁵ – Where an employee has reached maximum medical improvement, is able to return to work, but has a permanent, but partial, physical impairment, the Three-Member Panel¹⁶ establishes and uses an impairment rating schedule which represents a

⁹ Sections 440.09, and 440.151, F.S.

¹⁰ Section 440.09(1), F.S.

¹¹ Section 440.13(2)(a), F.S.

¹² Sections 440.14(1) and 440.20(2)(a), F.S.

¹³ Section 440.15(1), F.S.

¹⁴ Section 440.15(2)(a), F.S., limits disability benefits to 104 weeks (two years), but the Florida Supreme Court held that this limit was unconstitutional and directed that a prior limit of 260 weeks (five years) be reinstated. *See Westphal v. City of St. Petersburg*, 194 So. 3d 311 (Fla. 2016).

¹⁵ “Impairment” assumes the employee has *some* earning capacity despite the impairment, while the “disability” assumes the injury has caused a *total loss* of earning capacity. *See Brannon v. Tampa Tribune*, 711 So. 2d 97, 98 (Fla. 1st DCA 1998) (comparing the classifications of “permanent impairment” with “permanent total disability” for the purposes of ch. 440, F.S., workers’ compensation claims).

¹⁶ The Three-Member Panel consists of the Chief Financial Officer, or his or her designee, and two members appointed by the Governor, subject to confirmation by the Senate. Section 440.13, F.S.

percentage of disability to the body as a whole; a monetary benefit is calculated based on the percentage of impairment.¹⁷

- Temporary Partial Disability – Where an employee may work with restrictions, the employer or its insurance carrier must pay 80 percent of the difference between his or her weekly earnings prior to injury and post-injury. Payments may be required for up to 260 weeks.¹⁸

The minimum payment is \$20 per week and the maximum payment is 100 percent of the statewide average weekly wage, which is based on the average weekly wage paid by employers' subject to the Florida Reemployment Assistance Program Law as reported to the Department of Commerce.¹⁹ Payments to injured workers who earn more than the statewide average weekly wage are capped at the statewide average weekly wage that was in effect on the date of injury.²⁰

General Rules of Compensability for Mental or Nervous Injuries

Mental or nervous injuries may be compensable, but only if the injury is accompanied by a physical injury that requires medical treatment. Thus, if a workplace accident causes both a physical injury and a related mental or nervous injury, both may be compensable so long as the physical injury that requires medical treatment is the major contributing cause (at least 50 percent responsible) of the mental or nervous injury. A mental or nervous injury caused by "stress, fright, or excitement" is not compensable even if accompanied by a medically treated physical injury.²¹

As discussed above, an employee who is temporarily disabled by a workplace injury is eligible for up to 260 weeks of disability benefits, which typically results in payment of about two-thirds of the employee's regular wages, beginning on the eighth day after the employee loses time from work.²² However, temporary disability benefits caused by a mental or nervous injury are limited to six months after a claimant reaches maximum medical improvement for the physical injury that triggered the mental or nervous injury.²³

For employees who are not first responders, benefits for mental or nervous injuries: (1) may last no longer than six months from the date of the maximum medical improvement from the physical injury;²⁴ and (2) may not exceed the one-percent limit on permanent psychiatric impairment benefits.²⁵

Special Rules for First Responders

Section 112.1815, F.S., grants "first responders" relaxed standards to make it easier for these personnel to qualify for worker compensation benefits.

¹⁷ Section 440.15(3), F.S.

¹⁸ Section 440.15(4), F.S.

¹⁹ Section 440.12(2), F.S.

²⁰ *Id.*

²¹ Section 440.093, F.S.

²² *See supra* note 14.

²³ Section 440.093(3), F.S.

²⁴ Section 440.093, F.S.

²⁵ Section 440.15(3)(c), F.S.

The term “first responder” includes:

- A law enforcement officer as defined in s. 943.10, F.S.;
- A firefighter as defined in s. 633.102; and
- An emergency medical technician or paramedic as defined in s. 401.23, F.S.²⁶

These personnel must be employed by state or local government; although “volunteer” law enforcement officers, firefighters, EMTs, and paramedics “engaged” by a state or local government are considered first responders for this law.²⁷

When determining benefits under s. 112.1815, F.S., the following applies:

- An injury or disease caused by exposure to a toxic substance is not an injury by accident arising out of employment unless there is a preponderance of the evidence establishing that exposure to the specific substance involved, at the levels the first responder was exposed, can cause the injury or disease sustained by the first responder.
- An adverse result or complication caused by the smallpox vaccination of a first responder is deemed an injury by accident arising out of work performed in the course and scope of employment.
- A mental or nervous injury involving a first responder and occurring as a manifestation of a compensable injury must be demonstrated by clear and convincing evidence. For a mental or nervous injury arising out of employment that is unaccompanied by a physical injury involving a first responder, only medical benefits under the workers’ compensation program shall be payable for the mental or nervous injury. However, payment of indemnity as provided in s. 440.15, F.S., may not be made unless a physical injury arising out of employment as a first responder accompanies the mental or nervous injury. Benefits for a first responder are not subject to any limitation on temporary benefits under s. 440.093, F.S., or the one-percent limitation on permanent psychiatric impairment benefits under s. 440.13(3)(c), F.S.²⁸

Medical benefits and compensation for lost wages for first responders who are diagnosed with PTSD (as described by the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association) are permitted.

PTSD suffered by a first responder is a compensable occupational disease if:

- The PTSD resulted from the first responder acting within the course of his or her employment; and
- The first responder is examined and subsequently diagnosed with such disorder by a licensed psychiatrist, in person or through telehealth, due to one of the following events:
 - Seeing a deceased minor;
 - Directly witnessing the death of a minor;
 - Directly witnessing an injury to a minor who subsequently dies before or upon arrival at a hospital emergency department;
 - Participating in the treatment of an injured minor who subsequently dies before or on arrival at a hospital emergency department;

²⁶ Section 112.1815(1), F.S.

²⁷ *Id.*

²⁸ Section 112.1815(2)(a), F.S.

- Manually transporting an injured minor who subsequently dies before or on arrival at a hospital emergency department;
- Seeing a decedent whose death was due to grievous bodily harm of a nature that shocks the conscience;
- Directly witnessing a death (including suicide) that involved grievous bodily harm of a nature that shocks the conscience;
- Directly witnessing a homicide, whether criminal or excusable, including murder, mass killing, manslaughter, self-defense, misadventure, and negligence;
- Directly witnessing an injury (including an attempted suicide) to a person who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;
- Participating in the treatment of an injury (including attempted suicide) to a person who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or
- Manually transporting a person who was injured (including by attempted suicide) who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.²⁹

For purposes of these triggering events, the term “directly witnessing” means to see or hear for oneself.³⁰

The PSTD must be demonstrated by clear and convincing evidence.³¹ However, benefits for a first responder do not require a physical injury and are not subject to:

- Apportionment due to a preexisting PTSD;
- Any limitation on temporary benefits; or
- The one-percent limitation on permanent psychiatric impairment benefits.³²

Permanent total supplemental benefits received by a first responder whose employer does not participate in the social security program do not terminate after the first responder attains the age of 62.³³

Eligibility of First Responders and Correctional Officers for PTSD Benefits

To be eligible for workers’ compensation benefits for PTSD, the above-mentioned first responders and correctional officers must demonstrate that they were acting within the scope of employment when they experienced a qualifying event,³⁴ that they were diagnosed with PTSD by the employer or carrier’s authorized treating physician,³⁵ and that they reported the injury to their employer within 90 days of a qualifying event or the manifestation of PTSD, whichever is

²⁹ Section 112.1815(5)(a), F.S.

³⁰ Section 112.1815(e), F.S.

³¹ Section 112.1815(5)(b), F.S.

³² Section 112.1815(5)(c), F.S.

³³ Section 112.1815(3), F.S.

³⁴ Sections 112.1815(5) and 112.18155(2)(a)1, F.S.

³⁵ Sections 112.1815(5)(a)2 and 112.18155(2)(b), F.S.

later.³⁶ If the employer or carrier denies benefits, the employee must file a claim for benefits within one year after the qualifying event or diagnosis of PTSD, whichever is later.³⁷

The Division of Workers' Compensation within the Department of Financial Services adopted Rule 69L-3.009, F.A.C., to specify the types of injuries that qualify as grievous bodily harm of a nature that shocks the conscience. This rule is used to administer s. 112.1815, F.S., relating to specified first responders (for firefighters, paramedics, emergency medical technicians, and law enforcement officers) and s. 112.18155, F.S., relating to correctional officers.

III. Effect of Proposed Changes:

Section 1 amends s. 112.1815, F.S., to extend benefits relating to employment-related accidents and injuries to 911 public safety telecommunicators. For a mental or nervous injury arising out of employment but unaccompanied by a physical injury, only medical benefits will be payable to a 911 public safety telecommunicator pursuant to workers' compensation. These benefits for a 911 public safety telecommunicator are not subject to the limitation on temporary benefits under s. 440.093, F.S.

Section 2 provides that this act takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the State Constitution provides that:

No county or municipality shall be bound by any general law requiring such county or municipality to spend funds. . . unless the legislature has determined that such law fulfills an important state interest and unless: . . . the law requiring such expenditure is approved by two-thirds of the membership of each house of the legislature. . . or the expenditure is required to comply with a law that applies to all persons similarly situated...

This bill does not include any legislative findings that the bill fulfills important state interests. However, if there was a finding that the bill fulfilled an important state interest, the bill may be an exception for laws that apply to similarly situated persons (both state and local governments). The bill appears to apply to all persons similarly situated (those employers employing 911 public safety telecommunicators), including state agencies, state universities, community colleges, counties, municipalities, and special districts.

B. Public Records/Open Meetings Issues:

None.

³⁶ Sections 112.1815(5)(d) and 112.18155(5), F.S.

³⁷ *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate, yet negative, impact to state expenditures and revenues. The costs of medical services and supplies under the Florida workers' compensation law related to the new claims based on the changes made in this bill have not been determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 112.1815 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 Pizzo

37-01186-26

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1 A bill to be entitled
 2 An act relating to 911 public safety telecommunicator
 3 employment-related mental or nervous injuries;
 4 amending s. 112.1815, F.S.; defining the term "911
 5 public safety telecommunicator"; providing that
 6 specified provisions relating to certain medical
 7 benefits for mental or nervous injuries for first
 8 responders also apply to 911 public safety
 9 telecommunicators; providing construction; providing
 10 an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Subsection (1) and paragraph (a) of subsection
 15 (2) of section 112.1815, Florida Statutes, are amended to read:
 16 112.1815 Firefighters, paramedics, emergency medical
 17 technicians, ~~and~~ law enforcement officers, and 911 public safety
 18 telecommunicators; special provisions for employment-related
 19 accidents and injuries.—
 20 (1) As used in this section, the term:
 21 (a) "911 public safety telecommunicator" has the same
 22 meaning as in s. 401.465(1).
 23 (b) "First responder" as used in this section means a law
 24 enforcement officer as defined in s. 943.10, a firefighter as
 25 defined in s. 633.102, or an emergency medical technician or
 26 paramedic as defined in s. 401.23 employed by state or local
 27 government. A volunteer law enforcement officer, firefighter, or
 28 emergency medical technician or paramedic engaged by the state
 29 or a local government is also considered a first responder of

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30 the state or local government for purposes of this section.
 31 (2) (a) For the purpose of determining benefits under this
 32 section relating to employment-related accidents and injuries of
 33 first responders and 911 public safety telecommunicators, the
 34 following shall apply:
 35 1. An injury or disease caused by the exposure to a toxic
 36 substance is not an injury by accident arising out of employment
 37 unless there is a preponderance of the evidence establishing
 38 that exposure to the specific substance involved, at the levels
 39 to which the first responder was exposed, can cause the injury
 40 or disease sustained by the employee.
 41 2. Any adverse result or complication caused by a smallpox
 42 vaccination of a first responder is deemed to be an injury by
 43 accident arising out of work performed in the course and scope
 44 of employment.
 45 3. A mental or nervous injury involving a first responder
 46 or a 911 public safety telecommunicator and occurring as a
 47 manifestation of a compensable injury must be demonstrated by
 48 clear and convincing evidence. For a mental or nervous injury
 49 arising out of the employment unaccompanied by a physical injury
 50 involving a first responder or a 911 public safety
 51 telecommunicator, only medical benefits under s. 440.13 shall be
 52 payable for the mental or nervous injury. However, payment of
 53 indemnity as provided in s. 440.15 may not be made unless a
 54 physical injury arising out of injury as a first responder
 55 accompanies the mental or nervous injury. Benefits for a first
 56 responder are not subject to any limitation on temporary
 57 benefits under s. 440.093 or the 1-percent limitation on
 58 permanent psychiatric impairment benefits under s. 440.15(3) (c).

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59 Benefits for a 911 public safety telecommunicator are not
60 subject to any limitation on temporary benefits under s.
61 440.093.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 796

INTRODUCER: Regulated Industries Committee and Senator Bradley

SUBJECT: Veterinary Medicine

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 796 creates the Veterinary Workforce and Innovation Act and amends the regulatory framework for veterinary medicine in Florida. The bill creates a new level of veterinary professional, a “veterinary professional associate,” that must be registered with the Department of Business and Professional Regulation (DBPR) and is allowed to work under a licensed veterinarian.

The bill defines the new position, specifies a formal registration process, and provides prohibitions, duties and actions, for the newly created “veterinary professional associate.”

The bill increases the duration for prescriptions based solely on telehealth evaluations from one month to six months for flea and tick medication and from 14 days to 30 days for other animal drugs. Additionally, the bill amends the exemptions in ch. 474, F.S., to include the newly created position.

The bill has an indeterminate fiscal impact. See Section V., Fiscal Impact Statement.

The bill takes effect January 1, 2027.

II. Present Situation:

Practice of Veterinary Medicine

The Board of Veterinary Medicine (board) within the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian practicing in this state meets minimum requirements for safe practices to protect public health and safety.¹

A “veterinarian” is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida² and they are subject to disciplinary action from the board for various violations of the practice act.³

The practice of “veterinary medicine” is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁴

Veterinary medicine includes, with respect to animals, all of the following:⁵

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine); and
- Other branches or specialties of veterinary medicine.

Any permanent or mobile establishment where a licensed veterinarian practices must have a premises permit issued by the DBPR.⁶ Each person to whom a veterinary license or premises permit is issued must conspicuously display such document in her or his office, place of business, or place of employment in a permanent or mobile veterinary establishment or clinic.⁷

By virtue of accepting a license to practice veterinary medicine in Florida, a veterinarian consents to:

- Render a handwriting sample to an agent of the DBPR and, further, to have waived any objections to its use as evidence against her or him.

¹ Section 474.201, F.S.

² Section 474.202(11), F.S.

³ Sections 474.213 and 474.214, F.S.

⁴ Section 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.

⁵ Section 474.202(13), F.S. Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁶ Section 474.215(1), F.S.

⁷ Section 474.216, F.S.

- Waive the confidentiality and authorize the preparation and release of medical reports pertaining to the mental or physical condition of the licensee when the DBPR has reason to believe that a violation of this chapter has occurred and when the DBPR issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint.⁸

For Fiscal Year 2023-2024, there were 13,392 actively licensed veterinarians in Florida. The DBPR received 611 complaints, which resulted in 44 disciplinary actions.⁹

Veterinary Telehealth

In 2024, the Legislature created and passed the Providing Equity in Telehealth Services Act (PETS act), establishing a framework for the practice of veterinary telehealth.¹⁰ The PETS act allows veterinarians who hold current licenses to practice veterinary telehealth.¹¹

Limitations

The PETS act puts certain limitations on what veterinarians are able to do via telehealth.

The PETS act requires a veterinarian:

- Provide certain information to the client, including the veterinarian's name, license number and contact information.
- Must prescribe all drugs and medications in accordance with federal and state laws.
- May not order or prescribe medicinal drugs or drugs as defined in s. 465.003, F.S., approved by the United States Food and Drug Administration for human use, or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept.
- May not use veterinary telehealth to prescribe a controlled substance as defined in ch. 893, F.S. (Drug Abuse Preventions and Control), unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept.
- May not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse, as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C., ss. 3051 et seq.

⁸ Section 474.2185, F.S.

⁹ Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2023-2024*, <https://www2.myfloridalicense.com/os/documents/Division%20Annual%20Report%20FY%2023-24.pdf> (last visited January 14, 2026).

¹⁰ Chapter 2024-260, Laws of Fla. (codified at section 474.2021, F.S., effective July 1, 2024).

¹¹ *Id.* Florida law requires the practice of telehealth to be consistent with a veterinarian's scope of practice and the prevailing professional standard of practice for a veterinarian who provides in-person veterinary services to patients in Florida, and who must employ sound, professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient.

Telehealth Prescriptions

Prescriptions based solely on a telehealth evaluation may be issued for up to one month for products labeled solely for flea and tick control and up to 14 days of treatment for other animal drugs.¹² Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination.¹³

Immediate Supervision

Currently, certain individuals that are not licensed doctors of veterinary medicine (employees, veterinary nurses, students, preceptors, interns, post-exam graduates) can provide some level of care to animals if they are under immediate supervision.¹⁴ The practice act defines “immediate supervision” to mean that a “licensed doctor of veterinary medicine is on the premises whenever veterinary services are being provided.”¹⁵

Veterinary tasks requiring immediate supervision include:¹⁶

- Administering anesthesia and tranquilization by a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian.
- Administering certain vaccinations by a veterinary aide, nurse, technician, intern, or other employee of a licensed veterinarian which is not specifically prohibited.

Responsible Supervision

The term “responsible supervision” is defined in s. 474.202(10), F.S., as the “control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services” delegated to unlicensed personnel. Under the DBPR rules the following tasks may be performed (under responsible supervision) without the licensed veterinarian on the premises:¹⁷

- Administering medication and treatment, excluding vaccinations, as directed by the licensed veterinarian; and
- Obtaining samples and the performance of those diagnostic tests, including radiographs, as directed by the licensed veterinarian.

Exemptions

Ten categories of persons are exempt from complying with ch. 474, F.S.:¹⁸

- Faculty veterinarians with assigned teaching duties at accredited¹⁹ institutions.

¹² Section 474.2021, F.S.

¹³ *Id.*

¹⁴ Section 474.207(5), F.S.

¹⁵ Section 474.202(5), F.S.

¹⁶ Fla. Admin. Code R. 61G18-17.005, provides that all tasks that may be delegated to a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian shall be performed only under the “immediate supervision” of a licensed veterinarian as that phrase is defined in s. 474.202(5), F.S., with the exception of the following tasks which may be performed without the licensed veterinarian on the premises.

¹⁷ *Id.*

¹⁸ Section 474.203, F.S.

¹⁹ Section 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary

- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until the intern or resident completes or terminates his or her training.
- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors²⁰ (if the preceptorship is required for graduation from an accredited institution).
- Doctors of veterinary medicine employed by a state agency or the United States Government while engaged in the performance of official duties at the installations for which the services were engaged.
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd/flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.
- Certain entities or persons²¹ that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods or techniques to diagnose or treatment of human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine.
- Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision of a licensed veterinarian.
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the board and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner.
- Employees, agents, or contractors of public or private animal shelters, humane organizations, or animal control agencies operated by a humane organization, county, municipality, or incorporated political subdivision, whose work is confined solely to implanting radio

Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada and may also approve foreign veterinary colleges. *See* <https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx> (last visited January 14, 2026). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational equivalency assessment certification program. *See* <https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx> (last visited January 14, 2026). In turn, the Council for Higher Education Accreditation, a national advocate for regulation of academic quality through accreditation, is an association of degree-granting colleges and universities. *See* <http://chea.org/about> (last visited January 14, 2026).

²⁰ A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. *See*

<https://www.merriam-Webster.com/dictionary/preceptor#medicalDictionary> (last visited January 14, 2026).

²¹ *See* s. 474.203(6), F.S., which states that the exemption applies to “[s]tate agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof”

frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S.²²

- Paramedics or emergency medical technicians providing emergency medical care to a police canine²³ injured in the line of duty while at the scene of the emergency or while the police canine is being transported to a veterinary clinic or similar facility.

The Board of Veterinary Medicine

The board consists of seven members that are appointed by the Governor and confirmed by the Senate.²⁴ Five members of the board must be licensed veterinarians, and two members of the board must be laypersons who are not and have never been veterinarians or members of any closely related profession or occupation.²⁵

The board is required, like all boards regulated under ch. 455, F.S., to meet at least once annually and may meet as often as is necessary.²⁶ There is currently one vacancy on the board.²⁷

Veterinary Schools in Florida

Currently the University of Florida is the only school in Florida to offer a Doctor of Veterinary Medicine program that is accredited by the American Veterinary Medical Association (AVMA).²⁸

The following institutions offered through Florida's state college system offer an accredited veterinary technology program:

- Eastern Florida State College,
- Florida A&M University,
- Hillsborough Community College,
- Miami-Dade College,
- Pensacola State College, and
- St. Petersburg College.²⁹

²² Section 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.

²³ Section 401.254, F.S., defines the term "police canine" as "any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders." A paramedic or an emergency medical technician who acts in good faith to provide emergency medical care to an injured police canine is immune from criminal or civil liability.

²⁴ Section 474.204(1), F.S.

²⁵ Section 474.204(2), F.S.

²⁶ Section 455.207(3), F.S.

²⁷ Department of Business & Professional Regulation Board Member Appointments, Updated March 2025, https://www2.myfloridalicense.com/pro/vetm/documents/vet_board.pdf (last visited January 14, 2026).

²⁸ American Veterinary Medical Association, *Accredited Veterinary Colleges*, <https://www.avma.org/education/center-for-veterinary-accreditation/accruited-veterinary-colleges> (last visited January 14, 2026).

²⁹ American Veterinary Medical Association, *Accredited Veterinary Technology Programs*, <https://www.avma.org/education/center-for-veterinary-accreditation/veterinary-technology-programs-accruited-avma-cvtea#florida> (last visited January 14, 2026).

Veterinarian Shortage

According to a survey conducted by the American Pet Products Association (APPA), 70 percent of U.S. households, or about 90.5 million families, own a pet. This is an increase from 56 percent of U.S. households in 1988, and 67 percent in 2019.³⁰ As a result, experts say there is a shortage of veterinarians in the U.S., which is expected to result in the need for approximately 15,000 veterinarians by the year 2030.³¹ A study from Banfield Pet Hospital reveals an estimated 75 million pets in the U.S. may not have access to the veterinary care they need by 2030, with an important factor being a critical shortage of veterinarians.³²

The University of Florida's Dean of the College of Veterinary Medicine, Dana Zimmer, has indicated that there is a shortage of veterinarians in Florida, which in addition to pets has "1.7 million beef cattle and dairy cows, more horses than Kentucky and an alarming decline of manatee." The state's only veterinary medical college, the University of Florida, also reports that due to limited capacity, it must turn away 1,500 qualified candidates a year.³³

According to the AVMA:

Conditions have pushed the idea of a midlevel practitioner to the fore as veterinary practices have struggled to meet service demands. This issue has been compounded by continued inefficiencies in practices as pandemic disruptions persist and client expectations for availability and convenience. Inflation has also increased costs for labor and for products such as medical equipment and medications, creating additional concern around clients' ability to afford needed care. Additionally, retention of veterinary practice staff members and attrition from the profession are ongoing and increasing concerns.³⁴

The AVMA found that a midlevel practitioner may not be the best option to address these concerns, and that time and effort should be spent on resources, tools, and programs designed to retain veterinarians and credentialed veterinary technicians; further develop veterinary technician specialties; help veterinary practices operate at optimum efficiency; and effectively collaborate—

³⁰ Insurance Information Institute, *Facts + Statistics: Pet Ownership and Insurance*, <https://www.iii.org/fact-statistic/facts-statistics-pet-ownership-and-insurance#:~:text=Seventy%20percent%20of%20U.S.%20households.and%2067%20percent%20in%202019>. (last visited January 14, 2026).

³¹ Spectrum News 13, *Mobile 'ElleVet' clinic helps relieve veterinarian shortage*, <https://www.mynews13.com/fl/orlando/news/2023/02/03/the-ellevet-project-#:~:text=%E2%80%9494%20Experts%20say%20there's%20a%20shortage,States%20may%20not%20get%20care>. (last visited January 14, 2026).

³² Banfield Pet Hospital, *75 million pets may not have access to veterinary care by 2030, New Banfield® study finds*, <https://www.banfield.com/en/about-banfield/newsroom/press-releases/2020/75-million-pets-may-not-have-access-to-veterinary> (last visited January 14, 2026).

³³ Dana Zimmer, *Florida needs more veterinarians* | Column, Tampa Bay Times (January 3, 2022), <https://www.tampabay.com/opinion/2022/01/03/florida-needs-more-veterinarians-column/> (last visited January 14, 2026).

³⁴ American Veterinary Medical Association, AVMA News, *Idea of midlevel practitioner rejected in favor of better support, engagement of credentialed veterinary technicians* (Jan. 10, 2023), <https://www.avma.org/news/idea-midlevel-practitioner-rejected-favor-better-support-engagement-credentialed-veterinary> (last visited January 14, 2026).

within practice teams and across the profession—to meet clients’ needs for high-quality veterinary services.³⁵

However, according to a study conducted by the National Library of Medicine:

The projected shortage of veterinarians has created a need to explore alternatives designed to meet society's future demands. A veterinary professional health care provider, similar to the human medical profession's physician assistant (PA), is one such alternative. It is suggested that perhaps veterinary professional associates, modeled after PAs, could be employed to handle routine veterinary care and thereby allow veterinarians additional time to focus on the more demanding and challenging aspects of veterinary medicine. Perhaps a team approach, similar to the physician/PA team, could help the field of veterinary medicine to better serve both clients and patients. As veterinary medicine directs its attention toward the new challenges on the horizon, creative solutions will be needed. Perhaps some variation of a veterinary professional associate is worthy of future discussion.³⁶

Human Physician Assistants

According to the Mayo Clinic, PAs are “licensed medical professionals who hold an advanced degree and are able to provide direct patient care. They work with patients of all ages in virtually all specialty and primary care areas, diagnosing and treating common illnesses and working with minor procedures. With an increasing shortage of health care providers, PAs are a critical part of today’s team-based approach to health care. They increase access to quality health care for many populations and communities. The specific duties of a PA are determined by their supervising physician and state law, but they provide many of the same services as a primary care physician. They practice in every state and in a wide variety of clinical settings and specialties.”³⁷

In Florida, PAs are licensed medical professionals that are authorized to perform services delegated by a supervising physician.³⁸ PAs are regulated by the Florida Council on Physician Assistants in conjunction with either the Board of Medicine for PAs licensed under ch. 458, F.S., or the Board of Osteopathic Medicine for PAs licensed under ch. 459, F.S. During Fiscal Year 2023-2024, there were 11,890 actively licensed PAs in the state, and 1,339 initial PA licenses were issued by the Florida Department of Health.³⁹

³⁵ *Id.*

³⁶ Lori Kogan, Sherry Stewart, *Veterinary professional associates: does the profession's foresight include a mid-tier professional similar to physician assistants?*, National Library of Medicine (2009), <https://pubmed.ncbi.nlm.nih.gov/19625672/> (last visited January 14, 2026).

³⁷ Mayo Clinic College of Medicine and Science, *Physician Assistant*, <https://college.mayo.edu/academics/explore-health-care-careers/careers-a-z/physician-assistant/> (last visited January 14, 2026).

³⁸ Sections 458.347(2)(e) and 459.022(2)(e), F.S.

³⁹ Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long-Range Plan, Fiscal Year 2023-2024, <https://flhealthsource.gov/pdf/reports/2024.10.28.FY23-24AR-FINAL.pdf> (last visited January 14, 2026).

Veterinary Professional Associates in Other Jurisdictions

States

In 2024, voters of the state of Colorado approved a ballot measure to create a new, state-regulated veterinary position (Veterinary Professional Associate) that was to address, in part, the shortage of care, especially in rural areas, for pets.⁴⁰ Colorado's proposition empowered the state to create a regulatory scheme to license and regulate these Veterinary Professional Associates.

Similarly to what is being proposed in the bill, Colorado would provide this Veterinary Professional Associate with a pathway for those who complete a master's degree in veterinary clinical care, or an equivalent degree determined by the state board.⁴¹ This new Colorado law went into effect on January 1, 2026.⁴²

Universities

In 2022, The Lincoln Memorial University-College of Veterinary Medicine created the first-of-its-kind Master of Veterinary Clinical Care degree.⁴³ Students can obtain this degree fully online and in as little as three semesters (30 credit hours).⁴⁴

In June of 2025, Lincoln Memorial University announced plans to expand its medical and veterinary education programs into Orange Park, Florida.⁴⁵

In 2025, Colorado State University developed a similar program that is now admitting students.⁴⁶

III. Effect of Proposed Changes:

Section 1 establishes the title of the bill as the "Veterinary Workforce Innovation Act."

Section 2 amends s. 474.201, F.S., to update the state's legislative findings and intent, stating that the "practice of educated, trained and experienced veterinary professional associates will increase consumer access to high-quality medical services at reasonable cost to consumers, while also increasing the efficiency of the practice of veterinary medicine in this state."

Section 3 amends s. 474.202, F.S., to define the new role of "veterinary professional associate" to mean an individual who has graduated with a master's degree or the equivalent in veterinary

⁴⁰ Colorado Department of Regulatory Agencies, *State Board of Veterinary Medicine: Proposition 129*, <https://dpo.colorado.gov/Veterinary/Proposition129>, (last visited January 14, 2026),

⁴¹ *Id.*

⁴² *Id.*

⁴³ Lincoln Memorial University, *Master of Veterinary Clinical Care*, <https://www.lmunet.edu/academics/programs/graduate-professional/master-of-veterinary-clinical-care>, (last visited January 14, 2026).

⁴⁴ *Id.*

⁴⁵ Lincoln Memorial University, *LMU Grows Its Footprint with Major Medical and Veterinary Expansion in Orange Park, Florida*, December 9, 2025, <https://www.lmunet.edu/news/2025/12/Major-Medical-and-Veterinary-Expansion-in-Orange-Park> (last visited January 14, 2026).

⁴⁶ Colorado State University, *About the Master of Science in Veterinary Clinical Care*, <https://vetmedbiosci.colostate.edu/vpa/>, (last visited January 14, 2026).

clinical care from an accredited institution and who meets the requirements to be registered by the DPBR.

Section 4 amends s. 474.2021, F.S., to change the duration of time medications can be prescribed via telehealth from one month to six months for flea and tick medication and from 14 days to 30 days for other animal drugs.

Section 5 amends s. 474.203, F.S., to provide that a veterinary professional associate is exempt from ch. 474, F.S., while under the supervision of a licensed veterinarian. The bill clarifies that licensed veterinarians will be responsible for all such acts performed by persons under her or his supervision, including veterinary professional associates.

Section 6 creates s. 474.2426, F.S., to lay out the regulatory framework for the newly created position of “veterinary professional associate.” The bill requires the Department of Business and Professional Regulation (DBPR) to:

- Issue a certificate of registration to each veterinary professional associate or applicant whom the DBPR verifies has applied, graduated from the relevant accredited program, and received a passing score on the relevant professional national competency examination approved by the board.
- Make a list of registrants available to the public on its website.

The bill authorizes the DBPR to suspend the registration of any veterinary professional associate whom the board determines has caused serious harm to an animal due to negligence, incompetence, or misconduct related to duties performed under this section and in a manner inconsistent with the supervising veterinarian’s specific direction, until which time as the registrant has completed remedial training or education directed by the board.

The bill allows for the DBPR to rescind the registration of any veterinary professional associate who is convicted of animal cruelty or animal fighting.

The bill prohibits any individual from holding themselves out as a registered veterinary professional associate or in any other way represent themselves as a veterinary professional associate unless he or she has a valid certificate of registration from the DBPR.

Duties and Actions of a Registered Veterinary Professional Associate

The bill authorizes a registered veterinary professional associate to engage in the practice of veterinary medicine as delegated under the responsible supervision, as defined in s. 474.202, F.S., of a licensed veterinarian, unless prohibited by other state or federal law, to the extent that he or she is competent and has the necessary training, current knowledge, and experience to provide such care.

A registered veterinary professional associate may not do any of the following:

- Prescribe a controlled substance listed in s. 893.03, F.S.,
 - With the exception that a registered veterinary professional associate may perform humane euthanasia and prepare, log, and administer controlled substances for the purpose

- of analgesia, anesthesia, or humane euthanasia, as delegated by a licensed veterinarian and performed under responsible supervision.
- Perform a surgical procedure,
 - With the exception that a veterinary professional associate may perform an orchiectomy,⁴⁷ veterinary dental surgery, or veterinary suturing or stapling of skin lacerations, gingival incisions, or existing surgical incisions.

Section 7 amends s. 828.30, F.S., to allow registered veterinary professional associates to administer rabies vaccinations.

Section 8 provides an effective date of January 1, 2027.

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 economic impact on the private sector. The bill allows a new class of mid-level practitioners in veterinary medicine. This may lead to additional jobs, and cost savings related to improved veterinary care.

⁴⁷ This procedure is for reproductive sterilization (spay/neuter). It is used to reduce the incidence of the most common canine prostatic diseases, tumors, and unwanted behaviors. Today's Veterinary Practice, *Update on Orchiectomy*, https://todaysveterinarypractice.com/wp-content/uploads/sites/4/2022/10/TVP-2022-1112_Orchiectomy.pdf (last visited January 14, 2026).

C. Government Sector Impact:

The Department of Business and Professional Regulation (DBPR) may incur an indeterminate increase in costs related to creating and administering the registration program for veterinary professional associates. It is unknown how many people may apply for a certificate of registration. To date, no analysis by the DBPR of the impact of the bill on its operations, revenues, 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: 474.201, 474.202, 474.2021, 474.203, and 828.30.

This bill creates section 474.2126 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 January 12, 2026:

The Committee Substitute removed from the bill the following:

- Definitions for the terms “veterinary technician” or “veterinary technologist” and “veterinary technology.”
- References to “veterinary technology,” “program for veterinary technology,” “veterinary technician” and “veterinary technologist” from the exemptions section of ch. 474, F.S.
- Provision altering the composition of the Board of Veterinary Medicine.
- Regulatory mechanism including registration, prohibitions, and duties and actions for “veterinary technicians” or “veterinary technologists.”
- Provisions regarding administration of medication by veterinary professional associates, veterinary technicians, and veterinary technologists.
- Provisions regarding delegation of tasks by the supervising licensed veterinarian to veterinary technicians and veterinary technologists.
- Provisions regarding liability of the supervising licensed veterinarian for acts or omissions of registered veterinary professional associates, veterinary technicians, or veterinary technologists.

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; and Senator Bradley

580-01897-26

2026796c1

1 A bill to be entitled
 2 An act relating to veterinary medicine; providing a
 3 short title; amending s. 474.201, F.S.; revising
 4 legislative findings, intent, and purpose; amending s.
 5 474.202, F.S.; defining the term "veterinary
 6 professional associate"; amending s. 474.2021, F.S.;
 7 increasing the amount of time for which prescriptions
 8 based solely on a veterinary telehealth evaluation may
 9 be issued for certain drugs; amending s. 474.203,
 10 F.S.; revising the applicability of certain
 11 exemptions; creating s. 474.2126, F.S.; providing
 12 requirements for veterinary professional associates to
 13 receive certificates of registration from the
 14 Department of Business and Professional Regulation;
 15 requiring the department to make a list of veterinary
 16 professional associate registrants publicly available
 17 on its website; authorizing the department to suspend
 18 the registration of a veterinary professional
 19 associate upon a certain determination by the Board of
 20 Veterinary Medicine; authorizing the department to
 21 rescind the registration of a veterinary professional
 22 associate under certain circumstances; prohibiting a
 23 person from holding himself or herself out as a
 24 veterinary professional associate under certain
 25 circumstances; authorizing a registered veterinary
 26 professional associate to engage in the practice of
 27 veterinary medicine under certain circumstances;
 28 prohibiting a registered veterinary professional
 29 associate from taking certain actions; providing

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

580-01897-26

2026796c1

30 exceptions; amending s. 828.30, F.S.; conforming
 31 provisions to changes made by the act; providing an
 32 effective date.
 33
 34 Be It Enacted by the Legislature of the State of Florida:
 35
 36 Section 1. This act may be cited as the "Veterinary
 37 Workforce Innovation Act."
 38 Section 2. Section 474.201, Florida Statutes, is amended to
 39 read:
 40 474.201 Legislative findings, intent, and purpose.—
 41 (1) The Legislature finds that the practice of veterinary
 42 medicine is potentially dangerous to the public health and
 43 safety if conducted by incompetent and unlicensed practitioners.
 44 The legislative purpose in enacting this chapter is to ensure
 45 that every veterinarian practicing in this state meet minimum
 46 requirements for safe practice. It is the legislative intent
 47 that veterinarians who are not normally competent or who
 48 otherwise present a danger to the public ~~shall~~ be disciplined or
 49 prohibited from practicing in this state.
 50 (2) The Legislature finds that the practice of educated,
 51 trained, and experienced veterinary professional associates will
 52 increase consumer access to high-quality veterinary medical
 53 services at a reasonable cost to consumers, while also
 54 increasing the efficiency of the practice of veterinary medicine
 55 in this state.
 56 Section 3. Present subsection (14) of section 474.202,
 57 Florida Statutes, is redesignated as subsection (15), and a new
 58 subsection (14) is added to that section, to read:

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

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474.202 Definitions.—As used in this chapter:

(14) "Veterinary professional associate" means an individual who has graduated with a master's degree or the equivalent in veterinary clinical care from an accredited institution and who meets the requirements to be registered by the department.

Section 4. Subsection (4) of section 474.2021, Florida Statutes, is amended to read:

474.2021 Veterinary telehealth.—

(4) A veterinarian practicing veterinary telehealth:

(a) May not engage in the practice of veterinary telehealth unless it is within the context of a veterinarian/client/patient relationship;

(b) Shall practice in a manner consistent with his or her scope of practice and the prevailing professional standard of practice for a veterinarian who provides in-person veterinary services to patients in this state and shall employ sound, professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient;

(c) May use veterinary telehealth to perform an initial patient evaluation to establish the veterinarian/client/patient relationship if the evaluation is conducted using synchronous, audiovisual communication. The evaluation may not be performed using audio-only communications, text messaging, questionnaires, chatbots, or other similar means. If a veterinarian practicing telehealth conducts a patient evaluation sufficient to diagnose and treat the patient, the veterinarian is not required to research a patient's medical history or conduct a physical

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examination of the patient before using veterinary telehealth to provide a veterinary health care service to the patient;

(d) If the initial patient evaluation is performed using veterinary telehealth, must provide the client with a statement containing the veterinarian's name, license number, and contact information and the contact information for at least one physical veterinary clinic in the vicinity of the patient's location and instructions for how to receive patient follow-up care or assistance if the veterinarian and client are unable to communicate because of a technological or equipment failure or if there is an adverse reaction to treatment, and inform the client that, if medication is prescribed, the client may obtain a prescription that may be filled at the pharmacy of his or her choice. The veterinarian shall obtain from the client a signed and dated statement indicating the client has received the required information before practicing veterinary telehealth;

(e) Shall prescribe all drugs and medications in accordance with all federal and state laws and the following requirements:

1. A veterinarian practicing veterinary telehealth may order, prescribe, or make available medicinal drugs or drugs specifically approved for use in animals by the United States Food and Drug Administration, the use of which conforms to the approved labeling. Prescriptions based solely on a telehealth evaluation may be issued for up to 6 months ~~1 month~~ for products labeled solely for flea and tick control and up to 30 ~~14~~ days of treatment for other animal drugs. Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination.

2. A veterinarian practicing veterinary telehealth may not

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order, prescribe, or make available medicinal drugs or drugs as defined in s. 465.003 approved by the United States Food and Drug Administration for human use or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept.

3. A veterinarian may not use veterinary telehealth to prescribe a controlled substance as defined in chapter 893 unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept.

4. A veterinarian practicing veterinary telehealth may not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C. ss. 3051 et seq.;

(f) Shall be familiar with available veterinary resources, including emergency resources, near the patient's location and be able to provide the client with a list of nearby veterinarians who may be able to see the patient in person upon the request of the client;

(g) Shall keep, maintain, and make available a summary of the patient record as provided in s. 474.2165; and

(h) May not use veterinary telehealth to issue an international or interstate travel certificate or a certificate of veterinary inspection.

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Section 5. Paragraph (a) of subsection (5) and subsection (7) of section 474.203, Florida Statutes, are amended to read:

474.203 Exemptions.—This chapter does not apply to:

(5) (a) Any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title is transferred or employment provided for the purpose of circumventing this law. This exemption does not apply to any person licensed as a veterinarian in another state or foreign jurisdiction and practicing temporarily in this state. However, except as provided in s. 474.2126 or s. 828.30, only a veterinarian may immunize or treat an animal for diseases that are communicable to humans and that are of public health significance.

(7) Any veterinary aide, nurse, laboratory technician, preceptor, person registered pursuant to s. 474.2126, or other employee of a licensed veterinarian who administers medication or who renders auxiliary or supporting assistance under the responsible supervision of a licensed veterinarian, including those tasks identified by rule of the board requiring immediate supervision, provided that a registered veterinary professional associate is subject to s. 474.2126. However, the licensed veterinarian is responsible for all such acts performed under this subsection by persons under her or his supervision.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

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175 Section 6. Section 474.2126, Florida Statutes, is created
176 to read:

177 474.2126 Veterinary professional associates; registration.—

178 (1) REGISTRATION.—

179 (a) A veterinary professional associate may apply to the
180 department for registration by submitting a form prescribed by
181 the board. The department shall consider for registration each
182 qualified veterinary professional associate whom the department
183 verifies has submitted a completed application and meets the
184 applicable requirements of this subsection.

185 (b) The department shall issue a certificate of
186 registration to each veterinary professional associate applicant
187 whom the department verifies has graduated from the relevant
188 accredited program and received a passing score on the relevant
189 professional national competency examination approved by the
190 board.

191 (c) The department shall make a list of registrants
192 available to the public on the department's website.

193 (d) The department may suspend the registration of any
194 veterinary professional associate whom the board determines has
195 caused serious harm to an animal due to negligence,
196 incompetence, or misconduct related to duties performed under
197 this section and in a manner inconsistent with the supervising
198 veterinarian's specific direction, until such time as the
199 registrant has completed remedial training or education directed
200 by the board.

201 (e) The department may rescind the registration of any
202 veterinary professional associate who is convicted of animal
203 cruelty under s. 828.12 or animal fighting under s. 828.122.

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204 (2) PROHIBITION.—An individual may not hold himself or
205 herself out as a registered veterinary professional associate or
206 in any other way represent himself or herself as a veterinary
207 professional associate unless he or she has a valid certificate
208 of registration from the department.

209 (3) DUTIES AND ACTIONS OF A REGISTERED VETERINARY
210 PROFESSIONAL ASSOCIATE.—

211 (a) Unless otherwise prohibited by federal law, a
212 registered veterinary professional associate may engage in the
213 practice of veterinary medicine as defined in s. 474.202 or
214 veterinary medicine as defined in s. 474.202, to the extent that
215 he or she is competent and has the necessary training, current
216 knowledge, and experience to provide such care, as delegated
217 under the responsible supervision, as defined in s. 474.202, of
218 a licensed veterinarian.

219 (b) A registered veterinary professional associate may not
220 do any of the following:

221 1. Prescribe a controlled substance listed in s. 893.03,
222 except that a registered veterinary professional associate may
223 perform humane euthanasia and prepare, log, and administer
224 controlled substances for the purpose of analgesia, anesthesia,
225 or humane euthanasia, as delegated by a licensed veterinarian
226 and performed under responsible supervision.

227 2. Perform a surgical procedure, except that a veterinary
228 professional associate may perform the following surgical
229 procedures:

230 a. Orchiectomy;

231 b. Veterinary dental surgery; or

232 c. Veterinary suturing or stapling of skin lacerations,

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gingival incisions, or existing surgical incisions.

Section 7. Paragraph (a) of subsection (1) and subsection (3) of section 828.30, Florida Statutes, are amended to read:

828.30 Rabies vaccination of dogs, cats, and ferrets.—

(1) (a) All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian or a person authorized under paragraph (b) or s. 474.2126 against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate. Each animal control authority and veterinarian shall use the "Rabies Vaccination Certificate" of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by the NASPHV Rabies Vaccination Certificate. The veterinarian who administers the rabies vaccination or who supervises the administration of the rabies vaccination as provided in paragraph (1) (b) or s. 474.2126 to an animal as authorized under this section may affix his or her signature stamp in lieu of an actual signature.

Section 8. This act shall take effect January 1, 2027.

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 Agriculture, Environment and General Government

BILL: CS/SB 1028

INTRODUCER: Banking and Insurance Committee and Senator Gruters

SUBJECT: Citizens Property Insurance Corporation

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knudson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-Meeting</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1028 requires Citizens Property Insurance Corporation (Citizens) to establish a commercial lines clearinghouse to which every commercial residential and commercial nonresidential risk insured by Citizens or that has applied for Citizens coverage must be submitted so that approved surplus lines clearinghouse insurers may offer coverage to such risk. The commercial clearinghouse for surplus lines must be established by January 1, 2027.

Citizens must establish and maintain the operational systems and procedures necessary to implement the commercial lines clearinghouse. Citizens shall, in creating the commercial lines clearinghouse, establish criteria to determine that capabilities necessary for the commercial lines clearinghouse administrator. For facilitating offers of surplus lines coverage, such criteria must include confirmed expertise in the surplus lines market, at least five years of publicly available audited financial statements, the ability to facilitate all approved surplus lines clearinghouse insurers to participate in the commercial lines clearinghouse on terms established by the corporation, and other criteria that the corporation determines necessary. To establish the commercial clearinghouse by January 1, 2027, for offers of surplus lines insurance, Citizens may engage in single-source procurement without receiving competitive bids as allowed by s. 287.057(3)(c), F.S., for situations when commodities or services are available only from a single source. The result of the procurement will be to establish a commercial lines clearinghouse administrator to provide administrative or professional services to administer the commercial lines clearinghouse. Citizens must select a commercial lines clearinghouse administrator within 90 days of the effective date of this bill (upon becoming law).

Citizens may allow the commercial lines clearinghouse administrator to establish procedures and account clearance requirements the commercial lines clearinghouse administrator deems necessary to ensure an orderly process for offers of coverage to be provided by approved surplus lines clearinghouse insurer. The commercial lines clearinghouse administrator may charge approved surplus lines clearinghouse insurers and surplus lines agents participating in the program reasonable transaction, technology, administration, and other fees.

The bill allows “approved surplus lines clearinghouse insurers” to make offers of surplus lines coverage to current Citizens policyholders and applicants to Citizens for coverage of commercial residential and commercial nonresidential risks. An “approved surplus lines clearinghouse insurer” is defined as an eligible surplus lines insurer that has a financial strength rating of “A-” or higher and a financial size category of at least “A-VII” from A.M. Best Company and that the commercial clearinghouse administrator recommends for participation in the commercial lines clearinghouse. Such recommendation is submitted to the Office of Insurance Regulation (OIR), which has five days to verify that the surplus lines insurer meets the standards for approval.

An offer of coverage by an approved surplus lines clearinghouse insurer has no effect on the eligibility of a commercial residential or commercial nonresidential risk for Citizens coverage.

If an offer of commercial residential or commercial nonresidential coverage from an approved surplus lines clearinghouse insurer is rejected in favor of accepting new or renewed Citizens coverage, Citizens must impose a premium equalization adjustment on such policy equal to the amount by which the total cost of insurance coverage offered by the approved surplus lines clearinghouse insurer exceeds the total cost of insurance coverage from Citizens if:

- The approved surplus lines clearinghouse insurer offers coverage that has material terms and conditions that are substantially equivalent to or better than coverage from Citizens as to all aspects of such coverage, as determined by Citizens; and
- The total cost for the coverage offered by the approved surplus lines clearinghouse insurer is not more than 20 percent greater than total cost of the Citizens premium (or the Citizens renewal premium if a Citizens policyholder receives the offer at renewal). Total cost includes, but is not limited to, premiums, fees, surcharges, and applicable taxes.

If a risk receives multiple clearinghouse offers from approved surplus lines clearinghouse insurers, the offer for the lowest total cost is applied for purposes of applying requirements related to a premium equalization surcharge.

Any premium equalization adjustment is only applied for one policy term.

The bill also requires Citizens to establish by January 1, 2028, a clearinghouse to facilitate offers of coverage on commercial lines residential and commercial lines nonresidential risks by authorized insurers.

Citizens may also establish a commercial lines clearinghouse to facilitate offers of coverage on commercial risks by authorized insurers.

The bill does not have an impact on state revenues or expenditures, but will have an indeterminate impact on Citizens. *See Section V., Fiscal Impact Statement.*

The bill is effective upon becoming law.

II. Present Situation:

Regulation of Insurance in Florida

The Office of Insurance Regulation (OIR) regulates specified insurance products, insurers and other risk bearing entities in Florida.¹ As part of their regulatory oversight, the OIR may suspend or revoke an insurer's certificate of authority under certain conditions.² The OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each insurer that holds a certificate of authority to transact insurance business in Florida.³ As part of the examination process, all persons being examined must make available to the OIR the accounts, records, documents, files, information, assets, and matters in their possession or control that relate to the subject of the examination.⁴ The OIR is also authorized to conduct market conduct examinations to determine compliance with applicable provisions of the Insurance Code.⁵

Insurance companies that transact insurance in Florida or that have offices located in the state are required to obtain a certificate of authority (COA) issued by the OIR pursuant to s. 624.401, F.S. These companies, referred to as authorized or admitted insurers,⁶ are broadly regulated by the OIR under the Insurance Code as to reserves, surplus as to policyholders, solvency, rates and forms, market conduct, permissible investments, and affiliate relationships.⁷ Authorized insurers are also required to participate in a variety of government mandated insurance programs and pay assessments levied by state guaranty funds in the event of insurer insolvencies.⁸

Surplus Lines Insurance

Surplus lines insurance is the market of last resort for difficult to place commercial and personal lines risks in Florida.⁹ Typically, surplus lines insurers write policies for unusual, high-risk situations that include hazardous materials transporters, commercial trucking enterprises, day care centers, older homes located in coastal areas, professional athletes, hospitals, expensive boats and cars, and medical malpractice. Surplus lines insurance is coverage provided by a

¹ Section 20.121(3)(a), F.S. The Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, serves as agency head of the Office of Insurance Regulation for purposes of rulemaking. Further, the Financial Services Commission appoints the commissioner of the Office of Insurance Regulation.

² Section 624.418, F.S.

³ Section 624.316(1)(a), F.S.

⁴ Section 624.318(2), F.S.

⁵ Section 624.3161, F.S.

⁶ An "authorized" or "admitted" insurer is one duly authorized by a COA to transact insurance in this state.

⁷ The Insurance Code consists of chs. 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S.

⁸ For example, Florida licensed direct writers of property and casualty insurance must be members of the Florida Insurance Guaranty Association, which handles the claims of insolvent insurers under part II of ch. 631, F.S., and insurers offering workers' compensation coverage in Florida must be members of the Florida Workers' Compensation Insurance Guaranty Association, which provides payment of covered claims for insurers that are declared insolvent under part V of ch. 631, F.S.

⁹ Surplus lines insurance is insurance coverage provided by an insurer that is not licensed in Florida but is allowed to do business in the state because the particular coverage offered is not available from Florida-licensed or authorized carriers. Surplus lines insurers are governed under the Surplus Lines Law (ss. 626.913-626.937, F.S.).

company that is not licensed in Florida but is allowed to transact insurance in the state as an “eligible” insurer¹⁰ under the surplus lines law (ss. 626.913-626.937, F.S.). Under this law, insurance may only be purchased from a surplus lines carrier if the necessary amount of coverage cannot be procured from authorized insurers.¹¹

Rates charged by a surplus lines carrier must not be lower than the rate applicable and in use by the majority of the authorized insurers writing similar coverages on similar risks in Florida.¹² Likewise, a surplus lines policy contract form must not be more favorable to the insured as to the coverage or rate offered by the majority of authorized carriers.¹³ Except as specifically stated as applicable, surplus lines insurers are not subject to regulation under ch. 627, F.S., of the Florida Insurance Code, which includes, in part, provisions related to ratings standards and contracts.¹⁴ In the event of a surplus lines insurer’s insolvency, surplus lines policies are not protected under the Florida Insurance Guaranty Act. Each insured obtaining a surplus lines policy must sign or acknowledge the following disclosure:

You are agreeing to place coverage in the surplus lines market. Coverage may be available in the admitted market. Persons insured by surplus lines carriers are not protected under the Florida Insurance Guarantee Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer. Additionally, surplus lines insurers’ policy rates and forms are not approved by any Florida regulatory agency.

Citizens Property Insurance Corporation—Overview

Citizens Property Insurance Corporation (Citizens) is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market.¹⁵ Citizens is not a private insurance company.¹⁶ Citizens was statutorily created in 2002 when the Florida Legislature combined the state’s two insurers of last resort, the Florida Residential Property and Casualty Joint Underwriting Association (RPCJUA) and the Florida Windstorm Underwriting Association (FWUA).¹⁷

Citizens operates in accordance with the provisions in s. 627.351(6), F.S., and is governed by a nine-member Board of Governors (board) that administers its Plan of Operations. The Plan of Operations is reviewed and approved by the Financial Services Commission.¹⁸ The Governor, President of the Senate, Speaker of the House of Representatives, and Chief Financial Officer

¹⁰ An “eligible surplus lines insurer” as defined in s. 626.914(2), F.S., is an “unauthorized insurer” which has been made eligible by the Office of Insurance Regulation to issue insurance coverage under the surplus lines law.

¹¹ Section 626.915, F.S.

¹² Section 626.916(1)(b), F.S.

¹³ Section 626.916(1)(c), F.S.

¹⁴ Section 626.913(4), F.S.

¹⁵ The term “admitted market” means insurance companies licensed to transact insurance in Florida.

¹⁶ Section 627.351(6)(a)1., F.S.

¹⁷ Section 2, ch. 2002-240, Laws of Fla.

¹⁸ Section 627.351(6)(a)2., F.S.

each appoint two members to the board.¹⁹ The Governor appoints an additional member who serves solely to advocate on behalf of the consumer.²⁰ Citizens is subject to regulation by the OIR.

Types of Property Insurance Issued by Citizens

Florida law requires Citizens to offer personal lines residential coverage, commercial lines residential coverage, and commercial lines nonresidential coverage on forms approved by the OIR.²¹ Specifically, Citizens offers the following types of property insurance:

- Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.
 - HO-3: Covers a home against all perils except those specifically excluded in the policy. Also covers personal property damaged by a covered peril. Covers the home replacement cost value and personal property at actual cash value. It is the most common type of homeowner's insurance policy.²²
 - HO-4: Renter's insurance that covers the personal property of tenants damaged by a broad list perils specifically listed in the policy.²³
 - HO-6: Insurance that covers the personal property of condominium unit owners or cooperative unit owners. It also covers certain building items in which the unit owner may have an insurable interest.²⁴
- Basic personal lines policy are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which is more limited than the coverage under a standard policy.
 - HO-8: Covers a home and personal property but only if damage or loss is due to perils specifically listed in the policy. Covers the home and personal property for their actual cash value. Used for homes at least 40 years old, where the cost to rebuild is greater than the home's market value.²⁵
 - Dwelling Fire: Covers dwellings, other detached structures, and contents for loss caused by perils specially named in the policy. Usually written when residential property does not qualify for homeowners insurance or when the home is not owner-occupied.²⁶
- Personal lines coverage covering manufactured homes and mobile homes.²⁷

¹⁹ Section 627.351(6)(c)4.a., F.S.

²⁰ Section 627.351(6)(c)4., F.S.

²¹ Section 627.736(c)1., F.S.

²² National Association of Insurance Commissioners, *A Shopping Tool for Homeowners Insurance*, pg. 7 (2023) https://content.naic.org/sites/default/files/committees_c_trans_read_wg_related_shopping_tool_singles.pdf (last visited Jan. 23, 2026).

²³ National Association of Insurance Commissioners, *Dwelling Fire, Homeowners Owner-Occupied, and Homeowners Tenant and Condominium Unit Owners Insurance Report: Data for 2022*, pg. 4 (May 2025) <https://content.naic.org/sites/default/files/publication-hmr-zu-homeowners-report.pdf> (Jan. 23, 2026).

²⁴ *See id.*

²⁵ National Association of Insurance Commissioners, *A Shopping Tool for Homeowners Insurance*, pg. 7 (2023) https://content.naic.org/sites/default/files/committees_c_trans_read_wg_related_shopping_tool_singles.pdf (last visited Jan. 23, 2026).

²⁶ Citizens Property Insurance Corporation, *Insurance 101 – Policy Types – Personal Policies*, <https://www.citizensfla.com/es/personal-policies> (last accessed Jan. 23, 2026).

²⁷ *Id.*

- Mobile Homeowners MHO-3: Covers owner-occupied manufactured homes and mobile homes. Covers the dwelling, other structures on the property, and the owner's personal property.
- Mobile Home Dwelling Fire MDP-1: Covers manufactured homes and mobile homes that are tenant occupied or otherwise do not qualify for an MHO-3 policy. Covers the dwelling and the owner's personal property.
- Mobile Home Renter's: Covers the tenant's personal property; does not cover the structure.
- Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for such structures in the admitted voluntary market.
 - Commercial Residential: Covers commercial properties used for residential purposes. Examples include apartment buildings, the parts of condominium that are the responsibility of a condominium association (generally, the building envelope and common areas), continuing care retirement community residential buildings, and homeowners association owned common property and residential buildings.²⁸
 - Commercial Nonresidential: Covers commercial operated nonresidential property.

Citizens also offers wind-only coverage versions of their HO-3, HO-4, HO-6, and mobile homeowners coverages which are available only in certain coastal areas of the state.²⁹

Eligibility for Insurance in Citizens

Citizens is required to provide a procedure for determining the eligibility of a potential risk for insurance in Citizens and provide specific eligibility requirements based on premium amounts, value of the property insured, and the location of the property.³⁰ Risks not meeting the statutory eligibility requirements cannot be insured by Citizens. Citizens has additional eligibility requirements set out in their underwriting rules. These rules are approved by the OIR and are set out in Citizens' underwriting manuals.³¹

Residential Risks - Eligibility Based on Premium Amount

An applicant for personal lines residential insurance or commercial lines residential insurance cannot buy insurance in Citizens if an authorized insurer in the private market offers the applicant insurance for a premium that does not exceed the Citizens premium by 20 percent or more.³² The coverage offered by the private insurer must be comparable to Citizens coverage. Similarly, a personal lines residential or commercial lines residential policyholder may not renew insurance in Citizens if an authorized insurer offers to insure the property at a premium no more than 20 percent greater than the Citizens renewal premium.³³ The insurance coverage offered

²⁸ Citizens Property Insurance Corporation, *Insurance 101 – Policy Types – Commercial Policies*, <https://www.citizensfla.com/es/commercial-policies> (last visited Jan. 23, 2026).

²⁹ See s. 627.351(2)(c) and s. 627.351(6)(c)1., F.S.

³⁰ Section 627.351(6)(c)5., F.S.

³¹ Citizens Property Insurance Corporation, *PIF Standard Summary Report for Period Ending Nov. 30, 2023 (December 6, 2023)* (on file with the Senate Committee on Banking and Insurance).

³² Section 627.351(6)(c)5., F.S.

³³ Section 627.351(6)(c)5.a., F.S.

from the private market insurer must be comparable to the insurance from Citizens in order for the eligibility requirement for renewal premium to apply.³⁴

Residential Risks - Eligibility Based on Value of Property Insured

In addition to the eligibility restrictions based on premium amount, current law provides eligibility restrictions for homes and condominium units based on the value of the property insured.³⁵ Structures with a dwelling replacement cost of \$700,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of \$700,000 or more, are not eligible for coverage with Citizens.³⁶ However, Citizens is allowed to insure structures with a dwelling replacement cost, or a condominium unit with a dwelling and contents replacement cost, of one million dollars or less in Miami-Dade and Monroe counties, after the OIR determined these counties to be non-competitive.³⁷

Nonresidential Risks – Eligibility Based on an Offer of Coverage

Commercial nonresidential risks cannot buy or renew insurance in Citizens upon receiving any offer of coverage from an authorized insurer.

Citizens Rates

Rates for coverage provided by Citizens must be actuarially sound pursuant to s. 627.062, F.S., and not competitive with approved rates charged in the admitted voluntary market.³⁸ Section 627.062, F.S., provides that rates may not be excessive, inadequate, or unfairly discriminatory. Citizens must file its rates with the OIR at least annually. The OIR then must consider the recommended rate made by Citizens and issue a final order establishing Citizens rates. Citizens may not pursue an administrative challenge or judicial review of the OIR order.

Citizens “Glidepath” Rates

From 2007 until 2010, Citizens rates were frozen by statute at the level that had been established in 2006.³⁹ In 2010, the Legislature established a “glidepath” to impose annual rate increases up to a level that is actuarially sound. Under the original established glidepath, Citizens had to implement an annual rate increase which, except for sinkhole coverage, does not exceed 10 percent above the previous year for any individual policyholder, adjusted for coverage changes and surcharges.⁴⁰ In 2021, the Legislature revised this glidepath to increase it one percent per year to up to 15 percent, as follows:⁴¹

- 11 percent for 2022.

³⁴ *Id.*

³⁵ Section 627.351(6)(a)3., F.S.

³⁶ Section 627.351(6)(a)3.d., F.S.

³⁷ The OIR, Final Order Case No: 165625-14, Dec. 22, 2014, https://flair.gov/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/citizens165625-14-o.pdf?sfvrsn=28d33b74_4 (last visited Jan. 23, 2026); *See also* Section 627.351(6)(a)3.d., F.S., and Citizens, *Update to Maximum Coverage Limits* (Nov. 12, 2019), <https://www.citizensfla.com/-/2019-roof-permits-acceptable-for-fbc-credits> (last visited Jan. 10, 2024).

³⁸ Section 627.351(6)(n), F.S.

³⁹ Section 15, ch. 2006-12, Laws of Fla.

⁴⁰ Section 10, ch. 2009-87, Laws of Fla.

⁴¹ Section 627.351(6)(n)5., F.S.

- 12 percent for 2023.
- 13 percent for 2024.
- 14 percent for 2025.
- 15 percent for 2026 and all subsequent years.

The implementation of this increase ceases when Citizens has achieved actuarially sound rates.⁴² In addition to the overall glidepath rate increase, Citizens can increase its rates to recover the additional reimbursement premium it incurs as a result of the annual cash build-up factor added to the price of the mandatory layer of the Florida Hurricane Catastrophe Fund coverage, pursuant to s. 215.555(5)(b), F.S.⁴³ New or renewal personal lines policies that do not cover a primary residence⁴⁴ are not subject to the rate glidepath, but the rates on such policies may not be charged more than 50 percent above, nor less than, the prior year's rate.⁴⁵

Citizens Depopulation

The number of policies written by Citizens has significantly decreased in the aftermath the legislature's statutory changes enacted during the December 2022 Special Session and the 2023 Regular Session.⁴⁶ Citizens had 1,407,805 policies in force as of September 20, 2023.⁴⁷ Citizens' policies in force dropped below one million (988,901) in November 2024⁴⁸, and dropped below 500,000 in November 2025 to a policy count of 437,095.⁴⁹

Citizens policies in force for commercial lines have also dropped significantly from 2023 to November 2025.

Date	Commercial Residential Policies	Total Insured Value	Commercial Non-Residential Policies	Total Insured Value
12/31/2023	7,654	\$102.653 Billion	5,878	\$6.125 Billion
12/31/2024	6,176	\$73.550 Billion	5,274	\$5.683 Billion
11/30/2025	2,995	\$24.548 Billion	3,417	\$3.713 Billion

⁴² Section 627.351(6)(n)7., F.S.

⁴³ Section 627.351(6)(n)6., F.S.

⁴⁴ Section 627.351(6)(n)9., F.S., defines "primary residence" as "the dwelling that is the policyholder's home or is a rental property that is the primary home of the tenant, and which the policyholder or tenant occupies for more than nine months of each year."

⁴⁵ Section 627.351(6)(n)8., F.S.

⁴⁶ The Citizens policy count fluctuated and overall, slightly increased from January 2023 (1,167,579 policies in force) through September 2024 (1,263,055 policies in force). However, beginning October 2024, the Citizens policy count began decreasing significantly, dropping from 1,263,055 policies in force as of September 30, 2024, to 437,085 policies in force as of November 30, 2025.

⁴⁷ Citizens Property Insurance Corporation, Detail by Account (September 30, 2023), <https://www.citizensfla.com/documents/20702/29445101/20230930+Detail+by+Account.pdf/5dd8e99a-ac67-d93a-9d40-f18348bf06c4?t=1706637209300> (last visited Jan. 23, 2026).

⁴⁸ Citizens Property Insurance Corporation, Detail by Product Line (November 30, 2024), <https://www.citizensfla.com/documents/20702/30188287/20241130+Detail+by+Product.pdf/4fc5426c-7390-8fab-e0dc-d6cd15857f64?t=1735247306640> (last visited Jan. 23, 2026).

⁴⁹ Citizens Property Insurance Corporation, *Detail by Product Line* (November 30, 2025), <https://www.citizensfla.com/documents/20702/30188300/20251130+Detail+by+Product+Line.pdf/0fe5d878-787a-ac35-83ad-af5fc032ca99?t=1766439961105> (last visited Jan. 23, 2026).

Citizens Depopulation – Takeout Program

The primary mechanism for the recent depopulation of Citizens personal lines risks is the Citizens take-out program. The take-out program allows authorized private market property insurers to select Citizens policies for the purpose of offering coverage. Generally, this entails offering coverage to thousands of Citizens personal lines policyholders.

Section 627.351(6)(ii), F.S., sets forth the following requirements for the Citizens take-out program:

- Citizens must publish a period schedule of cycles during which an insurer may identify, and notify the corporation of, policies that the insurer is requesting to take out.
- An insurer’s request to take out a Citizens policy must include a description of the coverage offered and an estimated premium and must be submitted to Citizens in a form and manner prescribed by the corporation.
- Citizens must maintain and make available to the agent of record a consolidated list of all insurers requesting to take out a policy. The list must include a description of the coverage offered and the estimated premium for each take-out request.
- If a policyholder receives a take-out offer from an authorized insurer on a primary residence, the risk is ineligible for Citizens if comparable coverage is offered and the premium offered is not more than 20 percent greater than the Citizens renewal premium.
- Citizens must provide written notice to the policyholder and the agent of record regarding all insurers requesting to take out the policy. The notice must disclose the estimated premium for the offered coverage, describe the coverage offered, and compare the estimated premium and coverage offered by the private market insurer to the estimated premium and coverage provided by Citizens.

Any insurer seeking to participate in the Citizens take-out program must submit a depopulation plan and additional documentation to the OIR.⁵⁰ If the OIR finds the insurer has the financial resources and business plan in place to properly pay claims, the OIR will issue a consent order indicating the number of policies the insurer may take from Citizens, the assumption date when the insurer will take over coverage, and any additional stipulations.⁵¹ In 2025, the OIR approved 35 take-out programs.⁵²

Effective July 1, 2024, surplus lines insurers meeting certain criteria and approved by the OIR may submit take-out offers on personal lines residential risks insured by Citizens, or for which Citizens has received an application for coverage, if such risks are not primary residences or do not have a valid homestead exemption under ch. 193, F.S.⁵³ A “primary residence” is defined as a dwelling that is the policyholder’s primary home or is a rental property that is the primary

⁵⁰ Office of Insurance Regulation, *Requirements for Requesting Approval to Participate in the Depopulation Program* (November 5, 2024) https://floir.gov/docs-sf/property-casualty-libraries/take-out-companies/take-out-companies-page-docs/requirements-to-participate-in-the-citizens-depopulation-program-updated.pdf?sfvrsn=7e82e876_4 (last visited Jan. 23, 2026).

⁵¹ Office of Insurance Regulation, *Take-Out Companies*, <https://floir.gov/property-casualty/take-out-companies> (last visited Jan. 23, 2026).

⁵² Office of Insurance Regulation, *Take-Out Companies, 2025 Company Approvals*, <https://floir.gov/property-casualty/take-out-companies> (last visited Jan. 23, 2026).

⁵³ See Section 1 of chapter 2004-179, Laws of Florida.

home of the tenant, and which the policyholder or tenant occupies for more than nine months of each year.⁵⁴ A take-out offer from an approved surplus lines insurer will only render a Citizens policyholder ineligible for Citizens if the premium offered does not exceed the Citizens premium on comparable coverage by more than 20 percent; this is the standard that applies to take-out offers from authorized insurers. Only surplus lines insurers that are approved to participate by the OIR may participate in the take-out program. To obtain approval, the surplus lines insurer must apply to the OIR to participate in the take-out process, provide data to the OIR related to coverage and rates, and file rates for review with the OIR for the take-out offer. The surplus lines insurer must also meet certain criteria such as having an “A-” financial strength rating from A.M. Best and having a personal lines residential risk program that is managed by a Florida resident surplus lines broker.

Citizens Depopulation – Clearinghouse Program

The Citizens policyholder eligibility clearinghouse program was established in s. 627.3518, F.S., by the Legislature in 2013.⁵⁵ The program is designed to ensure a risk is eligible for Citizens coverage before being insured or renewed with Citizens. Under the program, new and renewal personal lines residential policies for Citizens are placed into the clearinghouse where participating private insurers can review and decide to make offers of coverage before policies are placed or renewed with Citizens.⁵⁶ An applicant for new coverage, or an insured for renewed coverage, is not eligible for coverage from Citizens if the premium offered from an authorized insurer is at or below the eligibility threshold for new personal lines residential risks of more than 20 percent.⁵⁷

Section 627.3518, F.S., directs Citizens to also develop appropriate procedures for facilitating the diversion of ineligible applicants and existing policyholders for commercial residential coverage in the private insurance market.⁵⁸ Accordingly, Citizens requires the insurance agent for the commercial residential risk to demonstrate the agent presented the risk to at least one authorized insurer which either declined the risk or made an offer of coverage that does not render the risk ineligible for Citizens.⁵⁹ The reasons a private market offer would not make a risk ineligible for Citizens coverage are that because the coverage offered by the private market insurer is not comparable to the Citizens coverage as to forms and coverages that are reasonably comparable or the premium on comparable coverage is more than 20 percent higher than the Citizens premium or renewal premium for the risk.⁶⁰

⁵⁴ Section 627.351(6)(c)2.a.(III), F.S.

⁵⁵ Section 10, ch. 2013-60, Laws of Fla.

⁵⁶ Section 627.3518(2)-(3), F.S.

⁵⁷ Section 627.3518(5), F.S.

⁵⁸ Section 627.3518(2), F.S.

⁵⁹ Citizens Property Insurance Corporation, *Commercial Lines Current State and Clearinghouse*, pg. 6. (Received by the Banking and Insurance Committee on January 8, 2026) (on file with the Senate Committee on Banking and Insurance). See also, Citizens, *Clearinghouse*, <https://www.citizensfla.com/es/clearinghouse> (last visited Jan. 27, 2026).

⁶⁰ See Subparagraphs c. and d. of Section 627.351(6)(c)5., F.S.

III. Effect of Proposed Changes:

Establishment of Citizens Commercial Lines Clearinghouse

The bill requires Citizens Property Insurance Corporation (Citizens) to establish a commercial lines clearinghouse to which every commercial residential and commercial nonresidential risk insured by Citizens or that has applied for Citizens' coverage must be submitted so that approved surplus lines insurers may offer coverage for such risk. The commercial clearinghouse must be established by January 1, 2027, to facilitate offers from approved surplus lines insurers. The bill provides detailed requirements for the new commercial lines clearinghouse for surplus lines insurance offers. Citizens may also establish a commercial lines clearinghouse to facilitate offers of coverage on such risks by authorized insurers, but other than this authorization and language providing that current Citizens eligibility standards would apply to offers from authorized insurers, the bill generally does not address standards for establishing a commercial lines clearinghouse for authorized insurers.

Citizens' Rights and Responsibilities in Establishing the Clearinghouse Program.

The bill provides that in establishing a commercial lines clearinghouse, Citizens has all of the following rights and responsibilities:

Submission of Policies to the Clearinghouse - Citizens must require to be submitted to the commercial clearinghouse all new applications for commercial residential and commercial nonresidential coverage and all such policies that are due for renewal.

Adoption of Systems and Procedures - Citizens must establish and maintain the operational systems and procedures necessary to implement the commercial lines clearinghouse. Citizens may allow the commercial lines clearinghouse administrator to establish procedures and account clearance requirements the commercial lines clearinghouse administrator deems necessary to ensure an orderly process for offers of coverage to be provided by approved surplus lines clearinghouse insurers participating in the commercial lines clearinghouse and to avoid multiple offers of coverage from the same insurer for the same risk.

Procure and Contract for Services - Citizens may employ or contract for appropriate administrative or professional services in accordance with purchasing requirements in s. 627.351, F.S.

Engage in Single-Source Procurement - To establish the commercial clearinghouse by January 1, 2027, for offers of surplus lines insurance, Citizens may engage in single-source procurement without receiving competitive bids as allowed by s. 287.057(3)(c), F.S., for situations when commodities or services are available only from a single source. The result of the procurement will be to establish a commercial lines clearinghouse administrator to provide administrative or professional services to administer the commercial lines clearinghouse. Citizens must select a commercial lines clearinghouse administrator within 90 days of the effective date of this bill (upon becoming law).

Contract with Insurers - Citizens may enter into contracts with approved surplus lines clearinghouse insurers.

Funding the Clearinghouse; Fees Charged by Commercial Lines Clearinghouse Administrator – Citizens may provide funds to operate the program. Current law prohibits requiring participating agents and insurers to pay fees to offset program costs, but the bill creates an exception stating that the commercial lines clearinghouse administrator may charge approved surplus lines clearinghouse insurers and surplus lines agents participating in the program reasonable transaction, technology, administration, and other fees.

Enhanced Citizens Application - Citizens may develop an enhanced application that includes information to assist private insurers in determining whether to offer coverage through the clearinghouse.

Waiting Period Allowing Insurers to Make Clearinghouse Offers - Citizens may require that all new applications for commercial lines coverage with Citizens be subject to a period of five business days when an insurer participating in the program may select the application for coverage.

Criteria for Commercial Lines Clearinghouse Administrator - Citizens shall, in creating the commercial lines clearinghouse, establish criteria to determine that capabilities necessary for the commercial lines clearinghouse administrator. For facilitating offers of surplus lines coverage, such criteria must include confirmed expertise in the surplus lines market, at least five years of publicly available audited financial statements, the ability to facilitate all approved surplus lines clearinghouse insurers to participate in the commercial lines clearinghouse on terms established by the corporation, and other criteria that the corporation determines necessary to effectively establish, administer, and manage offers of surplus lines coverage through the commercial lines clearinghouse.

Submission of Policy Information to the Commercial Lines Clearinghouse Administrator – Citizens must submit to the commercial lines clearinghouse administrator its coverage terms and conditions, deductible structures, and its unalterable indicated total cost of insurance coverage for the subject risk before any approved surplus lines clearinghouse insurer is provided a submission for coverage pursuant to the clearinghouse program by any applicant for new coverage from the corporation or any policyholder of Citizens.

- The commercial lines clearinghouse administrator shall provide the corporation's unalterable indicated coverage terms and conditions and deductible structures but may not provide the indicated total cost of corporation insurance coverage, to the approved surplus lines clearinghouse insurers participating in the program.
- The commercial lines clearinghouse administrator shall then use the corporation's unalterable indication to determine whether any offers of coverage from approved surplus lines clearinghouse insurers satisfy specified statutory requirements.
- Citizens may not bind or otherwise communicate, indicate, or make an offer of coverage to an applicant or policyholder, or its agent, or otherwise accept coverage until five business days have elapsed from the date that it provided its unalterable indication to the commercial lines clearinghouse administrator unless the time limit is waived in writing. This validation period applies regardless of any proposed effective date, renewal date, or expiration date of the policy and may not be shortened or bypassed based on timing considerations relating to binding or renewal.

Surplus Lines Insurers that May Make Coverage Offers Through the Citizens Commercial Lines Clearinghouse**Approved Surplus Lines Clearinghouse Insurers**

The bill allows “approved surplus lines clearinghouse insurers” to make offers of surplus lines coverage to current Citizens policyholders and applicants to Citizens for coverage of commercial residential and commercial nonresidential risks. An “approved surplus lines clearinghouse insurer” is defined as an eligible surplus lines insurer that has a financial strength rating of “A-” or higher and a financial size category of at least “A-VII” from A.M. Best Company and that the commercial clearinghouse administrator recommends for participation in the commercial lines clearinghouse. Such recommendation is submitted to the Office of Insurance Regulation (OIR), which has five days to verify that the surplus lines insurer meets the standards for approval.

Duties and Powers of Insurers Participating in the Citizens Commercial Lines Clearinghouse

Approved surplus lines clearinghouse insurers have the following duties and powers regarding the Citizens commercial lines clearinghouse:

Participation Limited to the Commercial Clearinghouse - May participate in the commercial lines clearinghouse but may not participate in the personal lines clearinghouse.

Appointment of Agents –

- May appoint a surplus lines agent whose direct or indirect customer is initially underwritten and bound through the clearinghouse program.
- Must enter into a limited agency agreement with each surplus lines agent that is not appointed and whose customer is underwritten and bound through the clearinghouse program.
 - Such surplus lines agent must also enter into a limited agency or broker agreement with each producing agent whose customer is underwritten and bound through the program.
- Must enter into its standard agency agreement with each surplus lines agent whose customer is underwritten and bound through the clearinghouse program if such agent is appointed by the surplus lines insurer pursuant to s. 626.112, F.S.
 - Such surplus lines agent must also enter into a limited agency or broker agreement with each producing agent whose customer is underwritten and bound through the program.

Notice of Nonrenewal or Cancellation - Must comply with s. 626.9201, F.S., which provides requirements to surplus insurers to provide notice of nonrenewal or notice of cancellation.

Generally, surplus lines insurers must provide 45 days’ written notice of nonrenewal, 10 days’ written notice of cancellation for nonpayment of premium, 20 days’ written notice of cancellation during the first 90 days the insurance is in force if cancellation is not for nonpayment of premium.

- Section 626.9201, F.S., also prohibits surplus lines insurers from cancelling or nonrenewing a commercial residential policy damaged by a hurricane or wind loss until 90 days after repairs are complete if the hurricane or wind loss is the subject of a declaration of emergency under s. 252.56, F.S., and the subject of an OIR order. A shorter 45 day notice requirement applies if the insurer has paid policy limits, if the insured fails within 30 days to respond to

the insurer's inquiry regarding repairs, or for a material misstatement or fraud related to the claim. A 10 day notice period applies for nonpayment of premium.

Participation - May participate through their single-designated managing general agent or broker or surplus lines agent.

Agent Commissions - Must pay a total commission or equivalent compensation on gross written premium, exclusive of fees, surcharges, and taxes, to the surplus lines agent, managing general agent, or managing general underwriter placing the risk. The surplus lines agent, managing general agent, or managing general underwriter must pay the producing agent a commission that results in an effective commission percentage at least equal to the commission percentage published by Citizens and in effect on January 1, 2026, calculated in the same manner and on the same basis used by Citizens, and shall retain the remainder of the total commission or equivalent compensation. An agent may voluntarily accept a lower commission at the agent's sole discretion. An "effective commission percentage" means the commission expressed as a percentage of premium, exclusive of all fees, assessments, surcharges, and taxes

Effect of an Insurer's Offer of Coverage Through the Commercial Clearinghouse on Eligibility for and the Cost of Citizens Coverage

Offers from Approved Surplus Lines Clearinghouse Insurers

An offer of coverage by an approved surplus lines clearinghouse insurer has no effect on the eligibility of a commercial residential or commercial nonresidential risk for Citizens coverage.

If an offer of commercial residential or commercial nonresidential coverage from an approved surplus lines clearinghouse insurer that is rejected in favor of accepting new or renewed Citizens coverage, Citizens must impose a premium equalization adjustment on such policy equal to the amount by which the total cost of insurance coverage offered by the approved surplus lines clearinghouse insurer exceeds the total cost of insurance coverage from Citizens if:

- The approved surplus lines clearinghouse insurer offers coverage that has material terms and conditions that are substantially equivalent to or better than coverage from Citizens as to all aspects of such coverage, as determined by Citizens; and
- The total cost for the coverage offered by the approved surplus lines clearinghouse insurer is not more than 20 percent greater than total cost of the Citizens premium (or the Citizens renewal premium if a Citizens policyholder receives the offer at renewal). Total cost includes, but is not limited to, premiums, fees, surcharges, and applicable taxes.

If a risk receives multiple clearinghouse offers from approved surplus lines clearinghouse insurers, the offer for the lowest total cost is applied for purposes of applying requirements related to a premium equalization surcharge.

Any premium equalization adjustment is only applied for one policy term.

The bill does not address or change current law under which any offer of coverage by an authorized insurer renders a commercial nonresidential risk ineligible for Citizens.

Offers from Authorized Insurers

An offer of coverage by an authorized insurer to provide commercial residential coverage renders the risk ineligible for Citizens if:

- The authorized insurer offers coverage that is comparable to coverage provided by Citizens; and
- The premium for the coverage offered by the authorized insurer is not more than 20 greater than the Citizens premium (or the Citizens renewal premium if a Citizens policyholder receives the offer at renewal).

Citizens premiums on a risk are not affected by clearinghouse offers from authorized insurers.

Independent Agents

The bill provides that contracts between an independent agent and Citizens, any insurer, or any surplus lines agent do not amend, modify, interfere with, or limit the independent agent's rights of ownership of specified records and information directly related to applications or renewals written through the program or an insurer participating in the program.

The bill specifies that an independent agent may enter into agreements with a surplus lines agent.

Effective Date

The bill is effective upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill will facilitate the diversion of commercial residential and commercial nonresidential risks from Citizens Property Insurance Corporation (Citizens) and into the surplus lines insurance market. Those offers may result in lower premium offers or more expansive coverage from approved surplus lines clearinghouse insurers. The cost of such insurance from Citizens will increase if an offer of coverage results in the application or a premium equalization adjustment.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. Citizens will incur costs related to contracting with an administrator to implement and maintain the clearinghouse for commercial residential and commercial nonresidential risks. The bill implies, but does not directly require, that the commercial lines clearinghouse for surplus lines will be funded through fees charged by the commercial lines clearinghouse administrator to surplus lines agents and surplus lines insurers.

To the extent that commercial lines policies are diverted from Citizens by the clearinghouse established by the bill, Citizens will insure less risk and correspondingly will also collect less premium.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 627.351 and 627.3518

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 Banking and Insurance on January 13, 2026:

The committee substitute:

- Requires that approved surplus lines clearinghouse insurers must both have an A.M. Best financial strength rating of at least A- (excellent) and be in the A.M. Best financial size category of VII (capital and surplus of at least \$50 million) and eligible under the Florida Surplus Lines law.
- Provides that approved surplus lines clearinghouse insurers must be recommended by the commercial clearinghouse administrator and approved by the Office of Insurance Regulation (OIR).
- Specifies that Citizens Property Insurance Corporation (Citizens) will contract with a clearinghouse administrator to establish and maintain the commercial clearinghouse for surplus lines. Citizens must select the clearinghouse administrator within 90 days after the bill becomes law.
- Clarifies the timeframes and procedures for submission of commercial risks to the commercial lines clearinghouse for surplus lines.
- Provides that the commercial lines clearinghouse administrator may charge approved surplus lines clearinghouse insurers and surplus lines agents participating in the program reasonable transaction, technology, administration, and other similar fees.
- Requires the surplus lines agent, managing general agent, or managing general underwriter must pay the producing agent a commission that results in an effective commission percentage at least equal to the Citizens commission percentage in effect on January 1, 2026.
- Provides that if a policyholder or applicant turns down an offer of coverage from the surplus lines insurer with material terms and conditions that are equivalent to or better than the Citizens policy for a rate that is not more than 20 percent more than the Citizens rate, the policyholder will have to pay a policy equalization surcharge on the Citizens policy.
- Provides that Citizens may, rather than must, establish a commercial lines clearinghouse for authorized insurers.

B. Amendments:

None.

By the Committee on Banking and Insurance; and Senator Gruters

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1 A bill to be entitled
 2 An act relating to the Citizens Property Insurance
 3 Corporation; amending s. 627.351, F.S.; prohibiting
 4 the corporation from issuing or renewing coverage for
 5 commercial residential and commercial nonresidential
 6 risks under certain circumstances; prohibiting the
 7 corporation from imposing a premium equalization
 8 adjustment under certain circumstances; providing
 9 applicability; specifying the components of the total
 10 cost of insurance coverage; specifying that certain
 11 adjustments expire at a specified time; amending s.
 12 627.3518, F.S.; deleting an obsolete provision;
 13 defining terms; revising the definition of the term
 14 "program"; requiring the corporation to establish a
 15 personal lines clearinghouse for specified purposes;
 16 requiring, on or before a specified date, the
 17 corporation to implement a commercial lines
 18 clearinghouse for a specified purpose; authorizing the
 19 corporation to develop and implement a separate
 20 commercial lines clearinghouse for specified purposes;
 21 deleting obsolete provisions; revising the program's
 22 rights and responsibilities; revising the rights and
 23 responsibilities the corporation has in establishing
 24 the program; authorizing approved surplus lines
 25 clearinghouse insurers to participate in the
 26 commercial lines clearinghouse; prohibiting such
 27 insurers from participating in the personal lines
 28 clearinghouse; specifying that participation in the
 29 program is not mandatory for such insurers; revising

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30 prohibitions and requirements for insurers making
 31 offers of coverage to new applicants or renewal
 32 policyholders through the program; providing
 33 construction; defining the term "effective commission
 34 percentage"; specifying that applicants for new
 35 commercial lines residential coverage are not eligible
 36 for coverage from the corporation under certain
 37 circumstances; specifying the circumstances under
 38 which policyholders of the corporation are not
 39 eligible for new commercial lines residential coverage
 40 from the corporation; authorizing applicants or
 41 insureds to elect to accept coverage with authorized
 42 insurers or elect to accept or continue coverage with
 43 the corporation under certain circumstances;
 44 authorizing insureds to elect to accept coverage with
 45 specified insurers or elect to accept or continue
 46 coverage with the corporation under certain
 47 circumstances; providing applicability; specifying
 48 that certain applicants and policyholders remain
 49 eligible for coverage from the corporation;
 50 authorizing such applicants and policyholders to elect
 51 to accept coverage from clearinghouse insurers or
 52 elect to accept or continue coverage with the
 53 corporation; authorizing certain applicants and
 54 policyholders of the corporation to elect to accept
 55 coverage from clearinghouse insurers or elect to
 56 accept or continue coverage with the corporation;
 57 requiring such applicants or policyholders to pay a
 58 specified total cost of insurance for corporation

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coverage; providing applicability; revising the rights and authorizations for certain independent insurance agents; deleting a prohibition relating to commercial nonresidential policies; providing an effective date.

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

Section 1. Paragraph (oo) is added to subsection (6) of section 627.351, Florida Statutes, to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(oo) For commercial residential and commercial nonresidential risks, if an approved surplus lines clearinghouse insurer offers coverage under s. 627.3518(5)(c)2. and the total cost of such coverage is not more than 20 percent greater than the total cost of insurance coverage from the corporation, the corporation may not issue or renew coverage unless it imposes a premium equalization adjustment on such policy equal to the amount by which the total cost of insurance coverage offered by the approved surplus lines clearinghouse insurer exceeds the total cost of insurance coverage from the corporation. If the total cost of insurance from the approved surplus lines clearinghouse insurer does not exceed the total cost of corporation coverage, the corporation may not impose the premium equalization adjustment. If more than one approved surplus lines clearinghouse insurer offers coverage under s. 627.3518(5)(c)2., the lowest offered total cost of insurance coverage applies for purposes of this paragraph. The total cost of insurance coverage includes, but is not limited to, the premium, fees, surcharges,

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and applicable taxes. A premium equalization adjustment applied pursuant to this paragraph expires at the end of the policy term.

Section 2. Section 627.3518, Florida Statutes, is amended to read:

627.3518 Citizens Property Insurance Corporation policyholder eligibility clearinghouse program.—The purpose of this section is to provide a framework for the corporation to implement a clearinghouse program by January 1, 2014.

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

(a) "Approved surplus lines clearinghouse insurer" means an eligible surplus lines insurer that has a financial strength rating of "A-" or higher and a financial size category of A-VII or higher from A.M. Best Company which the clearinghouse administrator recommends for participation in the program and which the office verifies meets the requirements for participation in the program within 5 business days after the commercial lines clearinghouse administrator's recommendation.

(b) "Commercial lines clearinghouse administrator" means the individual or entity employed or otherwise contracted by the corporation to provide administrative or professional services to implement the commercial lines clearinghouse required pursuant to subparagraph (2)(b)1. within the corporation as set forth in paragraph (3)(b).

(c) "Corporation" means Citizens Property Insurance Corporation.

(d) ~~(b)~~ "Exclusive agent" means any licensed insurance agent that has, by contract, agreed to act exclusively for one company or group of affiliated insurance companies and is disallowed by

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the provisions of that contract to directly write for any other unaffiliated insurer absent express consent from the company or group of affiliated insurance companies.

~~(e) (e)~~ "Independent agent" means any licensed insurance agent not described in paragraph ~~(d)~~ ~~(b)~~.

~~(f)~~ "Primary residence" has the same meaning as in s. 627.351(6)(c)2.a.

~~(g) (d)~~ "Program" means the clearinghouse created under this section, consisting of the personal lines clearinghouse and the commercial lines clearinghouse.

~~(h)~~ "Surplus lines agent" means an insurance agent licensed pursuant to s. 626.927 or s. 626.9272.

(2) (a) The corporation shall establish a personal lines clearinghouse in order to confirm an applicant's eligibility with the corporation, and to enhance access of new applicants for personal lines coverage and existing personal lines policyholders of the corporation to offers of coverage from authorized insurers, and the corporation shall establish a program for personal residential risks in order to facilitate the diversion of ineligible applicants and existing policyholders from the corporation into the voluntary insurance market.

~~(b) 1.~~ The corporation shall implement on or before January 1, 2027, a commercial lines clearinghouse in order to enhance access to offers of coverage from approved surplus lines clearinghouse insurers for new applicants for commercial residential coverage and commercial nonresidential coverage and existing commercial residential and commercial nonresidential policyholders of the corporation.

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2. To facilitate the diversion of ineligible applicants and existing policyholders from the corporation to authorized insurers, the corporation may ~~shall~~ also develop and implement a separate commercial lines clearinghouse to confirm eligibility with the corporation and to enhance access to offers of such coverage from authorized insurers for new applicants for commercial residential or commercial nonresidential coverage and existing commercial residential and commercial nonresidential policyholders of the corporation ~~appropriate procedures for facilitating the diversion of ineligible applicants and existing policyholders for commercial residential coverage into the private insurance market and shall report such procedures to the President of the Senate and the Speaker of the House of Representatives by January 1, 2014.~~

(3) The corporation board shall establish the clearinghouse program as an organizational unit within the corporation. The program shall have all the rights and responsibilities in carrying out its duties as a licensed general lines agent and a surplus lines agent, but may not be required to employ or engage a licensed general lines agent or a surplus lines agent, or to maintain an insurance agency license to carry out its activities in the solicitation and placement of insurance coverage. In establishing the program, the corporation has all of the following rights and responsibilities ~~may~~:

(a) May require all new applications for personal lines coverage, and all personal lines policies due for renewal, to be submitted for coverage to the program in order to facilitate obtaining an offer of coverage from an authorized insurer or, if the risk is a commercial risk, shall require all new

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applications for commercial lines coverage, and all commercial lines policies due for renewal, to be initially submitted for coverage through the commercial clearinghouse as a single point of intake for both the corporation and the program in order to facilitate obtaining an offer of coverage from an approved surplus lines clearinghouse insurer, before binding or renewing coverage by the corporation.

(b) Shall establish and maintain the operational systems and procedures necessary to implement the program.

(c) May employ or otherwise contract with individuals or other entities for appropriate administrative or professional services to effectuate the plan within the corporation in accordance with the applicable purchasing requirements under s. 627.351 and, for purposes of implementing the commercial lines clearinghouse and providing offers of coverage from approved surplus lines clearinghouse insurers on or before January 1, 2027, contract with such individuals or entities in accordance with s. 287.057(3)(c).

(d)(e) May enter into contracts with any authorized insurer and any approved surplus lines clearinghouse insurer to participate in the program and accept an appointment by such insurer.

(e)(d) May provide funds to operate the program. Insurers and agents participating in the program are not required to pay a fee to offset or partially offset the cost of the program or use the program for renewal of policies initially written through the clearinghouse. Notwithstanding this paragraph, any commercial lines clearinghouse administrator may charge approved surplus lines clearinghouse insurers and surplus lines agents

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participating in the program reasonable transaction, technology, administration, and other similar fees.

(f)(e) May develop an enhanced application that includes information to assist private insurers in determining whether to make an offer of coverage through the program.

(g)(f) For personal lines residential risks, may require that, before approving all new applications for coverage by the corporation, that every application be subject to a period of 2 business days when any insurer participating in the program may select the application for coverage. For commercial lines residential and commercial lines nonresidential risks, the corporation may require, before approving all new applications for commercial lines coverage by the corporation, that every application be subject to a period of 5 business days when any insurer participating in the program may select the application for coverage. The insurer may issue a binder on any policy selected for coverage for a period of at least 30 days but not more than 60 days.

(h) Shall, in creating the commercial lines clearinghouse, establish criteria to determine the capabilities necessary for the commercial lines clearinghouse administrator. For facilitating offers of surplus lines coverage, such criteria must include confirmed expertise in the surplus lines market, at least 5 years of publicly available audited financial statements, the ability to facilitate all approved surplus lines clearinghouse insurers to participate in the commercial lines clearinghouse on terms established by the corporation, and other criteria that the corporation determines necessary to effectively establish, administer, and manage offers of surplus

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lines coverage through the commercial lines clearinghouse.

(i) Shall select a commercial lines clearinghouse administrator within 90 days after the effective date of this act.

(j) May allow the commercial lines clearinghouse administrator to establish procedures and account clearance requirements the commercial lines clearinghouse administrator deems necessary to ensure an orderly process for offers of coverage to be provided by approved surplus lines clearinghouse insurers participating in the commercial lines clearinghouse and to avoid multiple offers of coverage from the same insurer for the same risk.

(k) Must submit to the commercial lines clearinghouse administrator its coverage terms and conditions, deductible structures, and its unalterable indicated total cost of insurance coverage, which must include, but is not limited to, the premium, fees, surcharges, and applicable taxes for the subject risk before any approved surplus lines clearinghouse insurer is provided a submission for coverage pursuant to the program by any applicant for new coverage from the corporation or any policyholder of the corporation. The commercial lines clearinghouse administrator shall provide the corporation's unalterable indicated coverage terms and conditions and deductible structures, but may not provide the indicated total cost of corporation insurance coverage, to the approved surplus lines clearinghouse insurers participating in the program. The commercial lines clearinghouse administrator shall then use the corporation's unalterable indication to determine whether any offers of coverage from approved surplus lines clearinghouse

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insurers satisfy the requirements set forth in s. 627.351(6) (oo) and subparagraph (5)(c)2. The corporation may not bind or otherwise communicate, indicate, or make an offer of coverage to an applicant or policyholder, or its agent, or otherwise accept coverage until 5 business days have elapsed from the date that it provided its unalterable indication to the commercial lines clearinghouse administrator unless the time limit is waived in writing. Any change to the corporation's coverage terms and conditions, deductible structures, or indicated total cost of insurance coverage constitutes a new submission by the corporation under this paragraph. The validation period described in this paragraph applies regardless of any proposed effective date, renewal date, or expiration date of the policy and may not be shortened or bypassed based on timing considerations relating to binding or renewal.

(4) Any authorized insurer may participate in the program; however, participation is not mandatory for any insurer. Approved surplus lines clearinghouse insurers may participate in the commercial lines clearinghouse but may not participate in the personal lines clearinghouse; however, participation in the program is not mandatory for any surplus lines insurer. Insurers making offers of coverage to new applicants or renewal policyholders through the program:

(a) May not be required to individually appoint any agent whose customer is underwritten and bound through the program. Notwithstanding s. 626.112, insurers are not required to appoint any agent on a policy underwritten through the program for as long as that policy remains with the insurer. Insurers may, at their election, appoint any agent or surplus lines agent whose

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291 direct or indirect customer is initially underwritten and bound
 292 through the program. In the event an insurer accepts a policy
 293 from an agent who is not appointed pursuant to this paragraph,
 294 and thereafter elects to accept a policy from such agent, the
 295 provisions of s. 626.112 requiring appointment apply to the
 296 agent.

297 (b) Must enter into a limited agency agreement with each
 298 agent or surplus lines agent that is not appointed in accordance
 299 with paragraph (a) and whose direct or indirect customer is
 300 underwritten and bound through the program. In addition, a
 301 surplus lines agent that enters into a limited agency or broker
 302 agreement with an approved surplus lines clearinghouse insurer
 303 making an offer of coverage through the program must also enter
 304 into a limited agency or broker agreement with each producing
 305 agent whose customer is underwritten and bound through the
 306 program.

307 (c) Must enter into its standard agency agreement with each
 308 agent or surplus lines agent whose direct or indirect customer
 309 is underwritten and bound through the program when that agent or
 310 surplus lines agent has been appointed by the insurer pursuant
 311 to s. 626.112. In addition, a surplus lines agent that enters
 312 into a limited agency or broker agreement with an approved
 313 surplus lines clearinghouse insurer making an offer of coverage
 314 through the program must also enter into a limited agency or
 315 broker agreement with each producing agent whose customer is
 316 underwritten and bound through the program.

317 (d) Must comply with s. 627.4133(2) or, if the insurer is
 318 an approved surplus lines clearinghouse insurer, s. 626.9201.

319 (e) May participate through their single-designated

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320 managing general agent or broker or surplus lines agent;
 321 however, the provisions of paragraph (6)(a) regarding ownership,
 322 control, and use of the expirations continue to apply.

323 (f) For authorized insurers, must pay to the producing
 324 agent a commission equal to that paid by the corporation or the
 325 usual and customary commission paid by the insurer for that line
 326 of business, whichever is greater.

327 (g) For approved surplus lines clearinghouse insurers, when
 328 coverage is placed through the clearinghouse with an approved
 329 surplus lines clearinghouse insurer, must pay a total commission
 330 or equivalent compensation on gross written premium, exclusive
 331 of fees, surcharges, and taxes, to the surplus lines agent,
 332 managing general agent, or managing general underwriter placing
 333 the risk. The surplus lines agent, managing general agent, or
 334 managing general underwriter must pay the producing agent a
 335 commission that results in an effective commission percentage at
 336 least equal to the commission percentage published by the
 337 corporation and in effect on January 1, 2026, calculated in the
 338 same manner and on the same basis used by the corporation, and
 339 shall retain the remainder of the total commission or equivalent
 340 compensation. This paragraph does not prohibit an agent from
 341 voluntarily accepting a lower commission at the agent's sole
 342 discretion. As used in this paragraph, the term "effective
 343 commission percentage" means the commission expressed as a
 344 percentage of premium, exclusive of all fees, assessments,
 345 surcharges, and taxes.

346 (5)(a) Notwithstanding s. 627.3517, any applicant for new
 347 personal lines coverage from the corporation is not eligible for
 348 coverage from the corporation if provided an offer of comparable

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349 coverage from an authorized insurer through the program at a
 350 premium that is at or below the eligibility threshold for
 351 applicants for new coverage of a primary residence established
 352 in s. 627.351(6)(c)5.a., or for applicants for new coverage of a
 353 risk that is not a primary residence established in s.
 354 627.351(6)(c)5.b. Whenever an offer of comparable coverage for a
 355 personal lines risk is received for a policyholder of the
 356 corporation at renewal from an authorized insurer through the
 357 program which is at or below the eligibility threshold for
 358 primary residences of policyholders of the corporation
 359 established in s. 627.351(6)(c)5.a., or the eligibility
 360 threshold for risks that are not primary residences of
 361 policyholders of the corporation established in s.
 362 627.351(6)(c)5.b., the risk is not eligible for coverage with
 363 the corporation. In the event an offer of coverage for a new
 364 applicant is received from an authorized insurer through the
 365 program, and the premium offered exceeds the eligibility
 366 threshold for applicants for new coverage of a primary residence
 367 established in s. 627.351(6)(c)5.a., or the eligibility
 368 threshold for applicants for new coverage on a risk that is not
 369 a primary residence established in s. 627.351(6)(c)5.b., the
 370 applicant or insured may elect to accept such coverage, or may
 371 elect to accept or continue coverage with the corporation. In
 372 the event an offer of coverage for a personal lines risk is
 373 received from an authorized insurer at renewal through the
 374 program, and the premium offered exceeds the eligibility
 375 threshold for primary residences of policyholders of the
 376 corporation established in s. 627.351(6)(c)5.a., or exceeds the
 377 eligibility threshold for risks that are not primary residences

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378 of policyholders of the corporation established in s.
 379 627.351(6)(c)5.b., the insured may elect to accept such
 380 coverage, or may elect to accept or continue coverage with the
 381 corporation. Section 627.351(6)(c)5.a.(I) and b.(I) does not
 382 apply to an offer of coverage from an authorized insurer
 383 obtained through the program. ~~As used in this subsection, the~~
 384 ~~term "primary residence" has the same meaning as in s.~~
 385 ~~627.351(6)(c)2.a.~~
 386 (b) Any applicant for new commercial lines residential
 387 coverage from the corporation is not eligible for coverage from
 388 the corporation if provided an offer of comparable coverage from
 389 an authorized insurer through the program at a premium that is
 390 at or below the eligibility threshold for applicants for new
 391 coverage established in s. 627.351(6)(c)5.c. Whenever an offer
 392 of comparable coverage for a commercial lines residential risk
 393 is received for a policyholder of the corporation at renewal
 394 from an authorized insurer through the program which is at or
 395 below the eligibility threshold in s. 627.351(6)(c)5.c., the
 396 risk is not eligible for coverage from the corporation. In the
 397 event that an offer of coverage for a new applicant is received
 398 from an authorized insurer through the program, and the premium
 399 offered exceeds the eligibility threshold established in s.
 400 627.351(6)(c)5.c., the applicant or insured may elect to accept
 401 such coverage or may elect to accept or continue coverage with
 402 the corporation. In the event that an offer of coverage for a
 403 commercial lines residential risk is received from an authorized
 404 insurer at renewal through the program, and the premium offered
 405 exceeds the eligibility threshold for policyholders of the
 406 corporation established in s. 627.351(6)(c)5.c., the insured may

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elect to accept such coverage or may elect to accept or continue coverage with the corporation. Section 627.351(6)(c)5.c.(I) does not apply to an offer of coverage from an authorized insurer obtained through the program.

(c)1. Except as provided in subparagraph 2., any applicant for new commercial lines residential coverage or commercial lines nonresidential coverage from the corporation and any policyholder of the corporation, when such applicant or corporation policyholder is offered commercial lines residential or commercial lines nonresidential coverage pursuant to the program by an approved surplus lines clearinghouse insurer, remains eligible for coverage from the corporation. The applicant or policyholder receiving an offer from an approved surplus lines clearinghouse insurer may elect to accept such coverage or may elect to accept or continue coverage with the corporation.

2. Any applicant for new commercial lines residential coverage or commercial lines nonresidential coverage from the corporation and any policyholder of the corporation, when such applicant or corporation policyholder is offered commercial lines residential or commercial lines nonresidential coverage by an approved surplus lines insurer pursuant to the program and such offered coverage has material terms and conditions that are substantially equivalent to or better than coverage from the corporation as to all aspects of such coverage, as determined by the corporation through the clearinghouse process and applicable program standards, and the total cost of such insurance coverage is not more than 20 percent greater than the total cost of insurance coverage from the corporation, may elect to accept

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such coverage from the approved surplus lines clearinghouse insurer or may elect to accept or continue coverage with the corporation, but, if electing corporation coverage, such applicant or policyholder must pay a premium for corporation coverage that is subject to s. 627.351(6)(oo).

3. Section 627.351(6)(c)5.c.(I) does not apply to an offer of coverage from an approved surplus lines clearinghouse insurer obtained through the program.

(6) Independent insurance agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Are granted and must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(5)(a), s. 627.351(6)(c)5.a.(I)(B) and (II)(B), or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Such ownership is granted for as long as the insured remains with the agency or until sold or surrendered in writing by the agent. Contracts with the corporation or required by the corporation or with any insurer or surplus lines agent may must not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

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465 (c) May accept an appointment from any insurer
466 participating in the program.

467 (d) May enter into either a standard or limited agency
468 agreement with the insurer, at the insurer's option, and may
469 enter into agreements with a surplus lines agent.

470
471 Applicants ineligible for coverage in accordance with subsection
472 (5) remain ineligible if their independent agent is unwilling or
473 unable to enter into a standard or limited agency agreement with
474 an insurer participating in the program.

475 (7) Exclusive agents submitting new applications for
476 coverage or that are the agent of record on a renewal policy
477 submitted to the program:

478 (a) Must maintain ownership and the exclusive use of
479 expirations, records, or other written or electronic information
480 directly related to such applications or renewals written
481 through the corporation or through an insurer participating in
482 the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and
483 (II)(B) or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Contracts
484 with the corporation or required by the corporation must not
485 amend, modify, interfere with, or limit such rights of
486 ownership. Such expirations, records, or other written or
487 electronic information may be used to review an application,
488 issue a policy, or for any other purpose necessary for placing
489 such business through the program.

490 (b) May not be required to be appointed by any insurer
491 participating in the program for policies written solely through
492 the program, notwithstanding the provisions of s. 626.112.

493 (c) Must only facilitate the placement of an offer of

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494 coverage from an insurer whose limited servicing agreement is
495 approved by that exclusive agent's exclusive insurer.

496 (d) May enter into a limited servicing agreement with the
497 insurer making an offer of coverage, and only after the
498 exclusive agent's insurer has approved the limited servicing
499 agreement terms. The exclusive agent's insurer must approve a
500 limited service agreement for the program for any insurer for
501 which it has approved a service agreement for other purposes.

502
503 Applicants ineligible for coverage in accordance with subsection
504 (5) remain ineligible if their exclusive agent is unwilling or
505 unable to enter into a standard or limited agency agreement with
506 an insurer making an offer of coverage to that applicant.

507 (8) Submission of an application for coverage by the
508 corporation to the program does not constitute the binding of
509 coverage by the corporation, and failure of the program to
510 obtain an offer of coverage by an insurer may not be considered
511 acceptance of coverage of the risk by the corporation.

512 (9) The 45-day notice of nonrenewal requirement set forth
513 in s. 627.4133(2)(b)5. applies when a policy is nonrenewed by
514 the corporation because the risk has received an offer of
515 coverage pursuant to this section which renders the risk
516 ineligible for coverage by the corporation.

517 (10) ~~The program may not include commercial nonresidential~~
518 ~~policies.~~

519 ~~(11)~~ Proprietary business information provided to the
520 corporation's clearinghouse by insurers with respect to
521 identifying and selecting risks for an offer of coverage is
522 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

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of the State Constitution.

(a) As used in this subsection, the term "proprietary business information" means information, regardless of form or characteristics, which is owned or controlled by an insurer and:

1. Is identified by the insurer as proprietary business information and is intended to be and is treated by the insurer as private in that the disclosure of the information would cause harm to the insurer, an individual, or the company's business operations and has not been disclosed unless disclosed pursuant to a statutory requirement, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public;

2. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to the clearinghouse; and

3. Includes:

a. Trade secrets, as defined in s. 688.002.

b. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Proprietary business information may be found in underwriting criteria or instructions which are used to identify and select risks through the program for an offer of coverage and are shared with the clearinghouse to facilitate the shopping of risks with the insurer.

(b) The clearinghouse may disclose confidential and exempt proprietary business information:

1. If the insurer to which it pertains gives prior written

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consent;

2. Pursuant to a court order; or

3. To another state agency in this or another state or to a federal agency if the recipient agrees in writing to maintain the confidential and exempt status of the document, material, or other information and has verified in writing its legal authority to maintain such confidentiality.

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 1050

INTRODUCER: Senator Calatayud

SUBJECT: Veterinary Prescription Disclosure

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 1050 creates s. 474.224, F.S., to require a licensed veterinarian or an authorized member of his or her staff to inform clients of their right to receive a written prescription that can be filled at the pharmacy of the client's choice, or the option to have the veterinarian fill the prescription, if the veterinarian is able.

The bill requires either verbal or electronic disclosures, requires a one-time signed acknowledgment from the client, and necessitates the posting of a conspicuous sign within veterinary establishments informing clients of their right to have prescriptions filled elsewhere.

The bill provides exceptions for emergency situations and for prescriptions for controlled substances that are restricted by federal and state law.

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

The bill takes effect July 1, 2026.

II. Present Situation:

Veterinarians in Florida

The Board of Veterinary Medicine (board) within the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian

practicing in this state meets minimum requirements for safe practices to protect public health and safety.¹

A “veterinarian” is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida² and is subject to disciplinary action from the board for various violations of the practice act.³

The practice of “veterinary medicine” is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁴

Veterinary medicine includes, with respect to animals,⁵ all of the following:

- Surgery.
- Acupuncture.
- Obstetrics.
- Dentistry.
- Physical therapy.
- Radiology.
- Theriogenology (reproductive medicine).
- Other branches or specialties of veterinary medicine.⁶

The practice act defines a “veterinarian/client/patient relationship” (VCPR) as one in which a veterinarian has assumed responsibility for making medical judgments regarding the health of an animal and its need for medical treatment.⁷

Any permanent or mobile establishment where a licensed veterinarian practices must have a premises permit issued by the DBPR.⁸ Each person to whom a veterinary license or premises permit is issued must conspicuously display such document in her or his office, place of business, or place of employment in a permanent or mobile veterinary establishment or clinic.⁹

By virtue of accepting a license to practice veterinary medicine in Florida, a veterinarian consents to:

- Render a handwriting sample to an agent of the DBPR and, further, to have waived any objections to its use as evidence against her or him.

¹ Section 474.201, F.S.

² Section 474.202(11), F.S.

³ Sections 474.213 and 474.214, F.S.

⁴ Section 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.

⁵ Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁶ Section 474.202(13), F.S.

⁷ Section 474.202(12), F.S.

⁸ Section 474.215(1), F.S.

⁹ Section 474.216, F.S.

- Waive the confidentiality and authorize the preparation and release of medical reports pertaining to the mental or physical condition of the licensee when the DBPR has reason to believe that a violation of this chapter has occurred and when the DBPR issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint.¹⁰

For Fiscal Year 2023-2024, there were 13,392 actively licensed veterinarians in Florida. The DBPR received 611 complaints, which resulted in 44 disciplinary actions.¹¹

Veterinarians Prescribing and Dispensing Drugs

Veterinarians have broad authority to prescribe, as well as dispense, drugs and medicine to patients.¹² There are no laws prohibiting a veterinarian from maintaining their own on-site pharmacy and directly prescribing and then dispensing the drug or medication directly at the veterinarians' practice.

According to the American Veterinary Medical Association, "veterinarians are ethically bound to have a VCPR in place in order to prescribe medication for the patient and to provide a written prescription when requested."¹³

Federal Regulations

Federal law plays an important role in regulating what controlled substances a veterinarian is allowed to prescribe, administer and dispense. In order to purchase, prescribe, administer or dispense controlled substances, veterinarians must obtain a registration from the Drug and Enforcement Agency (DEA). According to the federal Controlled Substances Act, a veterinarian is considered a "practitioner," and is authorized to "distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research."¹⁴

Unless otherwise exempted, every practitioner who dispenses, which includes administering and prescribing, controlled substances in schedules II through V, must be registered with the DEA,¹⁵ and must comply with applicable state and local laws.¹⁶

A practitioner's registration must be renewed every three years.¹⁷

¹⁰ Section 474.2185, F.S.

¹¹ Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2023-2024*, <https://www2.myfloridalicense.com/os/documents/Division%20Annual%20Report%20FY%2023-24.pdf>, (last visited January 16, 2026).

¹² Section 474.202(8), F.S. "Patient" means any animal for which the veterinarian practices veterinary medicine.

¹³ American Veterinary Medical Association, *Pharmacy and prescription issues*, <https://www.avma.org/resources-tools/animal-healthand-welfare/animal-health/pharmacy> (last visited January 16, 2026).

¹⁴ 21 U.S.C. s. 802(21).

¹⁵ 21 U.S.C. s. 822(a)(2), and 21 C.F.R. 1301.11(a).

¹⁶ 21 U.S.C. s. 822(f).

¹⁷ 21 C.F.R. s. 1301.13(e)(1)(iv).

Veterinary Telehealth

In 2024, the Legislature enacted the Providing Equity in Telehealth Services Act (PETS Act), establishing a framework for the practice of veterinary telehealth.¹⁸ The PETS Act allows veterinarians who hold current licenses to practice veterinary telehealth.¹⁹

Limitations

The PETS Act puts certain limitations on what veterinarians can do via telehealth. The PETS Act requires a veterinarian:

- Provide certain information to the client, including the veterinarian's name, license number and contact information;
- Must prescribe all drugs and medications in accordance with federal and state laws;
- May not order or prescribe medicinal drugs or drugs as defined in s. 465.003, F.S., approved by the United States Food and Drug Administration for human use, or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept;
- May not use veterinary telehealth to prescribe a controlled substance as defined in ch. 893, F.S. (Drug Abuse Preventions and Control), unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept; and
- May not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse, as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C., ss. 3051 et seq.

Telehealth Prescriptions

Prescriptions based solely on a telehealth evaluation may be issued for up to one month for products labeled solely for flea and tick control and up to 14 days of treatment for other animal drugs.²⁰ Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination.²¹

III. Effect of Proposed Changes:

The bill creates s. 474.224, F.S., to provide requirements for a veterinary prescription disclosure. Before a licensed veterinarian or an authorized member of the veterinary staff prescribes a medication, a client must be clearly informed of the following:

- The client's right to receive a written prescription for the medication that can be filled at the pharmacy of the client's choice; and

¹⁸ Chapter 2024-260, Laws of Fla. (codified at s. 474.2021, F.S., effective July 1, 2024).

¹⁹ *Id.* Florida law requires the practice of telehealth to be consistent with a veterinarian's scope of practice and the prevailing professional standard of practice for a veterinarian who provides in-person veterinary services to patients in Florida, and who must employ sound, professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient.

²⁰ Section 474.2021, F.S.

²¹ *Id.*

- If the veterinarian establishment is able to fill the prescription, the option to have the prescription filled at the veterinary establishment.

The bill provides that “written prescription” includes paper prescriptions delivered via manual transmission or electronic prescriptions delivered via direct transmission to a pharmacy.

The bill requires each disclosure to be made:

- Verbally, if the consultation with the client is in person; or
- Electronically, if the consultation with the client is through veterinary telehealth.

Whichever option the client chooses (either to have medication filled at a pharmacy of their choosing or having the medication filled by the veterinary establishment) the veterinarian must document with a one-time acknowledgment that is signed by the client and that states the client is aware of the options. The bill provides specific language a veterinarian must have signed.

The acknowledgment signed by the client must be documented in the patient’s medical record. The bill prohibits the signed acknowledgment from making any statement, notification, warning, or assumption regarding the efficacy or safety of filling prescriptions through an outside pharmacy.

The bill also requires that a veterinary establishment to post a clear and conspicuous sign near the point of sale or where checkout occurs to clearly inform the client of their right to “receive a written prescription for medication that can be filled at the pharmacy of your choice; or have your prescription filled at the veterinary establishment, if the veterinary establishment is able to fill the prescription.”

Finally, the bill provides an exception that the required disclosures are not required if immediate dispensing of medication is required to preserve life or prevent suffering; or the prescription is for a controlled substance of which is restricted by federal or state law.

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 increase access and provide additional options for obtaining necessary medications for animal owners and may reduce the cost of such medications.

C. Government Sector Impact:

This bill does not affect state government revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 474.224 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 Calatayud

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1 A bill to be entitled
 2 An act relating to veterinary prescription disclosure;
 3 creating s. 474.224, F.S.; requiring a veterinarian or
 4 authorized member of veterinary staff to inform a
 5 client of the right to receive a written prescription
 6 to be filled at a pharmacy of the client's choice or
 7 the option to have the prescription filled at the
 8 veterinary establishment; defining the term "written
 9 prescription"; requiring that such disclosure be made
 10 in specified manners; requiring that the disclosure
 11 include an acknowledgement signed by the client;
 12 providing requirements for the acknowledgement;
 13 providing that such acknowledgement be documented in
 14 the patient's medical records; providing that such
 15 acknowledgement may not make certain statements,
 16 notifications, warnings, or assumptions; requiring a
 17 veterinary establishment to post a specified sign in a
 18 certain area; providing applicability; providing an
 19 effective date.

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

23 Section 1. Section 474.224, Florida Statutes, is created to
 24 read:

25 474.224 Veterinary prescription disclosure.—

26 (1)(a) Before dispensing a prescription medication, a
 27 licensed veterinarian or an authorized member of the veterinary
 28 staff must clearly inform a client of:

29 1. The client's right to receive a written prescription for

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

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30 the medication that can be filled at the pharmacy of the
 31 client's choice.

32 2. If the veterinary establishment is able to fill the
 33 prescription, the option to have the prescription filled at the
 34 veterinary establishment.

36 For purposes of this chapter, "written prescription" includes
 37 paper prescriptions delivered via manual transmission or
 38 electronic prescriptions delivered via direct transmission to a
 39 pharmacy.

40 (b) Each disclosure required under this subsection shall be
 41 made:

42 1. Verbally, if the consultation with the client is in
 43 person; or

44 2. Electronically, if the consultation with the client is
 45 through veterinary telehealth.

46 (c) The option chosen by the client under paragraph (a)
 47 must be documented by the veterinarian or an authorized member
 48 of the veterinary staff with a one-time acknowledgement that is
 49 signed by the client and that states that the client is aware of
 50 the options in paragraph (a).

51 1. The acknowledgement must be in substantially the
 52 following form:

54 ACKNOWLEDGMENT OF ABILITY TO
 55 RECEIVE WRITTEN PRESCRIPTION

56 I, ...(name of client)..., understand the veterinary client's
 57 right to receive a written prescription for medication that can
 58 be filled by the pharmacy of my choice or my veterinarian, as

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

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provided in s. 474.224, Florida Statutes.

Signature:...(signature of applicant)...Date:...(date)...

2. An acknowledgment signed by a client under this section shall be documented in the patient's medical record.

3. An acknowledgement under this section may not make a statement, notification, warning, or assumption regarding the efficacy or safety of filling prescriptions through an outside pharmacy.

(d) A veterinary establishment shall post a clear and conspicuous sign near the point of sale or where checkout occurs which substantially states the following:

FLORIDA LAW GIVES THE VETERINARY CLIENT THE OPTION TO:

1. RECEIVE A WRITTEN PRESCRIPTION FOR MEDICATION THAT CAN BE FILLED AT THE PHARMACY OF YOUR CHOICE; OR

2. HAVE YOUR PRESCRIPTION FILLED AT THE VETERINARY ESTABLISHMENT, IF THE VETERINARY ESTABLISHMENT IS ABLE TO FILL THE PRESCRIPTION.

(2) This section does not apply if:

(a) Immediate dispensing of medication is necessary to preserve life or prevent suffering; or

(b) The prescription is for a controlled substance, the dispensing of which is restricted by federal or state law.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 1066

INTRODUCER: Environment and Natural Resources Committee and Senator Brodeur

SUBJECT: Tributaries of the St. Johns River

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1066 creates the Northeast Florida Rivers, Springs, and Community Investment Act. It requires the Department of Environmental Protection (DEP) to develop a project plan by July 1, 2027, for the restoration of the Ocklawaha River. The project plan must provide for restoration and increased resiliency and recreation benefits of the Ocklawaha and St. Johns Rivers and Silver Springs. Subject to available funding, the restoration project must be completed by December 31, 2032.

The bill directs the DEP to develop and implement an outdoor recreation plan and a related grant program by January 1, 2028. The recreation plan must identify and implement projects that increase access to the rivers and springs for recreational activities. Projects on state-owned lands must be completed by December 31, 2035. The grant program must assist river communities in Clay, Marion, Putnam, and St. Johns counties to implement the recreation plan.

The bill directs the Department of Commerce to develop and implement an economic development program for Marion and Putnam Counties by January 1, 2028. The program must support projects that encourage job creation, capital investment, and strengthening and diversification of each county's economy.

The bill also establishes the Northeast Florida River and Springs Recreation and Economic Development Advisory Council within the DEP. The council must submit an advisory report by February 1, 2027, which provides recommendations for projects to be included in the outdoor

recreation plan, guidelines to govern the grant and economic development programs, and measures to minimize the restoration plan's impact on property owners and businesses.

The bill directs the DEP to hire a project lead by August 31, 2026, to oversee implementation of this act.

The Department of Environmental Protection may incur indeterminate costs to hire a project lead and develop and implement the restoration project plan, outdoor recreation plan, and grant program. The Department of Commerce may incur indeterminate costs to develop the economic development program. See Section V., Fiscal Impact Statement.

The bill shall take effect upon becoming law.

II. Present Situation:

St. Johns River

St. Johns River is the largest river in Florida, and one of the few rivers in the United States that flows north.¹ From its source in the marshes south of Melbourne to its mouth in Mayport, the river drops a total of less than 30 feet, or about one inch per mile. The incoming tide from the Atlantic Ocean causes the river to reverse its flow twice a day, and in periods of low water, tides may cause a reverse flow as far south as Lake Monroe, 161 miles upstream from the river's mouth. High and sustained northeasterly winds can result in many days of reversed flow. For these reasons, it is difficult for the river current to naturally flush pollutants.²

The St. Johns River is divided into three watersheds, also known as drainage basins.³ Because the river flows north, the upper basin is the area to the south that forms its marshy headwaters in Indian River and Brevard counties. The middle basin is the area in central Florida where the river widens, forming lakes Harney, Jesup, Monroe, and George. The lower basin is the area in northeast Florida from Putnam County to the river's mouth in Duval County, where the river empties into the Atlantic Ocean.⁴ The Ocklawaha River, with contributions from Silver Springs and Silver River, is the largest tributary entering the St. Johns River.⁵

Silver River and Silver Springs

Silver Springs is a first-magnitude spring that forms the headwaters of the Silver River.⁶ There are 30 springs in the Silver Springs group. The flow of Silver Springs is supplied by a vast system of fractures and solution channels in the limestone and dolomite of the Floridan aquifer, with approximately 45 percent of the flow originating from Mammoth Spring (also known as the Main Spring) and additional flow from smaller springs and boils downstream. The Silver River

¹ St. Johns River Water Management District (SJRWMD), *The St. Johns River*, <https://www.sjrwmd.com/waterways/st-johns-river/> (last visited Jan. 13, 2025).

² *Id.*

³ SJRWMD, *The St. Johns River*, <https://www.sjrwmd.com/waterways/st-johns-river/> (last visited Jan. 13, 2025).

⁴ *Id.*

⁵ SJRWMD, *A Story of the St. Johns River: The big picture*, 3 (2024), available at <https://aws.sjrwmd.com/SJRWMD/waterways/SJR-big-picture-fact-sheet-2024.pdf>.

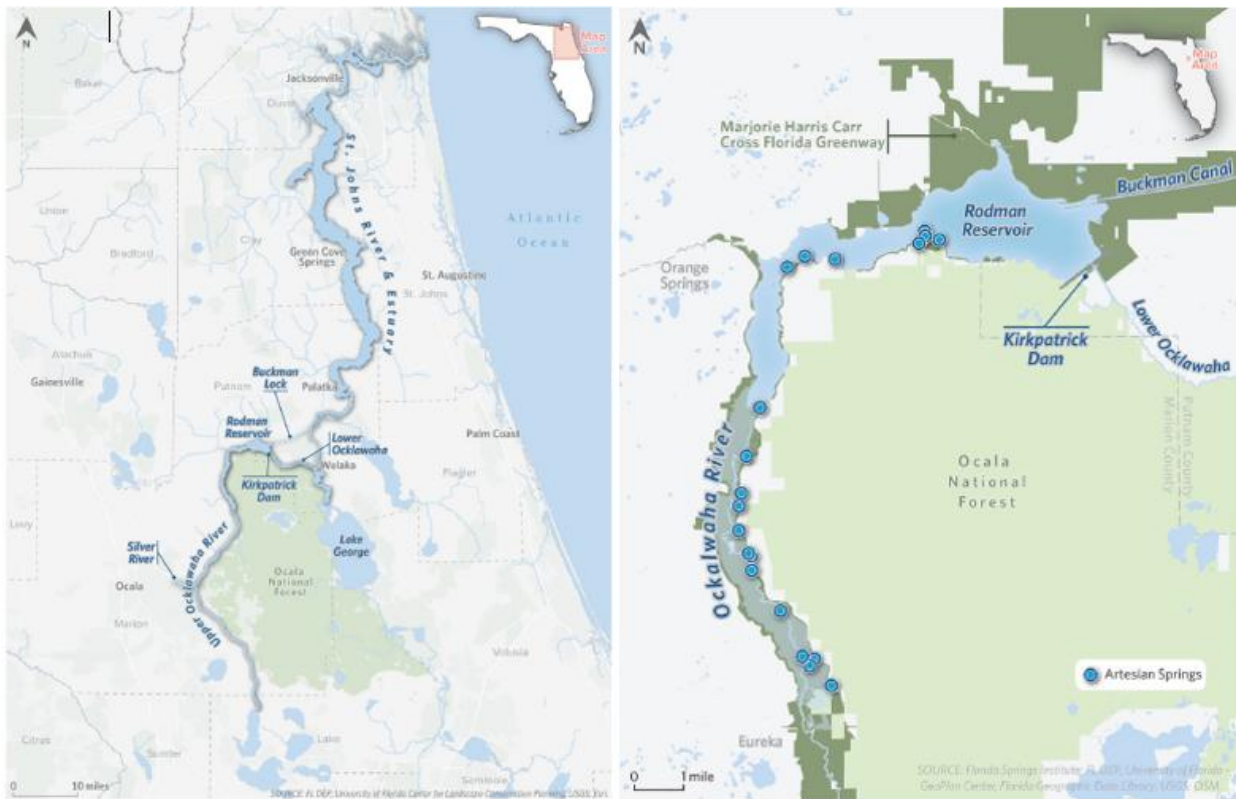
⁶ SJRWMD, *Silver Springs*, <https://www.sjrwmd.com/waterways/springs/silver/> (last visited Jan. 13, 2026).

flows eastward for about five miles through a dense cypress swamp before entering the Ocklawaha River.⁷

Silver Springs faces significant challenges, including increased nutrient pollution, algae growth, and declines in fish communities.⁸ In addition, spring discharge has declined over 30 percent since the 1930s, a shift that can be attributed to changing rainfall and recharge patterns and groundwater withdrawal.⁹

Ocklawaha River

The Ocklawaha River was historically a free-flowing river system connecting Central Florida to the St. Johns River, supporting extensive floodplain forests, springs, fish and wildlife habitat, and recreation.¹⁰ Construction of the Kirkpatrick (Rodman) Dam¹¹ and Rodman Reservoir as part of



⁷ *Id.*

⁸ Howard Odum, *Trophic Structure and Productivity of Silver Springs, Florida*, 55-112 (1957), available at <https://esajournals.onlinelibrary.wiley.com/doi/10.2307/1948571>; Robert L. Knight, 101, 147 (1980), available at <https://ufdc.ufl.edu/AA00022031/00001/images>; Douglas A. Munch, et al., *Fifty-Year Retrospective Study of the Ecology of Silver Springs, Florida*, viii, xiii, xv (2006), available at <https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB2010107711.xhtml>.

⁹ Andrew B. Sutherland, et al., *Minimum Flows Determination for Silver Springs, Marion County, Florida*, SJRWMD, 5 (2017), available at <https://static.sjrwmd.com/sjrwmd/secure/technicalreports/TP/SJ2017-2.pdf>.

¹⁰ See generally A. Quinton White Jr., et al., *Ocklawaha River Restoration: Science and Economics Report*, 11 (2024), available at https://www.researchgate.net/publication/390798234_Ocklawaha_River_Restoration_Science_and_Economics_Report.

¹¹ The Florida Legislature officially renamed the Rodman Dam the George Kirkpatrick Dam in 1998.

the Cross Florida Barge Canal¹² altered the river by flooding approximately 7,500 acres, submerging more than 20 freshwater springs, and eliminating roughly 16 miles of the natural river channel.¹³ Although the canal project was halted in 1981 and officially deauthorized in 1991, the dam and reservoir remain in place, causing extensive hydrological and ecological impacts.¹⁴

Rodman Reservoir and Kirkpatrick Dam

The Rodman Reservoir is an approximately 9,500-acre man-made impoundment of the Ocklawaha River that was constructed as part of the former Cross Florida Barge Canal Project.¹⁵ The reservoir has a drainage basin of 2,800 square miles, with its headwaters in the Green Swamp and Lake Apopka.¹⁶ Access to the reservoir is controlled by the Buckman Lock, while the Kirkpatrick Dam controls the reservoir's level.¹⁷ The 7,200 foot long earthen dam has a four-gate spillway designed to discharge up to 36,000 cubic feet of water per second from reservoir.¹⁸ The Rodman Reservoir and Kirkman Dam's spillway tailwaters support recreational and subsistence fisheries, including Florida bass and black crappie.¹⁹

The construction of the dam and reservoir has resulted in significant adverse impacts to the Ocklawaha River and floodplain, including: (1) chronic inundation of the floodplain and degradation of water quality in the Rodman Reservoir and upper river; (2) reduced downstream fish and shellfish productivity, (3) elimination of critical plant and wildlife dispersal corridors due to fragmentation of the Ocklawaha River and floodplain habitat; and (4) increased exotic and nuisance plant species from stagnant water levels and flow velocities created by the Kirkpatrick Dam.²⁰ In addition, the U.S. Army Corps of Engineers has classified the dam and reservoir as a potential high hazard to the downstream area in the event of failure or mis-operation of the dam or facilities.²¹ It has been estimated that the 11,000-acre inundation area contains approximately

¹² The Cross Florida Barge Canal was intended to connect the Gulf of Mexico and the Atlantic Ocean through an inland shipping route across Florida. After the project was halted, the abandoned corridor became the Marjorie Harris Carr Cross Florida Greenway. Today, the Greenway stretches more than 70,000 acres across 110 miles of Central Florida. Florida Museum, *Florida Environmental History: The Cross Florida Barge Canal*, <https://www.floridamuseum.ufl.edu/earth-systems/blog/florida-environmental-history-the-cross-florida-barge-canal/> (last visited Jan. 13, 2025).

¹³ See Florida Tax Watch, *A River (No Longer) Runs Through It: Ocklawaha River Restoration*, 2 (2022), available at <https://floridataxwatch.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=210&moduleid=35706&articleid=19140&documentid=1020>.

¹⁴ See DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*, 1-3 – 1-4, 1-8 (1997), available at https://drive.google.com/file/d/1hb07T_nRkQmZRxF6XJXg7s5dZxBXS8-/view. White, *Ocklawaha River Restoration: Science and Economics Report* at 4, 6 (depicting maps of the Ocklawaha River).

¹⁵ DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan (2017-2027)*, 152 (2018), available at <https://floridadep.gov/parks/parks-office-park-planning/documents/marjorie-harris-carr-cross-florida-greenway-2018-approved>.

¹⁶ *Id.* at 212.

¹⁷ *Id.* at 37.

¹⁸ *Id.* at 211.

¹⁹ See *id.*; Florida Fish and Wildlife Conservation Commission (FWC), *Rodman Reservoir*, <https://myfwc.com/fishing/freshwater/sites-forecasts/ne/rodman-reservoir/> (last visited Jan. 14, 2026); DEP, *Rodman Recreation Area*, <https://www.floridastateparks.org/parks-and-trails/rodman-recreation-area> (last visited Jan. 14, 2026).

²⁰ DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit* at 1-8.

²¹ U.S. Army Corps of Engineers (USACE), *National Inventory of Dams: Kirkpatrick Dam and Rodman Reservoir*, <https://nid.sec.usace.army.mil/nid/#/dams/system/FL00156/inspections> (last visited Jan. 13, 2026). See generally Federal Emergency Management Agency, *Fact Sheet 2.3: Mitigation of Dams and Reservoirs*, 1 (2022), available at

538 properties that, if flooded, could result in loss of life and represent a total loss of \$57.4 million.²²

Ocklawaha River Restoration

Since the 1970s, numerous groups have advocated for removing the Kirkpatrick Dam and restoration of the Rodman Reservoir to the Ocklawaha River floodplain due to ecological damage to the floodplain and surrounding ecosystems.²³ In 1993, the Florida Legislature directed the Department of Environmental Protection (DEP) to study the environmental and economic efficacy of several alternatives, including:

- Full restoration of the Ocklawaha River: Restoring river hydrology and floodplain function to preconstruction conditions through breaching of the dam, with limited removal and/or alteration of structures and alteration of topography.
- Partial restoration of the Ocklawaha River: Restoring river hydrology and floodplain function to preconstruction conditions through breaching of the dam, with limited removal and/or alteration of structures and alteration of topography.
- Total retention of the Rodman Reservoir: Retaining the reservoir at its current size and depth, with active management to enhance fish and/or wildlife. Removal and/or alteration of structures and topography would be limited.
- Partial retention of the Rodman reservoir: Reducing the size of the reservoir to the extent that a part of the river can be restored and a part of the reservoir can be retained.²⁴

In 1997, following a recommendation from the St. Johns River Water Management District, the DEP submitted a joint application for a state environmental resource permit and federal dredge and fill permit to implement the partial restoration of the Ocklawaha River.²⁵ Partial restoration was determined to be the most cost-effective alternative for addressing the overall objectives of the restoration project.²⁶ The major components of the proposed partial restoration include:

- Drawdown of the reservoir to be accomplished in three phases;
- Limited construction of channel stabilization and erosion control structures in the Ocklawaha River;
- Limited planting of native plant species to provide for erosion control;
- Partial leveling of the exposed barge canal side-cast spoil berms;
- Restoration of the historic Ocklawaha River channel flow by filling the barge canal where it intersects the river channel;
- Restoration of the historic Deep Creek channel flow by filling the barge canal where it intersects the creek channel;

https://www.fema.gov/sites/default/files/documents/fema_p-2181-fact-sheet-2-3-dams-and-reservoirs.pdf (providing description of dam hazard potential classifications).

²² White, *Ocklawaha River Restoration: Science and Economics Report* at 7, 49. See URS Corporation, *Emergency Action Plan: Kirkpatrick Dam and Rodman Reservoir*, 27-36 (2005), available at https://drive.google.com/file/d/1GAWXaDS7-V_hKUdfQY1AjxW5mwf3bNn4/view; DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 152.

²³ DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 151.

²⁴ See ch. 93-213, s.54, Laws of Fla.; DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*, 1-7 (1997), available at https://drive.google.com/file/d/1hb07T_nRkQmZRxF6XJXg7s5dZxBXS8-/view.

²⁵ See DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*.

²⁶ *Id.* at 1-7.

- Restoration of the historic Camp Branch floodplain and channel flow by filling the barge canal where it intersects the creek channel;
- Closure and securing of the Buckman Lock;
- Removal of 2,000 feet of the Kirkpatrick Dam (earthen portion);
- Partial filling and restoration of the spillway tailrace to natural grade; and
- Development and implementation of a cultural resources operating plan.²⁷

In 2001, the U.S. Department of Agriculture's Forest Service issued an Environmental Impact Statement recommending the partial restoration alternative.²⁸ To date, no action has been taken to implement that recommendation.

Restoration of the Ocklawaha River has the potential to produce a range of benefits, including increased freshwater flow, the return of historic fish communities, and enhanced access for other species that support spring and river ecosystem health.²⁹ Restoration is also expected to restore the flow of approximately 20 nearby springs that could support public use and tourism.³⁰ Increased flow from the Ocklawaha River to the Lower St. Johns River and estuary would reduce saltwater intrusion, improve water quality and freshwater food webs, and contribute to eelgrass growth and dispersal in the Lower St. Johns River.³¹

Additional benefits include restoration of floodplain forest habitat and reestablishment of historic connectivity through the floodplain forest, which provides sufficient contiguous habitat for many native vertebrate species in the region.³² Restoration would also eliminate public tax expenditures associated with the operation and maintenance of the Buckman Lock, reduce costs related to the management of exotic and nuisance vegetation, and enhance recreational opportunities along the restored river.³³

Restoration of the river would also remove structural flood hazards associated with dam failure.³⁴ While breaching the dam would result in the loss of the reservoir and spillway flows that supports existing fisheries, recreational enhancements, such as improved Ocklawaha and Lower

²⁷ DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 152; U.S. Dep't of Agriculture (USDA) Forest Service, *Final Environmental Impact Statement for the Occupancy and Use of National Forest Lands and Ocklawaha River Restoration*, 3-2 – 3-3 (2001), on file with the Senate Committee on Environment and Natural Resources.

²⁸ USDA, *Final Environmental Impact Statement for the Occupancy and Use of National Forest Lands and Ocklawaha River Restoration*, (2001).

²⁹ Nathaniel P. Hitt, et al., *Dam Removal Increases American Eel Abundance in Distant Headwater Streams*, 1171-1179 (2012), available at <https://academic.oup.com/tafs/article-abstract/141/5/1171/7877588?redirectedFrom=fulltext>; Frank Jordan, SJRWMD, *Environmental Studies Concerning Four Alternatives for Rodman Reservoir and the Lower Ocklawaha River*, 6 (1994), available at https://drive.google.com/file/d/13pcShL42Uw4xcEdDSnAAT_CW06ndrlr19/view; Sutherland, *Minimum Flows Determination for Silver Springs, Marion County, Florida* at 5-21.

³⁰ White, *Ocklawaha River Restoration: Science and Economics Report* at 6.

³¹ *Id.* at 7.

³² USDA, *Final Environmental Impact Statement for the Occupancy and Use of National Forest Lands and Ocklawaha River Restoration* at 1-6.

³³ *Id.* at 2-5.

³⁴ Florida Tax Watch, *A River (No Longer) Runs Through It: Ocklawaha River Restoration*, 7 (2022), available at <https://floridatxwatch.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=210&moduleid=35706&articleid=19140&documentid=1020>; White, *Ocklawaha River Restoration: Science and Economics Report* at 16-17.

St. Johns River access for boat and shore-based anglers, could offset some of the impacts to fishermen.³⁵

State Advisory Bodies

Advisory councils are a type of advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.³⁶ Advisory bodies must be established, evaluated, or maintained in accordance with the following provisions:

- They may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.
- They must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose.
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies.³⁷

An advisory body may not be created unless:

- It meets a statutorily defined purpose;
- Its powers and responsibilities conform with the statutory definitions for governmental units;³⁸
- Its members, unless expressly provided otherwise in the State Constitution, are appointed for four-year staggered terms; and
- Its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses.³⁹

Unless an exemption is otherwise specifically provided by law, all meetings of an advisory body must be public.⁴⁰ Minutes, including a record of all votes cast, must be maintained for all meetings.⁴¹

A law creating an advisory body must provide for its repeal on October 2 of the third year after enactment unless the law is reviewed and saved from repeal through reenactment by the Legislature.⁴²

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Northeast Florida Rivers, Springs, and Community Investment Act.”

³⁵ White, *Ocklawaha River Restoration: Science and Economics Report* at 6.

³⁶ Section 20.03(7), F.S.

³⁷ Section 20.052, F.S.

³⁸ See section 20.03, F.S., for definitions of governmental units.

³⁹ Section 20.052(4), F.S.

⁴⁰ Section 20.052(5)(c), F.S.

⁴¹ *Id.*

⁴² Section 20.052(8), F.S.

Section 2 creates s. 373.464, F.S., regarding Ocklawaha River restoration, recreation, and economic development. The bill requires the Department of Environmental Protection (DEP), no later than August 31, 2026, to hire a full-time equivalent contractor or employee, whose position title will be project lead, to oversee the implementation of this act. The project lead must have subject matter expertise in conservation and recreation planning.

Restoration Project Plan

The bill provides that, by July 1, 2027, the DEP must develop a project plan for the restoration of the Ocklawaha River. The project plan must provide for restoration and increased resiliency and recreation benefits of the Ocklawaha and St. Johns Rivers and Silver Springs. The project plan must:

- Be consistent with the partial restoration plan described in the 2001 Final Environmental Impact Statement prepared by the United States Department of Agriculture Forest Service for the DEP's Ocklawaha River Restoration Project, as described in DEP's Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit, dated November 24, 1997.
- Include engineering and design updates, including topographic and bathymetric surveys, and precise estimates of material to be dredged or excavated.
- Provide recommendations for road and bridge construction that is compatible with the partial restoration plan and ensures continued access for the communities west of the project.
- Include estimates by fiscal year of the cost of implementing the project plan and potential sources of funding for such costs.

The bill provides that, notwithstanding any law or rule, the project plan for the restoration of the Ocklawaha River is an environmental restoration or enhancement project subject to a general permit from the DEP and water management districts for environmental restoration or enhancement.

The bill provides that, subject to the provision of state, federal, or other funds, the DEP must complete the restoration project by December 31, 2032.

Advisory Council

The bill establishes the Northeast Florida River and Springs Recreation and Economic Development Advisory Council. The council would be assigned to, and administratively housed within, the DEP. The bill requires the project lead to serve as the council chair, and the members must meet at the call of the project lead. Members must serve without compensation but are entitled to reimbursement for per diem and travel expenses. Council members must serve 4-year terms, except that the initial terms must be staggered. The council must be composed of 16 members. One member must be the commanding officer of Naval Air Station Jacksonville or his or her designee. Nine of the council members must be appointed by and serve at the pleasure of the Governor and must include:

- Two representatives of river recreation-related businesses local to Marion or Putnam Counties.
- Two representatives of outdoor recreation user groups, one of whom represents fishing interests local to Marion or Putnam Counties.

- One representative of the department's Office of Greenways and Trails.
- One representative of the Florida Fish and Wildlife Conservation Commission's (FWC's) Division of Freshwater Fisheries Management.
- One representative of the FWC's Imperiled Species Management Section.
- One representative of the Department of Commerce.
- One representative of an environmental community support organization who has subject matter expertise on springs or rivers.

Six of the council members must be appointed by the boards of county commissioners for the following counties:

- Putnam County must appoint two members, one of whom must oversee parks and recreation for the county.
- Marion County must appoint two members, one of whom must oversee parks and recreation for the county.
- Clay County must appoint one member.
- St. Johns County must appoint one member.

The bill directs the council to submit an advisory report to the Governor, the Legislature, and the DEP by February 1, 2027. The report must include all of the following:

- Recommendations for projects to be included in the outdoor recreation plan created by this bill, including priorities for state-funded land projects.
- Recommendations to the DEP for the creation of guidelines to govern the grant program created by this bill.
- Recommendations to the Department of Commerce for the creation of guidelines to administer the economic development program created by this bill.
- Recommendations for measures to minimize the impact of the restoration plan on property owners or businesses directly affected by the restoration project.

The bill repeals this subsection on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Outdoor Recreation Plan

The bill directs the DEP to develop an outdoor recreation plan in collaboration with the FWC, the Northeast Florida River and the Springs Recreation and Economic Development Advisory Council, and the local governments of river communities in Clay, Marion, Putnam, and St. Johns Counties. The plan must identify and implement projects for enhanced and expanded river and springs access for recreational activities, such as fishing, hunting, swimming, wildlife viewing, paddling, and hiking. Such projects must be compatible with the project plan and applicable statutes. The outdoor recreation plan must be made available for public comment before its implementation.

The bill requires the DEP to implement the outdoor recreation plan by January 1, 2028. Subject to the provision of state, federal, or other funds, the DEP must complete projects on state-owned lands identified in the plan by December 31, 2035.

Grant Program

The bill provides that, by January 1, 2028, the DEP must develop a grant program for river communities in Clay, Marion, Putnam, and St. Johns Counties to implement the outdoor recreation plan. The grant program must be compatible with the project plan and outdoor recreation plan. The DEP must implement the grant program by January 1, 2028.

Economic Development Program

The bill directs the Department of Commerce to develop guidelines and processes for an economic development program for Marion and Putnam Counties. The economic development program must support projects that encourage job creation, capital investment, and strengthening and diversification of each county's economy. It must be compatible with the project plan, the outdoor recreation plan, and the grant program. The Department of Commerce must implement the economic development program by January 1, 2028.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection may incur indeterminate costs to hire a project lead and develop and implement the restoration project plan, outdoor recreation plan, and grant program. The Department of Commerce may incur indeterminate costs to develop the economic development program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 373.464 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Environment and Natural Resources on Jan. 20, 2026:**

Added the commanding officer of Naval Air Station Jacksonville as one of the members on the Northeast Florida River and Springs Recreation and Economic Development Advisory Council.

B. Amendments:

None.



195568

LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete lines 67 - 98

and insert:

Silver Springs. The project plan must be designed to restore the Ocklawaha River hydrology and floodplain function to the approximate conditions that existed before the construction of the Cross Florida Barge Canal project and its associated project works, including, but not limited to, the Kirkpatrick Dam and Buckman Lock. The project plan must be based on the restoration



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11 design and steps set forth in the department's pending Joint
12 Application for Environmental Resource and Federal Dredge and
13 Fill Permit. The project plan must incorporate the best
14 available science and include engineering and design updates,
15 including topographic and bathymetric surveys, and precise
16 estimates of material to be dredged or excavated. In addition,
17 the project plan must provide recommendations for road and
18 bridge construction that is compatible with the partial
19 restoration plan and ensures continued access for the
20 communities west of the project. The project plan must include
21 estimates by fiscal year of the cost of implementing the project
22 plan and potential sources of funding for such costs.

23 (b) Notwithstanding any law or rule, the project plan for
24 the restoration of the Ocklawaha River is an environmental
25 restoration or enhancement project subject to a general permit
26 from the department and water management districts for
27 environmental restoration or enhancement pursuant to rule 62-
28 330.405, Florida Administrative Code, and rule 62-330.485,
29 Florida Administrative Code.

30 (c) Subject to the provision of state, federal, or other
31 funds, the department shall complete the restoration project by
32 December 31, 2032.

33 (3) NORTHEAST FLORIDA RIVER AND SPRINGS RECREATION AND
34 ECONOMIC DEVELOPMENT ADVISORY COUNCIL.-

35 (a) Establishment of the council.-

36 1. By October 31, 2026, the Northeast Florida River and
37 Springs Recreation and Economic Development Advisory Council, an
38 advisory council as defined in s. 20.03(7), shall be established
39 and assigned to the



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

And the title is amended as follows:

 Delete lines 16 - 18

and insert:

 to the provision of funds; providing for the creation
 of the Northeast Florida River and Springs Recreation
 and Economic Development Advisory Council by a
 specified date; assigning the council to

By the Committee on Environment and Natural Resources; and
Senator Brodeur

592-02039-26

20261066c1

1 A bill to be entitled
2 An act relating to tributaries of the St. Johns River;
3 providing a short title; creating s. 373.464, F.S.;
4 requiring the Department of Environmental Protection,
5 by a specified date, to hire a project lead to oversee
6 the implementation of the act; requiring that the
7 project lead have certain expertise; requiring the
8 department to develop, by a specified date, a project
9 plan for the restoration of the Ocklawaha River;
10 specifying requirements for the project plan;
11 providing that the project plan is an environmental
12 restoration or enhancement project subject to a
13 general permit from the department and water
14 management districts; requiring the department to
15 complete the project plan by a specified date, subject
16 to the provision of funds; creating the Northeast
17 Florida River and Springs Recreation and Economic
18 Development Advisory Council; assigning the council to
19 the Department of Environmental Protection; providing
20 that the project lead is the chair of the council;
21 providing for council membership, meetings, and
22 duties; requiring the council to submit an advisory
23 report to the Governor, the Legislature, and the
24 department by a specified date; specifying
25 requirements for the advisory report; providing for
26 future repeal; requiring the department to develop an
27 outdoor recreation plan, in collaboration with certain
28 commissions, councils, and local governments of river
29 communities; specifying requirements for the outdoor

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

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30 recreation plan; requiring the department to implement
31 the plan by a specified date; requiring the department
32 to complete projects on state-owned lands in the
33 outdoor recreation plan by a specified date, subject
34 to certain funding; requiring the department to
35 develop a grant program for a specified purpose;
36 requiring that the grant program be compatible with
37 certain plans; requiring the department to implement
38 the grant program by a specified date; requiring the
39 Department of Commerce to develop guidelines and
40 processes for and implement an economic development
41 program for Marion and Putnam Counties for a specified
42 purpose by a specified date; requiring that the
43 economic development plan be compatible with certain
44 plans and programs; requiring the Department of
45 Commerce to implement the economic development program
46 by a specified date; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. This act may be cited as the "Northeast Florida
51 Rivers, Springs, and Community Investment Act."

52 Section 2. Section 373.464, Florida Statutes, is created to
53 read:

54 373.464 Ocklawaha River restoration, recreation, and
55 economic development.—

56 (1) PROJECT LEAD.—The department shall, no later than
57 August 31, 2026, hire a full-time equivalent contractor or
58 employee, whose position title will be project lead, to oversee

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

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the implementation of this act. The project lead must have subject matter expertise in conservation and recreation planning.

(2) PROJECT PLAN.

(a) By July 1, 2027, the department shall develop a project plan for the restoration of the Ocklawaha River. The project plan must provide for restoration and increased resiliency and recreation benefits of the Ocklawaha and St. Johns Rivers and Silver Springs. The project plan must be consistent with the partial restoration plan described in the 2001 Final Environmental Impact Statement prepared by the United States Department of Agriculture Forest Service for the department's Ocklawaha River Restoration Project, as described in the department's Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit, dated November 24, 1997. The project plan must include engineering and design updates, including topographic and bathymetric surveys, and precise estimates of material to be dredged or excavated. In addition, the project plan must provide recommendations for road and bridge construction that is compatible with the partial restoration plan and ensures continued access for the communities west of the project. The project plan must include estimates by fiscal year of the cost of implementing the project plan and potential sources of funding for such costs.

(b) Notwithstanding any law or rule, the project plan for the restoration of the Ocklawaha River is an environmental restoration or enhancement project subject to a general permit from the department and water management districts for environmental restoration or enhancement pursuant to rule 62-

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330.405, Florida Administrative Code, and rule 62-330.485, Florida Administrative Code.

(c) Subject to the provision of state, federal, or other funds, the department shall complete the restoration project by December 31, 2032.

(3) NORTHEAST FLORIDA RIVER AND SPRINGS RECREATION AND ECONOMIC DEVELOPMENT ADVISORY COUNCIL.

(a) Establishment of the council.

1. The Northeast Florida River and Springs Recreation and Economic Development Advisory Council, an advisory council as defined in s. 20.03(7), is established and assigned to the department. The council shall be administratively housed within the department. The project lead shall serve as the council chair, and the members shall meet at the call of the project lead. Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061. Council members shall serve 4-year terms, except that the initial terms shall be staggered.

2. The council shall be composed of the following 16 members:

a. Nine members of the council shall be appointed by and serve at the pleasure of the Governor and shall include:

(I) Two representatives of river recreation-related businesses local to Marion or Putnam County.

(II) Two representatives of outdoor recreation user groups, one of whom represents fishing interests local to Marion or Putnam County.

(III) One representative of the department's Office of Greenways and Trails.

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(IV) One representative of the Florida Fish and Wildlife Conservation Commission's Division of Freshwater Fisheries Management.

(V) One representative of the Florida Fish and Wildlife Conservation Commission's Imperiled Species Management Section.

(VI) One representative of the Department of Commerce.

(VII) One representative of an environmental community support organization who has subject matter expertise on springs or rivers.

b. Six members of the council shall be appointed by the boards of county commissioners for the following counties:

(I) Putnam County shall appoint two members, one of whom oversees parks and recreation for the county.

(II) Marion County shall appoint two members, one of whom oversees parks and recreation for the county.

(III) Clay County shall appoint one member.

(IV) St. Johns County shall appoint one member.

c. One member shall be the commanding officer of Naval Air Station Jacksonville or his or her designee.

(b) Report.—The council shall submit an advisory report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department by February 1, 2027. The report must include all of the following:

1. Recommendations for projects to be included in the outdoor recreation plan created in subsection (4), including priorities for state-funded land projects.

2. Recommendations to the department for the creation of guidelines to govern the grant program created in subsection (5).

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3. Recommendations to the Department of Commerce for the creation of guidelines to administer the economic development program created in subsection (6).

4. Recommendations for measures to minimize the impact of the restoration plan on property owners or businesses directly affected by the restoration project.

(c) Repeal.—In accordance with s. 20.052(8), this subsection is repealed October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(4) OUTDOOR RECREATION PLAN.—

(a) The department, in collaboration with the Fish and Wildlife Conservation Commission, the Northeast Florida River and Springs Recreation and Economic Development Advisory Council, and the local governments of river communities in Clay, Marion, Putnam, and St. Johns Counties, shall develop an outdoor recreation plan.

(b) The outdoor recreation plan must identify and implement projects for enhanced and expanded river and springs access for recreational activities, such as fishing, hunting, swimming, wildlife viewing, paddling, and hiking. Such projects must be compatible with the project plan and applicable statutes. The outdoor recreation plan must be made available for public comment before its implementation.

(c) The department shall implement the outdoor recreation plan by January 1, 2028.

(d) Subject to the provision of state, federal, or other funds, the department shall complete projects on state-owned lands identified in the outdoor recreation plan by December 31, 2035.

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(5) GRANT PROGRAM.—

(a) By January 1, 2028, the department shall develop a grant program for river communities in Clay, Marion, Putnam, and St. Johns Counties to implement the outdoor recreation plan.

(b) The grant program must be compatible with the project plan and outdoor recreation plan.

(c) The department shall implement the grant program by January 1, 2028.

(6) ECONOMIC DEVELOPMENT PROGRAM.—

(a) The Department of Commerce shall develop guidelines and processes for an economic development program for Marion and Putnam Counties. The economic development program must support projects that encourage job creation, capital investment, and strengthening and diversification of each county's economy.

(b) The economic development program must be compatible with the project plan, the outdoor recreation plan, and the grant program.

(c) The Department of Commerce shall implement the economic development program by January 1, 2028.

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 Appropriations Committee on Agriculture, Environment, and General
Government

BILL: SB 1120

INTRODUCER: Senator Brodeur

SUBJECT: Water Management Districts

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Reagan	Betta	AEG	Pre-meeting
2.			AP	

I. Summary:

SB 1120 amends laws concerning water management district funding, budgeting, and business practices.

District Funding

The bill provides that water management districts may not use state funds as a local match for any state grant program unless specifically appropriated for that purpose.

The bill authorizes a district to levy ad valorem taxes by referendum to finance the construction of capital improvement projects related to water supply, water quality, flood protection and floodplain management, and natural systems.

The bill limits the water management districts to 25 percent of available funding for projects included in the Statewide Flooding and Sea Level Rise Resilience program, annually.

District Budgets

Concerning preliminary budgets: the bill requires a section for each water management district's capital improvement plan for the current fiscal year and the next fiscal year, which will be incorporated in the district's five-year capital improvement plan. The bill requires the South Florida Water Management District (SFWMD) to include a separate section in its preliminary budget for all projects within the Comprehensive Everglades Restoration Plan.

Concerning tentative budgets: the bill authorizes the Legislative Budget Commission to reject district budget proposals for any portion of the budget funded with state appropriations and any individual project in a district's five-year capital improvement plan, with an exception for any project fully funded with ad valorem taxes approved by voters.

The bill requires the SFWMD to incorporate the amount of state revenues appropriated for the fiscal year in the sections of its tentative budget document on the costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.

District Business Practices

The bill prohibits a lobbyist or a principal from making, and a water management district governing board member, executive director, or district employee who qualifies as a local officer from knowingly accepting, any expenditure from a lobbyist for the purpose of lobbying.

The bill specifies that a quorum is necessary for a water management district governing board to conduct official business. It defines quorum as a majority of the members of the board, including appointed members and any vacancies.

For contractual services for the design, engineering, or construction of capital improvement projects costing \$20 million or more, the bill requires districts to give preference to the lowest responsible and responsive bid, proposal, or reply that includes proof of district-defined acceptable minimum work experience, project-specific payment and performance bonds, and minimum warranty of two years beginning at substantial completion, or that includes proof of a comparable financial assurance mechanism, as defined by district rule.

Everglades Restoration

The bill requires the SFWMD to include the total estimated remaining cost to implement the comprehensive plan for the Central and Southern Florida Project Comprehensive Review Study in its progress report on the comprehensive plan.

The bill provides that state and local members of the South Florida Ecosystem Restoration Task Force must identify whether funding sources for projects included in the Integrated Delivery Schedule will be recurring state funds provided by the Land Acquisition Trust Fund or nonrecurring state funds.

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

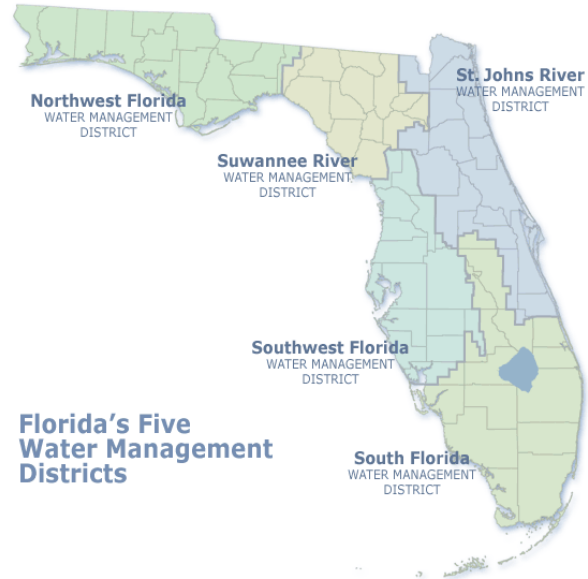
The bill has an effective date of July 1, 2026.

II. Present Situation:

Water Management Districts

Florida's water management districts are responsible for administering water resources at a regional level.¹ Their core focus is on water supply (including alternative water supply and the water resource development projects identified in a district's regional water supply plans), water quality, flood protection and floodplain management, and natural systems.²

Each water management district is directed by a governing board.³ Each board includes nine members who reside in the district, except the Southwest Florida Water Management District board, which includes 13 members who reside in the district.⁴ The Governor is tasked with appointing board members, subject to Senate confirmation.⁵ Vacancies in governing boards prior to the expiration of the affected term must be filled for that term.⁶



Currently, the governing board for only one district – the St. Johns River Water Management District – has no vacancies.⁷ The Northwest Florida, Suwannee River, South Florida, and Southwest Florida Water Management Districts each have one vacancy.⁸

A governing board is required to meet at least once a month and upon the call of the chair.⁹ There is no statutory language defining a quorum for district governing board purposes.¹⁰ The governing boards may conduct meetings by means of communications media technology.¹¹

¹ Florida Department of Environmental Protection (DEP), *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Feb. 2, 2026); section 373.069, F.S.

² DEP, *Water Management Districts*; s. 373.535(1)(a)2., F.S.

³ Section 373.073, F.S.

⁴ Section 373.073(1)(a), F.S.

⁵ *Id.*

⁶ Section 373.076, F.S.

⁷ Northwest Florida Water Management District, *Governing Board*, <https://nwfwater.com/about/governing-board/> (last visited Feb. 2, 2026); Suwannee River Water Management District, *Current Governing Board Members*, <https://www.mysuwanneeriver.com/134/Current-Board-Members> (last visited Feb. 2, 2026); St. Johns River Water Management District, *Governing Board*, <https://www.sjrwmd.com/governingboard/> (last visited Feb. 2, 2026); Southwest Florida Water Management District, *Governing Board*, <https://www.swfwmd.state.fl.us/about/about-the-district/governing-board> (last visited Feb. 2, 2026); South Florida Water Management District (SFWMD), *Governing Board*, <https://www.sfwmd.gov/who-we-are/governing-board> (last visited Feb. 2, 2026).

⁸ *Id.*

⁹ Section 373.079(7), F.S.

¹⁰ *See* section 373.079, F.S.

¹¹ Section 373.079(7), F.S. As used in section 120.54(5)(b)2., F.S., communications media technology is “the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.”

Lobbying Water Management Districts and Ethics Investigations

Ethics laws concerning lobbying before water management districts require a lobbyist¹² to register with the district they intend to lobby.¹³ To register, a lobbyist must provide a statement signed by the principal¹⁴ or principal's representative stating that the lobbyist is authorized to represent the principal. The principal must also identify its main business on the authorization statement.¹⁵ The registration form requires each lobbyist to disclose certain information.¹⁶

The Commission on Ethics¹⁷ is required to investigate a lobbyist or principal if it receives allegations that the lobbyist or principal has failed to register with a district or has knowingly submitted false information in a report or registration.¹⁸

Water Management District Contracts

Water management districts are authorized in statute to purchase commodities and contractual services that have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation.¹⁹ This authorization does not extend to the purchase of commodities and contractual services that fall under the definition of "professional services" in s. 287.055, F.S.²⁰

Professional services are defined in the Consultants' Competitive Negotiation Act to include services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping.²¹ The Act requires a water management district to publicly announce when such professional services must be purchased for projects that meet certain threshold amounts.²² For each proposed project, the district must select, in order of preference, at least three firms that are the most highly qualified to perform the required services.²³ To do this, the district must consider factors including, but not limited to, the ability level of professional personnel, whether a firm is a certified minority business enterprise, past performance, and willingness to meet time and budget requirements.²⁴

¹² A lobbyist is a person who is employed and receives payment for lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. Section 112.3215(1)(h), F.S.

¹³ Section 112.3261(2), F.S.

¹⁴ A principal is the person, firm, corporation, or other entity that employs or retains a lobbyist. Section 112.3215(1)(i), F.S.

¹⁵ *Id.*

¹⁶ Section 112.3261(2)(a)-(d), F.S.

¹⁷ The Commission on Ethics is created in statute to "serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state...and to serve as the independent commission provided for in s. 8(f), Art. II of the State Constitution." Section 112.320, F.S.

¹⁸ Section 112.3261(7), F.S.

¹⁹ Section 373.6075, F.S. Water management districts may purchase commodities and contractual services from the purchasing contracts of special districts, municipalities, counties, other political subdivisions, educational institutions, other states, nonprofit entities, purchasing cooperatives, or the federal government. *Id.*

²⁰ *Id.*

²¹ Section 287.055(2)(a), F.S.

²² Section 287.055(3)(a)1., F.S. Threshold amounts for purchasing categories are as follows: Category 1 is \$20,000, Category 2 is \$35,000, Category 3 is \$65,000, Category 4 is \$195,000, and Category 5 is \$325,000. Section 287.017, F.S.

²³ Section 287.055(4)(b), F.S.

²⁴ *Id.*

Water Management District Budget Development

The water management district fiscal year begins on October 1 and ends on September 30 of the following year.²⁵ On January 15 of each year, the water management districts must submit a preliminary budget for the next fiscal year for legislative review.²⁶ The Legislature may review each preliminary budget by March 1 and submit comments to the districts.²⁷ Any district that receives comments must respond in writing to the Legislature and the Governor by March 15.²⁸

Following the review of the preliminary budget, if the Legislature takes no action²⁹ by July 1, a water management district may proceed with the budget process.³⁰ By July 15 of each year, the budget officer of each district must develop a tentative budget and submit it for review and adoption by the governing board.³¹ By August 1, the tentative budget must also be submitted for review to the Legislature, the Governor, the chairs of all legislative committees and subcommittees that have substantive or fiscal jurisdiction over water management districts, the secretary of the Florida Department of Environmental Protection (DEP), and the governing body of each county in which the district has jurisdiction or derives any funds for district operations.³² The tentative budget submission must include a description of any significant changes from the preliminary budget.³³

By September 5, the chairs of each legislative committee and subcommittee may submit comments and objections to the districts.³⁴ Each district's governing board must include its response in the record of the meeting in which the final budget is adopted.³⁵ The record must be transmitted to the Governor, the chairs of the legislative appropriations committees, and the DEP. Then, by December 15, the Executive Office of the Governor must file with the Legislature a report that summarizes its review of the tentative budget.³⁶

The Executive Office of the Governor may approve or disapprove all or part of the budget of each water management district.³⁷ The Legislative Budget Commission may also reject the following district budget proposals:

- A single purchase of land over \$10 million, except for land exchanges.

²⁵ Section 373.536, F.S.

²⁶ Section 373.535(1)(a), F.S. The preliminary budget must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the chairs of each legislative committee and subcommittee having substantive or fiscal jurisdiction over water management districts, as applicable. *Id.*

²⁷ Section 373.535(2)(a), (b), F.S.

²⁸ Section 373.535(2)(b), F.S.

²⁹ The Legislature is required to annually review districts' preliminary budgets to ensure that taxes authorized by chapter 373, F.S., continue to be in proportion to the benefits derived by the parcels of real estate within the districts. Based on the review, the Legislature can set the authorized maximum millage rate or the maximum amount of property tax revenue to be raised by each district in the next fiscal year from the taxes levied. Section 373.503(4), F.S.

³⁰ Section 373.535(2)(c), F.S.

³¹ Section 373.535(3), F.S.; section 373.536(2), F.S.

³² Section 373.536(5)(d), F.S. The tentative budget must also be posted on the district's website at least two days prior to budget hearings. *Id.*

³³ *Id.*

³⁴ Section 373.536(5)(f), F.S.

³⁵ *Id.*

³⁶ Section 373.536(5)(g), F.S.

³⁷ Section 373.536(5)(a), F.S.

- Any cumulative purchase of land during a single fiscal year over \$50 million.
- Any issuance of debt on or after July 1, 2012.
- Program expenditures relating to salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for public outreach activities, lobbying, management, and administration³⁸ in excess of 15 percent of a district's total annual budget.
- Any individual variances in the tentative budget over 25 percent from the preliminary budget.³⁹

Written disapproval of any provision in the tentative budget must be received by the district at least five business days before the final district budget adoption hearing.⁴⁰

After the final budget adoption hearing, each district must submit copies of the following documents to the Governor, the Legislature, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over the districts, the secretary of the DEP, and the governing board of each county in which the district has jurisdiction or derives any funds for the operation of the district:

- The adopted budget;
- A financial audit of the district's accounts and records;
- A five-year capital improvement plan, which will be included in the consolidated annual report⁴¹ and which must include expected sources of revenue for planned improvement; and
- A five-year water resource development work program.⁴²

Water Management District Budget Contents

Each preliminary budget must include the following:

- A section clearly identifying and justifying each proposed expenditure relating to salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for public outreach activities, lobbying, management, and administration.⁴³ It must also identify the source of funds for each proposed expenditure.
- A section identifying the justification for proposed expenditures by core mission area of responsibility and the source of funds needed for activities related to water supply, water quality, flood protection and floodplain management, and natural systems.
- A section reviewing the adopted and proposed budget allocations by program area and the performance metrics of the prior year.
- An analysis of each preliminary budget to determine the adequacy of fiscal resources available to the district and the adequacy of proposed district expenditures relating to its core mission areas. The analysis must be based on the needs of each district for its core mission areas of responsibility.⁴⁴

³⁸ These expenditures are listed in s. 373.536(5)(e)4.e. and f., F.S.

³⁹ Section 373.536(5)(c), F.S.

⁴⁰ Section 373.536(5), F.S.

⁴¹ The consolidated annual report is required under the Florida Water Plan in section 373.036(7), F.S.

⁴² Section 373.536(6)(a), F.S.

⁴³ Section 373.535(1)(a), F.S.

⁴⁴ *Id.*

If applicable, the preliminary budget must specify that a district's first obligation for payment is the debt service on bonds and certificates of participation.⁴⁵

Each preliminary budget must also include everything required in the tentative budget; the tentative budget must be based on the preliminary budget.⁴⁶ Both budgets must include, but are not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year:

- The estimated amount of funds remaining at the beginning of the fiscal year, which are obligated for the payment of outstanding commitments that are not completed.⁴⁷
- The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, as well as an accounting of the source, balance, and projected future use of the unobligated funds and the estimated amount of funds that the district will raise through taxes or receive from other sources to meet the requirements of the district.
- The millage rates and the percentage increase above the rolled-back rate, an explanation of the necessity of the increase, and the percentage increase in taxable value from new construction in the district.
- The salaries and benefits, expenses, operating capital outlay, number of authorized positions, other personal services, and estimated amounts in the district budget for certain enumerated program areas.
- The total estimated amount in the district budget for each program area and for water resource, water supply, and alternative water supply development projects identified in the district's regional water supply plans.
- A description of each new, expanded, reduced, or eliminated program.
- The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user and permit fees for each program area.⁴⁸

In addition to other program areas, the South Florida Water Management District must also include separate sections on costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.⁴⁹

Water Management District Taxes

General regulatory and administrative functions of the water management districts benefit all of the people of the state and therefore those functions may be financed by general appropriations. Water resources programs of the districts that are of particular benefit to limited groups of people should be financed by the people who are most directly benefited.⁵⁰ Because of this policy, water management districts may finance their activities in part through ad valorem taxes.⁵¹

⁴⁵ Section 373.535(1)(b), F.S.

⁴⁶ Section 373.535(1)(a), F.S.; s. 373.536(5)(e), F.S.

⁴⁷ Section 373.536(5)(e), F.S.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Section 373.503(1), F.S.

⁵¹ *Id.* An ad valorem tax is a tax imposed on the value of property. Ad valorem taxes are commonly imposed by states, counties, and cities on real estate. These taxes are levied on property in proportion to its value, as determined by assessment or appraisal. West's Tax Law Dictionary §A530.

The Florida Constitution sets maximum millage rates for water management purposes.⁵² The constitutional maximum millage rate is 0.05 mill for the northwest portion of the state and 1.0 mill for the rest of the state.⁵³ This millage may only be levied by the water management districts.⁵⁴

Water management districts may, if appropriate, separate the taxes they levy into a millage necessary for the purposes of the district and a millage necessary for financing basin functions.⁵⁵ Notwithstanding any other law, and subject to annual legislative review in the preliminary budgets of each district, the maximum total millage rates for district and basin purposes are as follows:

- Northwest Florida Water Management District: 0.05 mill.
- Suwannee River Water Management District: 0.75 mill.
- St. Johns River Water Management District: 0.60 mill.
- Southwest Florida Water Management District: 1.0 mill.⁵⁶ In the Southwest Florida Water Management District, the maximum millage assessed for district purposes may not exceed 50 percent of the total authorized millage if there are one or more basins in the district, and the maximum millage assessed for basin purposes may not exceed 50 percent of the total authorized millage.⁵⁷
- South Florida Water Management District: 0.80 mill.⁵⁸ The apportionment of taxes raised by the South Florida Water Management District is a maximum of 40 percent for district purposes and a maximum of 60 percent for basin purposes.⁵⁹

Resilience Funding

The Statewide Flooding and Sea Level Rise Resilience Plan is a three-year plan consisting of ranked projects that address risks of flooding and sea level rise to coastal and inland communities in the state.⁶⁰ Local governments and certain local districts may submit projects for funding. Water management districts may also submit projects for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.⁶¹

Each project included in the plan must have a minimum 50 percent cost share unless the project assists a community eligible for a reduced cost share or is located within a community eligible for a reduced cost share.⁶² The total amount of funding proposed for each year of the plan may

⁵² FLA. CONST. art. VII, s. 9(b).

⁵³ *Id.*

⁵⁴ Section 373.503(2)(a), F.S.

⁵⁵ Section 373.503(3), F.S. Basin functions include: preparing engineering plans for water resources development and holding related public hearings, developing and preparing the overall basin plan for secondary water control facilities, budgeting, considering and approval of final construction plans for works that will be constructed within the basin, managing basin affairs, and planning for and providing water supply and transmission facilities for water supply. Section 373.0695(1), F.S.

⁵⁶ Section 373.503(3)(a), F.S.

⁵⁷ Section 373.503(3)(c), F.S.

⁵⁸ Section 373.503(3)(a), F.S.

⁵⁹ Section 373.503(3)(b), F.S.

⁶⁰ Section 380.093(5)(a), F.S.

⁶¹ Section 380.093(5)(a), F.S.

⁶² Section 380.093(5)(e), F.S.

not be less than \$100 million.⁶³ The Legislature must review and, subject to appropriation, approve funding.⁶⁴

The Resilient Florida Trust Fund is a source of funding for the Statewide Flooding and Sea-Level Rise Resilience Plan, including costs to operate the grant program, to develop the plan, and to provide grants to regional resilience coalitions.⁶⁵

The South Florida Water Management District

The South Florida Water Management District (SFWMD) was created in 1949 and is the oldest and largest of Florida's water management districts.⁶⁶ The SFWMD covers 16 counties and stretches from Orlando at its northernmost point to the Florida Keys at its southernmost point. It is responsible for managing the water resources for nine million residents by balancing and improving flood control, water supply, water quality, and natural systems.⁶⁷

Pursuant to its mission, the SFWMD manages the Central and Southern Florida (C&SF) Project.⁶⁸ The C&SF Project was authorized in 1948 to provide flood control, water supply, saltwater intrusion prevention, fish and wildlife preservation, recreation, and navigation in Central and South Florida.⁶⁹ The C&SF Project includes over 2,100 miles of canals and levees, 918 water control structures, and 89 pump stations.⁷⁰ Much of this infrastructure is over 60 years old and the SFWMD has determined that it will need repair or replacement to address the risk of more frequent and significant flooding.⁷¹

⁶³ Section 380.093(5)(h), F.S.

⁶⁴ *Id.*

⁶⁵ Section 380.0935(2), F.S.

⁶⁶ SFWMD, *Who We Are*, <https://www.sfwmd.gov/who-we-are> (last visited Feb. 2, 2026).

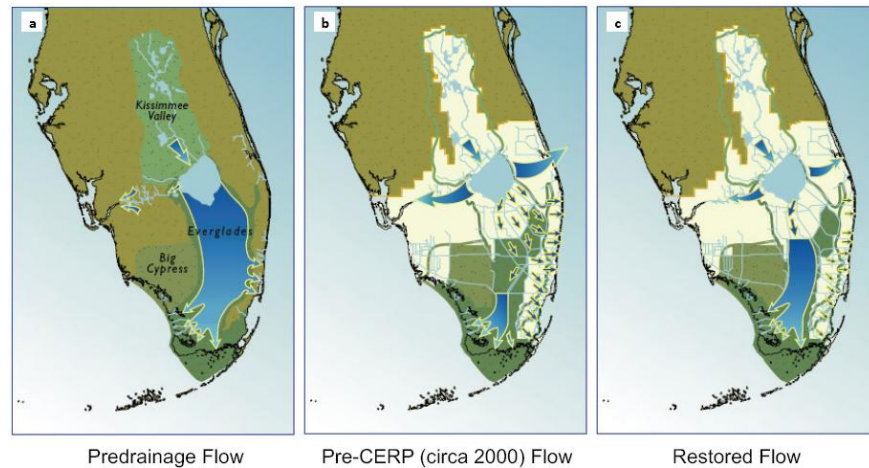
⁶⁷ *Id.*

⁶⁸ SFWMD, *2025 Consolidated Annual Report on Flood Resiliency*, 2 (Oct. 2025), available at https://www.sfwmd.gov/sites/default/files/documents/2025_Consolidated_Annual_Report_On_Flood_Resiliency.pdf

⁶⁹ SFWMD and U.S. Army Corps of Engineers (USACE), *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, i, 1-1 (April 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.

⁷⁰ SFWMD, *2025 Consolidated Annual Report on Flood Resiliency* at 2.

⁷¹ *Id.*



The federal legislation provides the framework for the CERP as a 50/50 cost-share program between the state and federal government.⁷² The U.S. Army Corps of Engineers is the federal sponsor for the partnership and the SFWMD is the lead non-federal sponsor.⁷³ The agencies track the cost-sharing based on their total respective spending on CERP initiatives. In 2009, the Army Corps of Engineers and SFWMD executed a Master Agreement, an umbrella agreement for CERP projects that established conditions for cost-sharing and for project partnership agreements.⁷⁴ Project partnership agreements establish project-specific responsibilities for the implementing agencies and provide project-specific credit to the SFWMD for its land acquisition and project construction efforts completed prior to the agreement.⁷⁵

South Florida Ecosystem Restoration Task Force

Congress established the intergovernmental South Florida Ecosystem Restoration Task Force in 1996.⁷⁶ The task force brings together federal, state, Tribal, and local agencies involved in Everglades restoration.⁷⁷ There are 15 members of the task force, including seven federal, two Tribal, and six state and local government representatives at the senior leadership level.⁷⁸ The task force's role is to coordinate the conservation, restoration, and research efforts for the Everglades ecosystem. To coordinate restoration projects, the task force compiles the Integrated Delivery Schedule.

⁷² Water Resources Development Act of 2000, Pub. L. No. 106-541, s. 601(e), 114 Stat. 2684 (2000).

⁷³ USACE, *Central & Southern Florida (C&SF) Project*.

⁷⁴ See SFWMD, *News Release: Momentum for Everglades Restoration Continues with Historic State-Federal Agreements* (Aug. 13, 2009), available at https://www.sfwmd.gov/sites/default/files/documents/nr_2009_0813_master_agreement.pdf.

⁷⁵ *Id.*

⁷⁶ Everglades Restoration, U.S. Department of the Interior, Office of Everglades Restoration Initiatives, *The South Florida Ecosystem Restoration Task Force: About Us*, <https://www.evergladesrestoration.gov/overview> (last visited Feb. 2, 2026).

⁷⁷ *Id.*

⁷⁸ Department of the Interior, *South Florida Ecosystem Restoration Task Force Charter*, 2-3 (Sept. 2023), available at <https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/651d6ab2891e7229053fdde4/1696426676989/Charter.pdf>.

The Integrated Delivery Schedule lists Everglades restoration projects to reflect upcoming design and program schedules and programmatic costs.⁷⁹ The image on this page is included in the 2026 Draft Integrated Delivery Schedule update and shows the South Florida Ecosystem Restoration investment through fiscal year 2023.⁸⁰ The Integrated Delivery Schedule does not include the funding needed for completed work or land acquisition. Further, it does not require agency action and is not a decision document.⁸¹

The Integrated Delivery Schedule serves the purpose of the Master Implementation Sequencing Plan described in the original CERP plan. The CERP requires the Army Corps of Engineers and the SFWMD, in consultation with other federal, state, Tribal, and local agencies to develop the Master Implementation Sequencing Plan, which provides sequencing and scheduling for the implementation of all included projects based on the best scientific, technical, funding, contracting, and other information available. The U.S. Army Corps of Engineers and the SFWMD must also consult with the South Florida Ecosystem Restoration Task Force in preparing the Master Implementation Sequencing Plan.⁸²

SOUTH FLORIDA ECOSYSTEM RESTORATION (SFER) INVESTMENT THROUGH FY2023 (Millions)					
	FEDERAL			NON-FEDERAL MULTIPLE AGENCIES	GRAND TOTAL
	USACE	DOI	TOTAL		
Modified Water Deliveries to ENP	\$78	\$317	\$395	—	\$395
Critical Projects	\$89	—	\$89	\$88	\$177
Kissimmee River Restoration	\$487	—	\$487	\$438	\$925
C&SF Non-CERP	\$788	\$52	\$840	\$227	\$1,067
C&SF CERP	\$2,524	\$112	\$2,637	\$2,823	\$5,460
C&SF CERP, to be credited	—	—	—	\$984	\$984
TOTAL SFER	\$3,965	\$482	\$4,446	\$4,560	\$9,008

Effect of Proposed Changes:

Section 1 amends s. 112.3261, F.S., which regulates lobbying before water management districts. The bill requires the Commission on Ethics to investigate a lobbyist or principal if the Commission receives a complaint alleging that the lobbyist or principal has made a prohibited expenditure. The bill defines “expenditure” as a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.⁸³

The bill also prohibits, notwithstanding any law to the contrary, a lobbyist or principal from making, directly or indirectly, and a district governing board member, executive director, or any

⁷⁹ South Florida Ecosystem Restoration Task Force, *Integrated Delivery Schedule Public Engagement Workshop*, (2026), available at <https://www.evergladesrestoration.gov/workshops/jan-23-2026-ids-workshop>.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² 33 CFR §385.30.

⁸³ The term “expenditure” does not include contributions or expenditures reported pursuant to state campaign financing law, federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or an affiliated party committee, or any other contribution or expenditure made by political organizations that are exempt under 26 U.S.C. § 527 or certain non-profit civic leagues or organizations that are exempt under 26 U.S.C. § 501(c)(4). “Expenditure” has the same meaning as it does in s. 112.3215, F.S.

district employee who is a local officer⁸⁴ from knowingly accepting, directly or indirectly, any expenditure.

Section 2 amends s. 373.0693, F.S., to remove language prohibiting the St. Johns River Water Management District governing board from designating subdistricts or basins without the approval of the Legislature.

Section 3 amends s. 373.079, F.S., to specify requirements for water management district governing board quorums. The bill states that a quorum is necessary for a governing board to conduct official business. The bill defines a quorum as a majority of all possible members of a governing board, which includes appointed members and any vacancies.

The bill requires a board member's appearance at a board meeting to be counted for the determination of a quorum, whether they appear in person or through the use of communication media technology. The bill specifies that action may be taken by the governing board only upon an affirmative vote of a majority of the members of the governing board.

The bill clarifies a citation.

Section 4 amends the annual reporting requirements in s. 373.470, F.S., which is the Everglades Restoration Investment Act.

The Everglades Restoration Investment Act currently requires the SFWMD, in cooperation with the DEP, to provide a detailed report on progress made in the implementation of the comprehensive plan,⁸⁵ including the status of all project components initiated after the effective date of the Everglades Restoration Investment Act or after the date of the last detailed report, whichever is later.

The bill additionally requires the report to include the total estimated remaining cost to implement the comprehensive plan, as well as the applicable performance indicators of all project components. The bill requires project components to be subdivided in the report into the following categories based on the project's status:

- Planning and design phase.
- Construction phase, for which the performance indicators must include, but are not limited to:
 - Whether the project is on time and on budget based on a schedule performance index; and
 - If the project had any claims, change orders, or credits upon closeout, the description, date, and cost of the change, compensatory amounts, and the remedy or resolution exercised as it pertains to the schedule or budget of the project.

⁸⁴ "Local officer" is defined in section 112.3145(1), F.S., to mean every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such elected office; any appointed member of the listed boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state; and any person holding one or more position, as listed.

⁸⁵ The "comprehensive plan" is the recommended comprehensive plan contained in the Central and Southern Florida Project Comprehensive Review Study's *Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*. For more information, see the "Everglades Restoration" section of this analysis.

- Operational phase, for which the performance indicators must include, but are not limited to, whether the project is achieving the goals and objectives identified in the final project implementation report.
- Pending projects phase, which includes project components that have not yet entered the planning or design phase.
- The estimated expenditures for the project in the prior fiscal year compared to the actual expenditures, with an explanation for significant variances.

The bill removes the requirement that only project components initiated after certain dates must be included in the report.

The bill requires that, for a project or project component developed pursuant to s. 255.065, F.S., relating to public-private partnerships, the performance indicators in the report must be consistent with national industry standards for the delivery method.

The bill also addresses the Integrated Delivery Schedule. It provides legislative recognition of the value of the Integrated Delivery Schedule as a forward-looking snapshot of upcoming planning, design, and construction schedules for the comprehensive plan and as a tool that provides information to decision-makers and facilitates achievement of the goals and purposes of the comprehensive plan at the earliest possible time to the extent practical given funding, engineering, and other contractual constraints. It also provides legislative recognition that the Integrated Delivery Schedule acts as a planning document and does not represent a budget or financial commitment on behalf of any of the participants of the South Florida Ecosystem Restoration Task Force. The bill requires the state and local members of the task force to identify funding sources for projects included in the Integrated Delivery Schedule to reflect whether the funding will use recurring state funds provided by the Land Acquisition Trust Fund or nonrecurring state funds.

Section 5 amends s. 373.501, F.S., to prohibit water management districts from using state funds as a local match for any state grant program, unless the funds have been specifically appropriated to the water management district for that purpose.

Section 6 amends s. 373.503, F.S., to clarify that a water management district may levy ad valorem taxes by resolution adopted by a majority vote of its governing board⁸⁶ and to authorize a district to levy ad valorem taxes by referendum.

The bill provides that a district may, by referendum, levy separate ad valorem taxes on property within the district or basin to finance the construction of capital improvement projects related to:

- Water supply, including alternative water supply, water resource development, and water quality projects identified in the water management district's regional water supply plans;
- Water quality;
- Flood protection and floodplain management; and
- Natural systems.

⁸⁶ Current law authorizes a district to levy ad valorem taxes on property within the district, however the current statutory language does not specify that this is done by resolution adopted by a majority vote of its governing board.

To finance capital improvement projects through separate ad valorem taxes, a district governing board must adopt a resolution to be approved by a majority vote of the electors in the district or basin voting in a referendum held at a general election.⁸⁷

The bill requires the resolution to include the millage that will be levied, a description of the capital improvement projects, the expected completion date for each project, and the date when the millage will expire. The millage may not be levied beyond the date of a project's expected date of completion.

The bill allows the millage to be levied up to an amount that, when it is combined with the millage levied by an adopted resolution, does not exceed maximum total millage rates.⁸⁸

Following approval by a majority vote in a general election, the resolution will take effect on January 1. The bill directs the referendum to be conducted consistent with the laws governing bond referenda.⁸⁹

The bill specifies that the millage raised by the SFWMD by a majority vote in a general election is excluded from the current statutory requirement that the SFWMD must direct no more than 40 percent of its ad valorem tax income to district purposes and no more than 60 percent to basin purposes.

Section 7 amends s. 373.535, F.S., to require each water management district to include in its preliminary budget a section that includes the district's capital improvement plan for the current fiscal year and the next fiscal year, which will be incorporated as part of its five-year capital improvement plan. The bill requires this section to include the following information for each project in the capital improvement plan:

- Estimated beginning and ending date.
- Current status, such as planning, construction, or operations.
- Funding source, grouped by federal, state, and local from ad valorem taxes raised by referendum of the district's governing board, local from ad valorem taxes raised by referendum, or other.
- Total cost of the project.
- Whether the project is funded from reserves.
- Total expenditures made to date, by fiscal year.
- Current year estimated expenditures.
- Annual budget, including future budget requests, until project completion, by funding source.
- Project description.
- State program code, such as operations and maintenance or ecosystems restoration.

⁸⁷ A general election is "an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law." Section 97.021(17), F.S.

⁸⁸ The maximum millage rates for district and basin purposes are provided in section 373.501(3)(c), F.S., and are 0.05 mill. for the Northwest Florida Water Management District, 0.75 mill. for the Suwannee River Water Management District, 0.6 mill. for the St. Johns Water Management District, 1.0 mill. for the Southwest Florida Water Management District, and 0.80 mill. for the South Florida Water Management District.

⁸⁹ As provided in sections 100.201-.351, F.S.

The bill also requires the SFWMD to include a separate section in its preliminary budget for all projects within the Comprehensive Everglades Restoration Plan. The information must be provided on a project-by-project basis, must include the source of funds, and must include, for each project, the following:

- The project title and a brief description.
- The total estimated cost of the project, broken down by federal and nonfederal sponsor obligations. The local sponsor obligations must be further broken down by state and district obligations.
- The timeline for the project.
- The total expenditures to date and estimated remaining expenditures needed for project completion.
- The estimate for expenditures for the current year and the next year by source of fund.
- For expenditures funded by state appropriations, the SFWMD must indicate which fiscal year the appropriation is from. In estimating expenditures for the next fiscal year, the SFWMD may only incorporate state revenues in an amount up to the funds provided for Everglades restoration projects in the Land Acquisition Trust Fund.⁹⁰ The SFWMD may incorporate state revenues beyond what is authorized in statute only if the district commits district revenues on a dollar-for-dollar basis for any amount over the amount specifically provided in the Land Acquisition Trust Fund.

The bill clarifies that use of the preliminary budget as a basis for developing the tentative budget may not be construed to impair any contractual obligation.

Section 8 amends s. 373.536, F.S., relating to the content and submission of water management district tentative budgets. The bill authorizes the Legislative Budget Commission to reject any individual part of a water management district's tentative budget that is funded with state appropriations, as well as any individual project in a district's five-year capital improvement plan. The Legislative Budget Commission may not reject specifically appropriated proposals or district projects fully funded with revenues funded with ad valorem taxes approved by voters.

Current law requires the SFWMD to include separate sections on costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan in its tentative budget. The bill adds that these sections must incorporate the amount of state revenues appropriated for the fiscal year.

The bill clarifies that use of the preliminary budget as a basis for developing the tentative budget may not be construed to impair any contractual obligation. The bill requires a water management district's tentative budget to include its capital improvement plan for the current fiscal year and the next fiscal year, in the same format as required in the preliminary budget.

Section 9 amends s. 373.6075, F.S., to provide that for contractual services for the design, engineering, or construction of capital improvement projects costing \$20 million or more, a water management district must give preference to the lowest responsible and responsive bid, proposal, or reply that includes proof of district-defined acceptable minimum work experience within this state, project-specific payment and performance bonds in amounts appropriate for the

⁹⁰ Specific amounts can be found in section 375.041(3)(b)1., 4., and 5., F.S.

project contract amount, and minimum warranty of two years beginning at substantial completion, or that includes proof of a comparable financial assurance mechanism, as defined by district rule.

The bill further requires that, for the purpose of the competitive selection process⁹¹ or procurement procedures⁹² in law, a district must consider whether a bid, proposal, or reply includes appropriate payment and performance bonds, proof of a comparable financial assurance mechanism, or documentation of all bond faults or bond claims within the last 10 years, including all open and closed claims and agreed upon amounts with a description of the claim and any resolution.

Section 10 amends the Statewide Flooding and Sea Level Rise Resilience Plan in s. 380.093, F.S. Current law requires the plan to consist of ranked projects that address the risks of flooding and sea level rise. The bill requires all of the eligible projects submitted by a water management district to be ranked on a separate list. The bill provides that no more than 25 percent of the total amount proposed may fund projects submitted by water management districts.

Section 11 reenacts s. 373.0697, F.S., to incorporate an amendment made by this bill to s. 373.503, F.S., which is referenced in the reenacted section.

Section 12 provides an effective date of July 1, 2026.

III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁹¹ This competitive selection process is found in section 287.055, F.S., relating to acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services.

⁹² These procurement procedures are found in section 255.065(3), F.S., relating to public-private partnerships.

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

The bill authorizes water management districts to, by referendum, levy separate ad valorem taxes on property within the district or basin to finance the construction of capital improvement projects. The millage may not be levied beyond the date of a project's expected date of completion. The total amount of the millage may not be more than what is currently authorized by law.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.3261, 373.0693, 373.079, 373.470, 373.501, 373.503, 373.535, 373.536, 373.6075, and 380.093.

This bill reenacts section 373.0697 of the Florida Statutes.

VIII. 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 Brodeur

10-00727-26

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1 A bill to be entitled
 2 An act relating to water management districts;
 3 amending s. 112.3261, F.S.; defining the term
 4 "expenditure"; requiring the Commission on Ethics to
 5 investigate a lobbyist or principal who has made a
 6 prohibited expenditure and to provide the Governor
 7 with a report of its findings and recommendations
 8 regarding such investigation; prohibiting certain
 9 persons from making or accepting expenditures;
 10 amending s. 373.0693, F.S.; deleting a provision
 11 requiring legislative approval before the
 12 establishment of a subdistrict or basin in a certain
 13 water management district takes effect; amending s.
 14 373.079, F.S.; requiring a quorum for the conduct of
 15 official business by the governing board of a water
 16 management district; providing requirements for a
 17 quorum; requiring an affirmative vote of a majority of
 18 the members of the governing board before any action
 19 may be taken by the board; amending s. 373.470, F.S.;
 20 requiring the South Florida Water Management District,
 21 in cooperation with the Department of Environmental
 22 Protection, to provide a detailed report that includes
 23 the total estimated remaining cost of implementation
 24 of the Comprehensive Everglades Restoration Plan and
 25 the status of applicable performance indicators for
 26 all project components; requiring that the project
 27 components be subdivided into specified categories
 28 based on the project's status; specifying requirements
 29 for performance indicators for certain projects or

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30 project components; providing legislative recognition
 31 of the value of the integrated delivery schedule;
 32 requiring the South Florida Ecosystem Restoration Task
 33 Force to identify certain sources of funding when
 34 making recommendations for updates to the integrated
 35 delivery schedule; amending s. 373.501, F.S.;
 36 prohibiting a water management district from using
 37 state funds for a specified purpose; providing an
 38 exception; amending s. 373.503, F.S.; authorizing
 39 water management districts to levy certain ad valorem
 40 taxes on specified property for certain purposes;
 41 requiring a district governing board levying ad
 42 valorem taxes for certain projects to adopt a
 43 resolution approved by a majority vote of the voting
 44 electors in the district or basin; specifying
 45 requirements for such resolution; providing
 46 specifications for the millage levied; requiring that
 47 the referendum question on the ballot specify the
 48 purpose of the levy and the maximum length of time the
 49 millage may be imposed; defining the term "capital
 50 improvement projects"; revising requirements for the
 51 maximum total millage rate; amending s. 373.535, F.S.;
 52 requiring that the preliminary budget for each water
 53 management district include a section that contains
 54 the district's capital improvement plan for the
 55 current fiscal year and the next fiscal year;
 56 requiring that such section contain specified
 57 information; requiring the South Florida Water
 58 Management District to include a section in its

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59 preliminary budget for all projects within the
 60 Comprehensive Everglades Restoration Plan; requiring
 61 that the section contain specified information;
 62 requiring the South Florida Water Management District
 63 to indicate the fiscal year from which certain
 64 appropriations are expended; requiring the district to
 65 incorporate state revenues in a certain manner when
 66 estimating expenditures for the next fiscal year;
 67 providing an exception; providing construction;
 68 amending s. 373.536, F.S.; authorizing the Legislative
 69 Budget Commission to reject certain district budget
 70 proposals; providing an exception; providing
 71 construction; requiring the South Florida Water
 72 Management District to include in its budget document
 73 certain sections that incorporate the actual amount of
 74 state revenues appropriated for the fiscal year;
 75 requiring that a water management district's tentative
 76 budget for its proposed operations and funding
 77 requirements include the district's capital
 78 improvement plan for the current year and the next
 79 fiscal year; amending s. 373.6075, F.S.; requiring a
 80 water management district to give preference to
 81 certain bids, proposals, or replies for the design,
 82 engineering, or construction of capital improvement
 83 projects in excess of a specified amount; requiring a
 84 water management district to consider certain factors
 85 for the purpose of the competitive bid selection
 86 process; amending s. 380.093, F.S.; requiring that
 87 certain projects submitted by water management

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88 districts to the department for the Statewide Flooding
 89 and Sea Level Rise Resilience Plan be ranked on a
 90 separate list; revising the list of information that
 91 must be submitted by the department for each project;
 92 specifying the composition of the total amount of
 93 funding for such plan; restricting funding available
 94 to water management districts; reenacting s. 373.0697,
 95 F.S., relating to basin taxes, to incorporate the
 96 amendment made to s. 373.503, F.S., in a reference
 97 thereto; providing an effective date.
 98
 99 Be It Enacted by the Legislature of the State of Florida:
 100
 101 Section 1. Present paragraphs (b), (c), and (d) of
 102 subsection (1) of section 112.3261, Florida Statutes, are
 103 redesignated as paragraphs (c), (d), and (e), respectively, a
 104 new paragraph (b) is added to that subsection, subsection (9) is
 105 added to that section, and subsection (7) of that section is
 106 amended, to read:
 107 112.3261 Lobbying before water management districts;
 108 registration and reporting.—
 109 (1) As used in this section, the term:
 110 (b) "Expenditure" has the same meaning as in s. 112.3215.
 111 (7) Upon receipt of a sworn complaint alleging that a
 112 lobbyist or principal has failed to register with a district,
 113 has made a prohibited expenditure, or has knowingly submitted
 114 false information in a report or registration required under
 115 this section, the commission shall investigate a lobbyist or
 116 principal pursuant to the procedures established under s.

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112.324. The commission shall provide the Governor with a report of its findings and recommendations in any investigation conducted pursuant to this subsection. The Governor is authorized to enforce the commission's findings and recommendations.

(9) Notwithstanding s. 112.3148, s. 112.3149, or any other law, a lobbyist or principal may not make, directly or indirectly, any expenditure, and a district governing board member, an executive director, or any district employee who qualifies as a local officer as defined in s. 112.3145(1) may not knowingly accept, directly or indirectly, any expenditure.

Section 2. Subsection (1) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins; basin boards.—

(1)~~(a)~~ Any areas within a district may be designated by the district governing board as subdistricts or basins. The designations of such basins must ~~shall~~ be made by the district governing board by resolutions thereof. The governing board of the district may change the boundaries of such basins, or create new basins, by resolution.

~~(b) No subdistrict or basin in the St. Johns River Water Management District other than established by this act shall become effective until approved by the Legislature.~~

Section 3. Subsection (7) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.—

(7) The governing board shall meet at least once a month and upon call of the chair. A quorum is necessary for the board to conduct official business. A majority of the members of the

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governing board, which includes both appointed members and vacancies, constitutes a quorum. A board member's appearance at a board meeting, whether such appearance is in person or through the use of communications media technology, must be counted for the determination of a quorum. Except where otherwise provided by law, action may be taken by the governing board only upon an affirmative vote of a majority of the members of the governing board. The governing board, a basin board, a committee, or an advisory board may conduct meetings by means of communications media technology in accordance with rules adopted pursuant to s. 120.54(5)(b) s. 120.54.

Section 4. Subsection (7) of section 373.470, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

373.470 Everglades restoration.—

(7) ANNUAL REPORT.—To provide enhanced oversight of and accountability for the financial commitments established under this section and the progress made in the implementation of the comprehensive plan, the following information must be prepared annually as part of the consolidated annual report required by s. 373.036(7):

(a) The district, in cooperation with the department, shall provide the following information as it relates to implementation of the comprehensive plan:

1. An identification of funds, by source and amount, received by the state and by each local sponsor during the fiscal year.

2. An itemization of expenditures, by source and amount, made by the state and by each local sponsor during the fiscal

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175 year.

176 3. A description of the purpose for which the funds were

177 expended.

178 4. The unencumbered balance of funds remaining in trust

179 funds or other accounts designated for implementation of the

180 comprehensive plan.

181 5. A schedule of anticipated expenditures for the next

182 fiscal year.

183 (b) The department shall prepare a detailed report on all

184 funds expended by the state and credited toward the state's

185 share of funding for implementation of the comprehensive plan.

186 The report shall include:

187 1. A description of all expenditures, by source and amount,

188 from the former Conservation and Recreation Lands Trust Fund,

189 the Land Acquisition Trust Fund, the former Preservation 2000

190 Trust Fund, the Florida Forever Trust Fund, the Save Our

191 Everglades Trust Fund, and other named funds or accounts for the

192 acquisition or construction of project components or other

193 features or facilities that benefit the comprehensive plan.

194 2. A description of the purposes for which the funds were

195 expended.

196 3. The unencumbered fiscal-year-end balance that remains in

197 each trust fund or account identified in subparagraph 1.

198 (c) The district, in cooperation with the department, shall

199 provide a detailed report on progress made in the implementation

200 of the comprehensive plan, including the total estimated

201 remaining cost of implementation of the comprehensive plan. The

202 report must also include the status of and applicable

203 performance indicators for all project components. The project

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204 components must be subdivided into the following categories

205 based on the project's status:

206 1. Planning and design phase.

207 2. Construction phase, for which the performance indicators

208 must include, but are not limited to:

209 a. Whether the project is on time and on budget based on a

210 schedule performance index; and

211 b. Whether the project had any claims, change orders, or

212 credits upon closeout, including the description, date, and cost

213 of the change, compensatory amounts, and the remedy or

214 resolution exercised as it pertains to the schedule or budget of

215 the project.

216 3. Operational phase, for which the performance indicators

217 must include, but are not limited to, whether the operation of

218 the project is achieving the goals and objectives identified in

219 the final project implementation report.

220 4. Pending projects phase, which includes project

221 components that have not yet entered the planning or design

222 phase.

223 5. The estimated expenditures for the project in the prior

224 fiscal year compared to the actual expenditures, with an

225 explanation for significant variances initiated after the

226 effective date of this act or the date of the last report

227 prepared under this subsection, whichever is later.

228 (d) For a project or project component developed pursuant

229 to s. 255.065, the performance indicators in the report must be

230 consistent with national industry standards for the delivery

231 method.

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The information required in paragraphs (a), (b), ~~and~~ (c), and
(d) ~~must~~ ~~shall~~ be provided as part of the consolidated annual
report required by s. 373.036(7). Each annual report is due by
March 1.

(8) INTEGRATED DELIVERY SCHEDULE.—The Legislature
recognizes the value of the integrated delivery schedule as a
forward-looking snapshot of upcoming planning, design, and
construction schedules for the comprehensive plan and as a tool
that provides information to decisionmakers and facilitates
achievement of the goals and purposes of the comprehensive plan
at the earliest possible time to the extent practical, given
funding, engineering, and other contractual constraints. The
Legislature further recognizes that the schedule acts as a
planning document and does not represent a budget or financial
commitment on behalf of any of the participants of the South
Florida Ecosystem Restoration Task Force. Therefore, when making
recommendations for any update to the schedule, state and local
members of the task force shall identify project funding sources
to reflect whether funding will use recurring state funds
provided pursuant to s. 375.041(3)(b)1., 4., and 5., or whether
the project may be funded with nonrecurring state funds.

Section 5. Subsection (3) is added to section 373.501,
Florida Statutes, to read:

373.501 Appropriation of funds to water management
districts.—

(3) A water management district may not use state funds as
a local match for any state grant program unless such funds have
been specifically appropriated to the district for such purpose.

Section 6. Subsection (3) of section 373.503, Florida

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Statutes, is amended to read:

373.503 Manner of taxation.—

(3)(a)1. The districts may, by resolution adopted by a
majority vote of the governing board, levy ad valorem taxes on
property within the district solely for the purposes of this
chapter and of chapter 25270, 1949, Laws of Florida, as amended,
and chapter 61-691, Laws of Florida, as amended. If appropriate,
taxes levied by each governing board may be separated by the
governing board into a millage necessary for the purposes of the
district and a millage necessary for financing basin functions
specified in s. 373.0695.

2.a. A district may levy separate ad valorem taxes on
property within the district or basin for the purposes of the
construction of capital improvement projects. Such levy must be
by resolution adopted by a majority vote of the district's
governing board and conditioned to take effect only upon
approval by a majority vote of the electors in the district or
basin, as applicable, voting in a referendum held at a general
election as defined in s. 97.021. The resolution must be
conditioned to take effect on the January 1 immediately
following voter approval of the referendum. The resolution must
include the millage to be levied, a detailed description of the
capital improvement projects to be funded by the millage, such
projects' expected dates of completion, and the maximum duration
for the levy of the millage, which may not extend beyond the
date that the projects are expected to be completed. The millage
levied under this subparagraph may be up to an amount that, when
combined with millage levied under subparagraph 1., does not
exceed the maximum total millage rate authorized under paragraph

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(b). The referendum question on the ballot must specify a brief and general description of the purpose of the levy and the maximum length of time the millage may be imposed.

b. For purposes of this subparagraph, the term "capital improvement projects" means projects related to water supply, including alternative water supply and water resource development projects identified in the district's regional water supply plans, water quality, flood protection and floodplain management, and natural systems.

(b)(a) Notwithstanding any other general or special law, and subject to subsection (4), the maximum total millage rate for all district and basin purposes authorized under this section shall be:

1. Northwest Florida Water Management District: 0.05 mill.
2. Suwannee River Water Management District: 0.75 mill.
3. St. Johns River Water Management District: 0.6 mill.
4. Southwest Florida Water Management District: 1.0 mill.
5. South Florida Water Management District: 0.80 mill.

(c)~~(b)~~ The apportionment of millages levied pursuant to subparagraph (a)1. in the South Florida Water Management District shall be a maximum of 40 percent for district purposes and a maximum of 60 percent for basin purposes, respectively.

(d)~~(c)~~ Within the Southwest Florida Water Management District, the maximum millage assessed for district purposes may not exceed 50 percent of the total authorized millage if there are one or more basins in the district, and the maximum millage assessed for basin purposes may not exceed 50 percent of the total authorized millage.

Section 7. Section 373.535, Florida Statutes, is amended to

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read:

373.535 Preliminary district budgets.—

(1) BUDGET DEVELOPMENT.—

(a) By January 15 of each year, each water management district shall submit a preliminary budget for the next fiscal year for legislative review to the President of the Senate, the Speaker of the House of Representatives, and the chairs of each legislative committee and subcommittee having substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives, as applicable, in the form and manner prescribed in s. 373.536(5)(e).

(b) Each preliminary budget must also include:

1. A section that clearly identifies and provides justification for each proposed expenditure listed in s. 373.536(5)(e)4.e. and f. and identifies the source of funds for each proposed expenditure.
2. A section identifying the justification for proposed expenditures by core mission area of responsibility and the source of funds needed for activities related to water supply, including alternative water supply and water resource development projects identified in the district's regional water supply plans, water quality, flood protection and floodplain management, and natural systems.
3. A section that includes the district's capital improvement plan for the current fiscal year and the next fiscal year, which will be incorporated as part of the district's 5-year capital improvement plan. The following information must be included for each project contained in the capital improvement

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349 plan:

350 a. Estimated beginning and ending date.

351 b. Current status, such as planning, construction, or
 352 operations.

353 c. Funding source, grouped by federal, state, and local
 354 pursuant to s. 373.503(3)(a)1., local pursuant to s.
 355 373.503(3)(a)2., or other.

356 d. Total cost of the project.

357 e. Whether the project is funded from reserves.

358 f. Total expenditures made to date, by fiscal year.

359 g. Current year estimated expenditures.

360 h. Annual budget, including future budget requests, until
 361 project completion, by funding source.

362 i. Project description.

363 j. State program code, such as operations and maintenance
 364 or ecosystems restoration.

365 4.3- A section reviewing the adopted and proposed budget
 366 allocations by program area and the performance metrics for the
 367 prior year.

368 5.4- An analysis of each preliminary budget to determine
 369 the adequacy of fiscal resources available to the district and
 370 the adequacy of proposed district expenditures related to the
 371 core mission areas of responsibility for water supply, including
 372 alternative water supply and water resource development projects
 373 identified in the district's regional water supply plans, water
 374 quality, flood protection and floodplain management, and natural
 375 systems. The analysis must be based on the particular needs
 376 within each district for core mission areas of responsibility.
 377 The water supply analysis must specifically include a

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378 determination of the adequacy of each district's fiscal
 379 resources provided in the district's preliminary budget to
 380 achieve appropriate progress toward meeting the districtwide 20-
 381 year projected water supply demands, including funding for
 382 alternative water supply development and conservation projects.

383 (c)-(b) If applicable, the preliminary budget for each
 384 district must specify that the district's first obligation for
 385 payment is the debt service on bonds and certificates of
 386 participation.

387 (d) In addition to the information that must be included
 388 for projects carried out pursuant to the capital improvement
 389 plan in subparagraph (b)3., the South Florida Water Management
 390 District must include a separate section in its preliminary
 391 budget for all projects within the Comprehensive Everglades
 392 Restoration Plan. The information for the separate section must
 393 be provided on a project-by-project basis and include the source
 394 of funds. For each project, all of the following information
 395 must be included:

396 1. The project title and a brief description.

397 2. The total estimated cost of the project, delineated by
 398 federal and nonfederal sponsor obligations. The local sponsor
 399 obligations must be further delineated by state and district
 400 obligations.

401 3. The timeline for the project.

402 4. The total expenditures to date and estimated remaining
 403 expenditures needed for project completion.

404 5. The estimate of expenditures for the current year.

405 6. The estimate of expenditures for the next fiscal year.

406 (e) For expenditures funded by state appropriations, the

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 South Florida Water Management District shall indicate which fiscal year the appropriation is from. In estimating expenditures for the next fiscal year, the district may incorporate state revenues only in an amount up to the amount of funds specifically provided in s. 375.041(3)(b)1., 4., and 5., unless the district commits district revenues on a dollar-for-dollar basis for any amount over such amount specifically provided.

(2) LEGISLATIVE REVIEW.—

(a) The Legislature may annually review the preliminary budget for each district, including, but not limited to, those items listed in s. 373.536(5)(e)4.d.-f., specific to regulation, outreach, management, and administration program areas.

(b) On or before March 1 of each year, the President of the Senate and the Speaker of the House of Representatives may submit comments regarding the preliminary budget to the districts, and provide a copy of the comments to the Executive Office of the Governor. Each district shall respond to the comments in writing on or before March 15 of each year to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor.

(c) If, following such review, the Legislature does not take any action pursuant to s. 373.503 on or before July 1 of each year, a water management district may proceed with budget development as provided in subsection (3) and s. 373.536.

(3) FUNDING AUTHORITY GRANTED.—Each district shall use the preliminary budget as submitted pursuant to subsection (1), and as may be amended by the district in response to review by the Legislature pursuant to this section and s. 373.503, as the

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 basis for developing the tentative budget for the next fiscal year as provided in s. 373.536(5). However, this subsection may not be construed to impair any contractual obligations.

Section 8. Paragraphs (c) and (e) of subsection (5) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—

(c) The Legislative Budget Commission may reject any of the following district budget proposals unless specifically appropriated by the Legislature:

1. A single purchase of land in excess of \$10 million, except for land exchanges.

2. Any cumulative purchase of land during a single fiscal year in excess of \$50 million.

3. Any issuance of debt on or after July 1, 2012.

4. Any program expenditure ~~expenditures~~ as described in sub-subparagraphs (e)4.e. and f. in excess of 15 percent of a district's total annual budget.

5. Any individual variance ~~variances~~ in a district's tentative budget which is in excess of 25 percent from a district's preliminary budget.

6. Any individual portion of a district's tentative budget funded with state appropriations.

7. Any individual project in the district's 5-year capital improvement plan, except for those projects fully funded with revenues approved by voters pursuant to s. 373.503(3)(a)2.a.

Written disapproval of any provision in the tentative budget

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465 must be received by the district at least 5 business days before
 466 the final district budget adoption hearing conducted under s.
 467 200.065(2)(d). If written disapproval is not received at least 5
 468 business days before the final budget adoption hearing, the
 469 governing board may proceed with final adoption. Any provision
 470 rejected by the Executive Office of the Governor or the
 471 Legislative Budget Commission may not be included in a
 472 district's final budget and may not be acted upon through any
 473 other means without the prior approval of the entity rejecting
 474 the provision.

475 (e) The tentative budget must be based on the preliminary
 476 budget as submitted to the Legislature, and as may be amended by
 477 the district in response to review by the Legislature pursuant
 478 to ss. 373.503 and 373.535, as the basis for developing the
 479 tentative budget for the next fiscal year as provided in this
 480 subsection; however, this subsection may not be construed to
 481 impair any contractual obligations. The tentative budget, and
 482 must set forth the proposed expenditures of the district, to
 483 which may be added an amount to be held as reserve. The
 484 tentative budget must include, but is not limited to, the
 485 following information for the preceding fiscal year and the
 486 current fiscal year, and the proposed amounts for the upcoming
 487 fiscal year, in a standard format prescribed by the Executive
 488 Office of the Governor, in consultation with the Legislature:

489 1. The estimated amount of funds remaining at the beginning
 490 of the fiscal year which have been obligated for the payment of
 491 outstanding commitments not yet completed.

492 2. The estimated amount of unobligated funds or net cash
 493 balance on hand at the beginning of the fiscal year; an

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494 accounting of the source, balance, and projected future use of
 495 the unobligated funds; and the estimated amount of funds to be
 496 raised by district taxes or received from other sources to meet
 497 the requirements of the district.

498 3. The millage rates and the percentage increase above the
 499 rolled-back rate, together with a summary of the reasons the
 500 increase is required, and the percentage increase in taxable
 501 value resulting from new construction within the district.

502 4. The salaries and benefits, expenses, operating capital
 503 outlay, number of authorized positions, and other personal
 504 services for the following program areas of the district:

505 a. Water resource planning and monitoring;

506 b. Land acquisition, restoration, and public works;

507 c. Operation and maintenance of works and lands;

508 d. Regulation;

509 e. Outreach for which the information provided must contain
 510 a full description and accounting of expenditures for water
 511 resources education; public information and public relations,
 512 including public service announcements and advertising in any
 513 media; and lobbying activities related to local, regional, state
 514 and federal governmental affairs, whether incurred by district
 515 staff or through contractual services; and

516 f. Management and administration.

517
 518 In addition to the program areas reported by all water
 519 management districts, the South Florida Water Management
 520 District shall include in its budget document separate sections
 521 on all costs associated with the Everglades Construction Project
 522 and the Comprehensive Everglades Restoration Plan, incorporating

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the amount of state revenues appropriated for the fiscal year.

5. The total estimated amount in the district budget for each area of responsibility listed in subparagraph 4. and for water resource, water supply, and alternative water supply development projects identified in the district's regional water supply plans.

6. A description of each new, expanded, reduced, or eliminated program.

7. The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.

8. The water management district's capital improvement plan for the current fiscal year and the next fiscal year, in the same format as required in the preliminary budget.

Section 9. Section 373.6075, Florida Statutes, is amended to read:

373.6075 Purchases from contracts of other entities.—

(1) A water management district may purchase commodities and contractual services, excluding services subject to s. 287.055, from the purchasing contracts of special districts, municipalities, counties, other political subdivisions, educational institutions, other states, nonprofit entities, purchasing cooperatives, or the Federal Government, which have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation, and which are otherwise in compliance with general law if the purchasing contract of the other entity is procured by a process that meets the procurement requirements of the

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water management district.

(2) For contractual services for the design, engineering, or construction, or for any combination of the design, engineering, or construction of capital improvement projects with a total project cost estimated at \$20 million or more, a water management district shall give preference to the lowest responsible and responsive bid, proposal, or reply that includes proof of district-defined acceptable minimum work experience within this state, project-specific payment and performance bonds in amounts appropriate for the project contract amount, and minimum warranty of 2 years beginning at substantial completion, or that includes proof of a comparable financial assurance mechanism, as defined by district rule.

(3) For the purpose of the competitive selection process in s. 287.055(4) or procurement procedures in s. 255.065(3), a water management district shall consider whether a bid, proposal, or reply includes appropriate payment and performance bonds, proof of a comparable financial assurance mechanism, as defined by district rule, or documentation of all bond faults or bond claims within the last 10 years, including all open and closed claims and agreed-upon amounts with a description of the claim and any resolution.

Section 10. Paragraphs (a), (c), (d), (e), and (h) of subsection (5) of section 380.093, Florida Statutes, are amended to read:

380.093 Resilient Florida Grant Program; comprehensive statewide flood vulnerability and sea level rise data set and assessment; Statewide Flooding and Sea Level Rise Resilience Plan; regional resilience entities.—

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- 581 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.-
 582 (a) By December 1 of each year, the department shall
 583 develop a Statewide Flooding and Sea Level Rise Resilience Plan
 584 on a 3-year planning horizon and submit it to the Governor, the
 585 President of the Senate, and the Speaker of the House of
 586 Representatives. The plan must consist of ranked projects that
 587 address risks of flooding and sea level rise to coastal and
 588 inland communities in the state. All eligible projects submitted
 589 to the department pursuant to this section must be ranked and
 590 included in the plan. All eligible projects submitted by a water
 591 management district must be ranked on a separate list. Each plan
 592 must include a detailed narrative overview describing how the
 593 plan was developed, including a description of the methodology
 594 used by the department to determine project eligibility, a
 595 description of the methodology used to rank projects, the
 596 specific scoring system used, the project proposal application
 597 form, a copy of each submitted project proposal application form
 598 separated by eligible projects and ineligible projects, the
 599 total number of project proposals received and deemed eligible,
 600 the total funding requested, and the total funding requested for
 601 eligible projects.
- 602 (c) Each plan submitted by the department pursuant to this
 603 subsection must include all of the following information for
 604 each recommended project:
- 605 1. A description of the project.
 - 606 2. The location of the project.
 - 607 3. An estimate of how long the project will take to
 608 complete.
 - 609 4. An estimate of the cost of the project.

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- 610 5. The cost-share percentage available for the project, if
 611 applicable.
- 612 6. A summary of the priority score assigned to the project.
- 613 7. The project sponsor.
- 614 (d)1. By September 1 of each year, all of the following
 615 entities may submit to the department a list of proposed
 616 projects that address risks of flooding or sea level rise
 617 identified in the comprehensive statewide flood vulnerability
 618 and sea level rise assessment or vulnerability assessments that
 619 meet the requirements of subsection (3):
- 620 a. Counties.
 - 621 b. Municipalities.
 - 622 c. Special districts as defined in s. 189.012 which are
 623 responsible for the management and maintenance of inlets and
 624 intracoastal waterways or for the operation and maintenance of a
 625 potable water facility, a wastewater facility, an airport, or a
 626 seaport facility.
 - 627 d. Regional resilience entities acting on behalf of one or
 628 more member counties or municipalities.
- 629 For the plans submitted by December 1, 2024, such entities may
 630 submit projects identified in existing vulnerability assessments
 631 that do not comply with subsection (3) only if the entity is
 632 actively developing a vulnerability assessment that is either
 633 under a signed grant agreement with the department pursuant to
 634 subsection (3) or funded by another state or federal agency, or
 635 is self-funded and intended to meet the requirements of
 636 paragraph (3)(d) or if the existing vulnerability assessment was
 637 completed using previously compliant statutory requirements.

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Projects identified from this category of vulnerability assessments will be eligible for submittal until the prior vulnerability assessment has been updated to meet most recent statutory requirements.

2. By September 1 of each year, all of the following entities may submit to the department a list of any proposed projects that address risks of flooding or sea level rise identified in the comprehensive statewide flood vulnerability and sea level rise assessment or vulnerability assessments that meet the requirements of subsection (3), or that mitigate the risks of flooding or sea level rise on water supplies or water resources of the state and a corresponding evaluation of each project:

- a. Water management districts.
- b. Drainage districts.
- c. Erosion control districts.
- d. Flood control districts.
- e. Regional water supply authorities.

3. Each project submitted to the department pursuant to this paragraph for consideration by the department for inclusion in the plan must include all of the following information:

- a. A description of the project.
- b. The location of the project.
- c. An estimate of how long the project will take to complete.
- d. An estimate of the cost of the project.
- e. The cost-share percentage available for the project, if applicable.
- f. The project sponsor.

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(e) Each project included in the plan must have a minimum 50 percent cost share unless the project assists or is within a community eligible for a reduced cost share. For purposes of this section, the term "community eligible for a reduced cost share" means:

1. A municipality that has a population of 10,000 or less ~~fewer~~, according to the most recent April 1 population estimates posted on the Office of Economic and Demographic Research's website, and a per capita annual income that is less than the state's per capita annual income as shown in the most recent release from the Bureau of the Census of the United States Department of Commerce that includes both measurements;

2. A county that has a population of 50,000 or less ~~fewer~~, according to the most recent April 1 population estimates posted on the Office of Economic and Demographic Research's website, and a per capita annual income that is less than the state's per capita annual income as shown in the most recent release from the Bureau of the Census of the United States Department of Commerce that includes both measurements; or

3. A municipality or county that has a per capita annual income that is equal to or less than 75 percent of the state's per capita annual income as shown in the most recent release from the Bureau of the Census of the United States Department of Commerce.

(h) The total amount of funding proposed for each year of the plan must ~~may not~~ be at least less than \$100 million. No more than 25 percent of the total amount proposed may fund projects submitted by water management districts. Upon review and subject to appropriation, the Legislature shall approve

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697 funding for the projects as specified in the plan. Multiyear
698 projects that receive funding for the first year of the project
699 must be included in subsequent plans and funded until the
700 project is complete, provided that the project sponsor has
701 complied with all contractual obligations and funds are
702 available.

703 Section 11. For the purpose of incorporating the amendment
704 made by this act to section 373.503, Florida Statutes, in a
705 reference thereto, section 373.0697, Florida Statutes, is
706 reenacted to read:

707 373.0697 Basin taxes.—The respective basins may, pursuant
708 to s. 9(b), Art. VII of the State Constitution, by resolution
709 request the governing board of the district to levy ad valorem
710 taxes within such basin. Upon receipt of such request, a basin
711 tax levy shall be made by the governing board of the district to
712 finance basin functions enumerated in s. 373.0695,
713 notwithstanding the provisions of any other general or special
714 law to the contrary, and subject to the provisions of s.
715 373.503(3).

716 (1) The amount of money to be raised by said tax levy shall
717 be determined by the adoption of an annual budget by the
718 district board of governors, and the average millage for the
719 basin shall be that amount required to raise the amount called
720 for by the annual budget when applied to the total assessment of
721 the basin as determined for county taxing purposes. However, no
722 such tax shall be levied within the basin unless and until the
723 annual budget and required tax levy shall have been approved by
724 formal action of the basin board, and no county in the district
725 shall be taxed under this provision at a rate to exceed 1 mill.

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726 (2) The taxes provided for in this section shall be
727 extended by the county property appraiser on the county tax roll
728 in each county within, or partly within, the basin and shall be
729 collected by the tax collector in the same manner and time as
730 county taxes, and the proceeds therefrom paid to the district
731 for basin purposes. Said taxes shall be a lien, until paid, on
732 the property against which assessed and enforceable in like
733 manner as county taxes. The property appraisers, tax collectors,
734 and clerks of the circuit court of the respective counties shall
735 be entitled to compensation for services performed in connection
736 with such taxes at the same rates as apply to county taxes.

737 (3) It is hereby determined that the taxes authorized by
738 this subsection are in proportion to the benefits to be derived
739 by the several parcels of real estate within the basin from the
740 works authorized herein.

741 Section 12. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 1230

INTRODUCER: Environment and Natural Resources Committee and Senator Harrell

SUBJECT: Perfluoroalkyl and Polyfluoroalkyl Substances

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1230 provides that, effective July 1, 2026, aqueous film-forming foam (AFFF) containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) may not be used for any nonemergency instruction, training, or testing, and all entities in possession of AFFF must report inventories to the Department of Environmental Protection (DEP). Effective July 1, 2027, the bill prohibits the sale, purchase, or distribution of AFFF in Florida and requires all entities with remaining inventories to submit a disposal plan to the DEP.

Effective July 1, 2028, the bill prohibits the possession and use of AFFF in the state. The bill creates exceptions for (1) federal aviation facilities required to comply with applicable federal rules; (2) military applications where alternatives do not exist; and (3) emergency firefighting situations where alternative firefighting foam is not available.

The bill directs the DEP to adopt rules governing the containment, collection, and disposal of AFFF; maintain a registry of firefighting foam alternatives that do not contain PFAS; and provide technical assistance and grants to support the transition to PFAS-free products. The bill also authorizes the DEP to administer grants or cost-share programs to assist local fire departments and airports with this transition.

A person who violates the bill is subject to civil penalties of up to \$10,000 per violation per day and additional penalties of up to \$10,000 per violation per day for failure to report inventories or

submit disposal plans. The bill authorizes the DEP to seek injunctive relief to enforce compliance.

The bill further requires public entities that dispose of domestic wastewater biosolids and have a designed average daily flow of 25,000 gallons or more to conduct at least one annual biosolids sampling for PFAS and submit the results to the DEP.

The DEP may incur indeterminate costs to adopt rules on AFFF, maintain a registry of alternative firefighting foams, and provide technical assistance and grants for transitioning to PFAS-free AFFF. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

PFAS are a large and complex class of synthetic chemicals that are resistant to heat, water, and oil.¹ Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) are two of the most widely used and studied chemicals in the PFAS group.² PFOA and PFOS have been replaced in the United States with other PFAS in recent years.³

PFAS have been used in a wide variety of consumer products and industrial processes since the 1940s.⁴ Most people in the U.S. have been exposed to PFAS, primarily through touching, drinking, eating, or breathing in materials containing these chemicals.⁵ PFAS may be present in:

- Drinking water in public drinking water systems and private wells;
- Waste sites, including soil and water at or near landfills, disposal sites, and hazardous waste sites;
- Fire extinguishing foam (aqueous film-forming foams or AFFFs) used in training and emergency response events at airports and firefighting training facilities;
- Manufacturing facilities, including chrome plating, electronics, and certain textile and paper manufacturers that produce or use PFAS;
- Consumer products, including stain- or water-repellent, or non-stick products, paints, sealants, and some personal care products;
- Food packaging, including grease-resistant paper, microwave popcorn bags, pizza boxes, and candy wrappers;
- Biosolids, including fertilizer from wastewater treatment plants used on agricultural lands; and

¹ Department of Environmental Protection (DEP), *PFAS Dynamic Plan*, 3 (2022), available at https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.

² Environmental Protection Agency (EPA), *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas> (last visited Jan. 12, 2026).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

- Food, including fish caught from PFAS-contaminated water and dairy products from livestock exposed to PFAS.⁶

Because PFAS do not break down in the environment, earning them the nickname “Forever Chemicals,” concentrations of PFAS can accumulate in people, wildlife, and the environment over time.⁷ Even at very low levels, exposure to PFAS can cause serious health problems, including:

- Reproductive effects such as decreased fertility or increased high blood pressure in pregnant women.
- Developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes.
- Increased risk of some cancers, including prostate, kidney, and testicular cancers.
- Reduced ability of the body’s immune system to fight infections, including reduced vaccine response.
- Interference with the body’s natural hormones.
- Increased cholesterol levels and/or risk of obesity.⁸

Our understanding of these chemicals and their impact on human health is incomplete, and PFAS regulatory and technical developments are quickly evolving.⁹

PFAS Regulations and Guidance

In April 2024, the Environmental Protection Agency (EPA) announced final drinking water regulations for PFOA, PFOS, and several other PFAS compounds (perfluorohexanesulfonic acid or PFHxS, perfluorononanoic acid or PFNA, GenX, and the hazard index mixture of these three PFAS plus perfluorobutanesulfonic acid or PFBS).¹⁰ At that time, the EPA established legally enforceable Maximum Contaminant Levels (MCLs) for these PFAS in drinking water and gave public water systems until 2029 to comply with the MCLs.¹¹ The EPA also finalized a rule to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act.¹² The EPA has also updated interim guidance on PFAS destruction and disposal, restricted PFAS in federal custodial contracts, and proposed new

⁶ *Id.*

⁷ See EPA, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas> (last visited Jan. 12, 2026).

⁸ *Id.*

⁹ DEP, *PFAS Dynamic Plan* at 3.

¹⁰ 89 Fed. Reg. 32532 (Apr. 26, 2024); EPA, *PFAS National Drinking Water Regulation FAQs for Drinking Water Primacy Agencies*, https://www.epa.gov/system/files/documents/2024-04/pfas_npwr_faqsstates_4.8.24.pdf. Several lawsuits have been filed challenging the regulation. *American Water Works Ass’n v. EPA*, No. 24-1188 (D.C. Cir. June 7, 2024); *Nat’l Ass’n of Mfrs. v. EPA*, No. 24-1191 (D.C. Cir. June 10, 2024); *The Chemours Co. FC v. EPA*, No. 24-1192 (D.C. Cir. June 10, 2024). The cases have been consolidated with the American Water Works Association case as the lead. Litigation is ongoing.

¹¹ 89 Fed. Reg. 32532, 32533 (Apr. 26, 2024).

¹² EPA, *Designation of [PFOA and PFOS] as CERCLA Hazardous Substances*, <https://www.epa.gov/superfund/designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla> (last visited Jan. 14, 2026). These requires facilities to report releases of PFOA or PFOS at or above the reportable quantity (one pound) within a 24-hour period. 89 Fed. Reg. 39124, 39131 (May 8, 2024); see also EPA, *Designation of PFOA and PFOS as hazardous substances under CERCLA Release Reporting Requirements Factsheet*, <https://www.epa.gov/eprca/designation-pfoa-and-pfos-hazardous-substances-under-cercla-release-reporting-requirements> (last visited Jan. 14, 2026).

rules under the Resource Conservation and Recovery Act to regulate additional PFAS as hazardous constituents.¹³

In May 2025, the EPA announced it intends to keep the drinking water MCLs for PFOA and PFOS but rescind and reconsider the regulations for the other PFAS compounds (PFHxS, PFNA, GenX, and the hazard index mixture of these three PFAS plus PFBS).¹⁴ The EPA also announced its intent to extend the MCL compliance deadlines for PFOA and PFOS to 2031 and establish a federal exemption framework.¹⁵

To date, the EPA has not finalized standards for PFAS in groundwater or soil. The Department of Environmental Protection (DEP) has set provisional groundwater and soil cleanup target levels for PFOA and PFOS.¹⁶

PFAS Destruction and Disposal

The EPA has identified three existing and potentially available destruction and disposal technologies that may be effective for managing PFAS and PFAS-containing materials: thermal treatment, landfilling, and underground injection.¹⁷

Thermal treatment devices include hazardous waste combustors, municipal waste combustors, sewage sludge incinerators, and activated carbon reactivation furnaces.¹⁸ Thermal treatment units generally use high-temperature combustion and incineration to destroy organic materials and control organic pollutants.¹⁹ However, there is limited data on the effectiveness of completely removing PFAS through thermal treatment and further research is needed to gain a better understanding of what may be possible in practice as current research has largely been confined to laboratory or pilot studies.²⁰ Moreover, emissions from thermal treatment activities may contain PFAS if adequate combustion conditions are not achieved or if adequate acid gas scrubbers or other pollution control devices are not used.²¹

Landfills might serve as long-term containment sites; however, it is unclear how effective they are at containing PFAS.²² While hazardous waste landfills are more effective at minimizing

¹³ See EPA, *Key EPA Actions to Address PFAS*, <https://www.epa.gov/pfas/key-epa-actions-address-pfas> (last visited Jan. 14, 2026).

¹⁴ EPA, *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS*, <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos> (last visited Jan. 14, 2026). In September 2025, as part of ongoing litigation, EPA moved the D.C. Circuit Court of Appeals to partially vacate its drinking water regulations for PFAS compounds other than PFOA and PFOS. See Respondents' Motion for Partial Vacatur, *American Water Works Ass'n v. EPA*, No. 24-1188 (D.C. Cir. Sept. 11, 2025).

¹⁵ EPA, *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS*.

¹⁶ DEP, *PFAS Dynamic Plan*, 10 (2022), available at https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.

¹⁷ EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]*, 42 (2024), available at <https://www.epa.gov/system/files/documents/2024-04/2024-interim-guidance-on-pfas-destruction-and-disposal.pdf>.

¹⁸ *Id.* at 59.

¹⁹ *Id.* at 43.

²⁰ *Id.* at 47-51, 58-59.

²¹ *Id.* at 55.

²² *Id.*

PFAS release into the environment than other landfill types, most modern municipal solid waste (MSW) landfills, when constructed and operated with appropriate controls (e.g., a flexible membrane liner system and leachate and landfill gas collection and management systems), can also help contain PFAS.²³ Research indicates that although MSW landfills contain PFAS for the most part, up to five percent of the PFAS may be released in the landfill gas, and 11 percent may be released in the leachate annually.²⁴ Additionally, leachate may be sent to wastewater treatment plants that are not capable of treating or destroying PFAS; therefore, the PFAS in landfill leachate may be released to the environment.²⁵ Because landfills are a method for containment and not destruction of PFAS, PFAS are anticipated to persist in landfills for the life of the compounds, which could be many centuries.²⁶

Underground injection wells may be a feasible and effective disposal option to minimize release of PFAS into the environment, and the EPA has determined the use of Class I²⁷ non-hazardous industrial waste and hazardous waste wells for high concentration liquid PFAS waste has a lower potential for environmental release when compared to other PFAS destruction and disposal options.²⁸ However, underground injection wells are only suited for the disposal of liquids and are restricted to locations with suitable geology.²⁹ The limited number of wells currently receiving PFAS and accepting off-site waste, well location, and waste transportation logistics may significantly limit the type and quantity of PFAS-containing fluids appropriate for underground injection.³⁰ In addition, understanding of the long-term fate and transport properties of PFAS (including precursors) in the injection zone is currently limited and further research is needed.³¹

In addition to these existing technologies, the EPA has tested several emerging technologies, including mechanochemical degradation,³² pyrolysis,³³ and supercritical water oxidation,³⁴ particularly for the disposal of AFFF (discussed in further detail below).³⁵ However, further research is needed to confirm the efficacy of these technologies and evaluate their performance for PFAS-containing materials beyond AFFF.³⁶

²³ *Id.* at 66.

²⁴ See Thabet Tolaymat, et al., *A critical review of perfluoroalkyl and polyfluoroalkyl substances (PFAS) landfill disposal in the United States*, Science of the Total Environment, vol. 905, 1 (2023), available at <https://www.sciencedirect.com/science/article/abs/pii/S0048969723058126?via%3Dihub>.

²⁵ EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]* at 66.

²⁶ *Id.* at 66, 82.

²⁷ Class I wells inject into geologic formations below the lowermost USDW and are further subdivided into four categories: municipal wastewater, radioactive waste, hazardous waste, and non-hazardous industrial waste disposal wells. *Id.* at 92.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* at 97-98.

³² Mechanochemical degradation is a treatment technology that uses a high-energy ball-milling device, with the option of co-milling reagents, to produce highly reactive conditions to degrade contaminants. *Id.* at 119.

³³ Pyrolysis is a process that decomposes materials at moderately elevated temperatures in an oxygen-free environment. *Id.* at 120.

³⁴ Supercritical water oxidation is a process that occurs when the temperature and pressure of water is above the critical point. Above the critical point, oxidation processes are accelerated. *Id.* at 120.

³⁵ *Id.* at 119-120. At this time, EPA is neither recommending nor discouraging the use of any emerging technology for managing PFAS-containing materials. *Id.* at 121.

³⁶ *Id.* at 121.

Aqueous Film-Forming Foam (AFFF)

PFAS are common in firefighting foams that have been stored and used for fire suppression, fire training, and flammable vapor suppression.³⁷ These firefighting agents include Class B fluorine-containing firefighting foams, such as AFFF. When mixed with water and discharged, the fluorinated foam forms an aqueous film that quickly cuts off the oxygen to the fire, extinguishing it and preventing it from relighting.³⁸ In the United States, AFFF is used at federal facilities, civil airports, and oil refineries.³⁹ Civilian fire departments also use or have used AFFF.⁴⁰

AFFFs are complex mixtures that contain both known and unidentified PFAS.⁴¹ Uncontrolled releases of AFFF to the environment can result in adverse environmental impacts, particularly when the foam reaches drinking water sources, groundwater, or surface waters. Depending on the location and circumstances of a discharge, potential impacts include acute aquatic toxicity, increased biological and chemical oxygen demand, and nutrient loading.⁴² Studies demonstrate AFFF use at airports is a source of PFAS in soil and groundwater.⁴³

The DEP has taken steps to assess AFFF contamination at fire training facilities throughout Florida. In 2018, the DEP conducted a statewide survey of 45 certified fire training facilities to collect information on each facility's use of AFFFs and the source of its drinking water.⁴⁴ The survey also identified the likely locations of nearby public and private potable wells. The DEP then completed environmental assessments at 26 fire training facilities where AFFF use was confirmed or suspected. Where contamination was identified, the DEP will assist the facility in developing a cleanup plan to remove or contain the contamination and prevent future environmental impacts and human exposure.⁴⁵

Biosolids

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

³⁷ Interstate Technology Regulatory Council (ITRC), *PFAS*, <https://pfas-1.itrcweb.org/3-firefighting-foams/> (last visited Jan. 16, 2026). See generally EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]* at 23.

³⁸ ITRC, *PFAS*.

³⁹ EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]* at 24.

⁴⁰ *Id.*

⁴¹ ITRC, *PFAS*.

⁴² *Id.*

⁴³ Lutz Ahrens, et al., *Stockholm Arlanda Airport as a source of per- and polyfluoroalkyl substances to water, sediment and fish*, *Chemosphere*, vol. 129, 33-38 (2015), available at <https://www.sciencedirect.com/science/article/abs/pii/S0045653514005281?via%3Dihub>; Xavier Dauchy, et al., *Per- and polyfluoroalkyl substances in firefighting foam concentrates and water samples collected near sites impacted by the use of these foams*, *Chemosphere*, vol. 183, 53-61 (2017), available at <https://www.sciencedirect.com/science/article/abs/pii/S0045653517307580?via%3Dihub>.

⁴⁴ DEP, *Fire Training Facility Preliminary Site Assessments*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facility-preliminary-site-assessments> (last visited Jan. 14, 2026).

⁴⁵ *Id.*

and treated by centralized treatment facilities regulated by the DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.⁴⁶

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids⁴⁷ accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.⁴⁸ Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.⁴⁹ The collected residue is high in organic content and contains moderate amounts of nutrients.⁵⁰

The DEP has stated that wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.⁵¹ 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.⁵² Biosolids are subject to regulatory requirements established by the DEP to protect public health and the environment.⁵³

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, applicators, and distributors⁵⁴ and include permit requirements for both treatment facilities and biosolids application sites.⁵⁵

There is increasing concern over the presence of PFAS in biosolids. While many PFASs have been found in biosolids, PFOA and PFOS are among the most abundant.⁵⁶ PFAS in biosolids is the result of the continued manufacture and use of these compounds throughout society, including by households, as well as industrial discharges of PFAS to wastewater.⁵⁷ The EPA's Office of Water, the Environmental Council of the States, and the National Association of State

⁴⁶ 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. 14, 2026).

⁴⁷ 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.

⁴⁸ DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 14, 2026).

⁴⁹ Fla. Admin. Code R. 62-640.200(6).

⁵⁰ *Id.*

⁵¹ DEP, *Biosolids in Florida*, 5 (2019), available at <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf>.

⁵² *Id.*

⁵³ Fla. Admin. Code R. 62-640.

⁵⁴ Fla. Admin. Code R. 62-640.100.

⁵⁵ Fla. Admin. Code R. 62-640.300.

⁵⁶ EPA, *EPA Biosolids PFOA & PFOS Problem Formulation Meeting Summary*, 1 (2020), available at <https://www.epa.gov/sites/default/files/2021-02/documents/biosolids-pfoa-pfos-meeting-summary-nov-2020.pdf>.

⁵⁷ EPA, et al., *Joint Principles for Preventing and Managing PFAS in Biosolids*, 1 (2023), available at <https://www.epa.gov/system/files/documents/2023-07/Joint-Principles-Preventing-Managing-PFAS.pdf>.

Departments of Agriculture have jointly developed Principles for Preventing and Managing PFAS in Biosolids.⁵⁸

III. Effect of Proposed Changes:

Section 1 creates s. 376.911, F.S., regarding aqueous film-forming foam (AFFF). The bill defines AFFF as any firefighting foam containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) as defined by the United States Environmental Protection Agency. The bill defines “department” as the Department of Environmental Protection (DEP).

The bill provides that, effective July 1, 2026, AFFF may not be used for any nonemergency instruction, training, or testing. All entities in possession of AFFF must report inventories to the DEP. The bill further provides that, effective July 1, 2027:

- The sale, purchase, or distribution of AFFF within this state is prohibited.
- All entities with remaining inventories of AFFF must submit a disposal plan to the DEP.

The bill prohibits the possession and use of AFFF in this state effective July 1, 2028. This prohibition does not apply to:

- Federal aviation facilities required to comply with federal rules that regulate the certification and operation of airports.
- Military applications where alternatives do not exist.
- Emergency firefighting situations where alternative firefighting foam is not available.

The bill directs the DEP to:

- Adopt rules for containment, collection, and disposal of AFFF.
- Maintain a registry of firefighting foam alternatives that do not contain PFAS.
- Provide technical assistance and grants for transition to products that do not contain PFAS.

The bill allows the DEP to administer grants or cost-share programs to assist local fire departments and airports in transitioning to products that do not contain PFAS.

The bill provides that a person who violates this act is subject to:

- Civil penalties not to exceed \$10,000 for each violation for each day the violation persists.
- Additional penalties not to exceed \$10,000 for each violation for each day for failure to report inventories or submit disposal plans.

The bill allows the DEP to seek injunctive relief to enforce compliance with this section of law.

Section 2 amends s. 403.086, F.S., regarding sewage disposal facilities. The bill requires all public entities disposing of domestic wastewater biosolids that have a designed average daily flow of 25,000 or more gallons per day to annually conduct at least one biosolids sampling for PFAS, including PFOA and PFOS, and submit the results to the DEP. The sampling must be conducted in accordance with DEP rules regulating biosolids management.

⁵⁸ EPA, *Joint Principles for Preventing and Managing PFAS in Biosolids*, <https://www.epa.gov/biosolids/joint-principles-preventing-and-managing-pfas-biosolids> (last visited Jan. 16, 2026).

Section 3 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:

Private entities may incur indeterminate costs associated with transitioning to aqueous film-forming foam (AFFF) that does not contain perfluoroalkyl and polyfluoroalkyl substances, reporting AFFF inventories to the Department of Environmental Protection (DEP), and developing a disposal plan.

C. Government Sector Impact:

The DEP may incur indeterminate costs to adopt rules on AFFF, maintain a registry of alternative firefighting foams, and provide technical assistance and grants for transitioning to PFAS-free AFFF. Public entities that dispose of domestic wastewater biosolids may incur indeterminate costs for annual PFAS testing.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.086 of the Florida Statutes.

This bill creates section 376.911 of the Florida Statutes.

IX. Additional Information:

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

CS by Environment and Natural Resources on Jan. 20, 2026:

- Clarified that “the department” means the Department of Environmental Protection.
- Clarified that additional penalties for failure to report inventories or submit disposal plans may not exceed \$10,000 per day for each violation.

B. Amendments:

None.

By the Committee on Environment and Natural Resources; and
Senator Harrell

592-02041-26

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A bill to be entitled

An act relating to perfluoroalkyl and polyfluoroalkyl substances; creating s. 376.911, F.S.; defining terms; prohibiting, beginning on a specified date, certain use and the sale, purchase, or distribution of aqueous film-forming foam; requiring, beginning on a specified date, certain entities to submit aqueous film-forming foam inventories and disposal plans to the Department of Environmental Protection; prohibiting, beginning on a specified date, the possession and use of aqueous film-forming foam; providing applicability; providing duties of the department; authorizing the department to administer certain grants or cost-sharing programs; providing penalties and injunctive relief; amending s. 403.086, F.S.; requiring certain public entities disposing of domestic wastewater biosolids to annually conduct specified samplings and submit the results to the department; providing an effective date.

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

Section 1. Section 376.911, Florida Statutes, is created to read:

376.911 Aqueous film-forming foam.—

(1)(a) As used in this section, the term "aqueous film-forming foam" means any firefighting foam containing intentionally added perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate as defined by the United States Environmental

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Protection Agency.

(b) As used in this section, the term "department" means the Department of Environmental Protection.

(2) Effective July 1, 2026:

(a) Aqueous film-forming foam may not be used for any nonemergency instruction, training, or testing.

(b) All entities in possession of aqueous film-forming foam must report their inventories to the department.

(3) Effective July 1, 2027:

(a) The sale, purchase, or distribution of aqueous film-forming foam within this state is prohibited.

(b) All entities with remaining inventories of aqueous film-forming foam must submit a disposal plan to the department.

(4) Effective July 1, 2028, the possession and use of aqueous film-forming foam is prohibited in this state.

(5) The prohibition under subsection (4) does not apply to:

(a) Federal aviation facilities required to comply with 14 C.F.R. part 139.

(b) Military applications for which alternatives do not exist.

(c) Emergency firefighting situations in which alternative firefighting foam is not available.

(6) The department shall:

(a) Adopt rules for containment, collection, and disposal of aqueous film-forming foam.

(b) Maintain a registry of firefighting foam alternatives that do not contain perfluoroalkyl and polyfluoroalkyl substances.

(c) Provide technical assistance and grants for transition

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59 to products that do not contain perfluoroalkyl and
60 polyfluoroalkyl substances.

61 (7) The department may administer grants or cost-sharing
62 programs to assist local fire departments and airports in
63 transitioning to products that do not contain perfluoroalkyl and
64 polyfluoroalkyl substances.

65 (8) A person who violates this act is subject to:

66 (a) Civil penalties not to exceed \$10,000 for each
67 violation for each day the violation persists.

68 (b) Additional penalties not to exceed \$10,000 for each
69 violation for each day for failure to report inventories or
70 submit disposal plans.

71 (9) The department may seek injunctive relief to enforce
72 compliance with this section.

73 Section 2. Subsection (12) is added to section 403.086,
74 Florida Statutes, to read:

75 403.086 Sewage disposal facilities; advanced and secondary
76 waste treatment.—

77 (12) All public entities disposing of domestic wastewater
78 biosolids that have a designed average daily flow of 25,000 or
79 more gallons per day must annually conduct at least one
80 biosolids sampling for perfluoroalkyl and polyfluoroalkyl
81 substances, including perfluorooctanoic acid and perfluorooctane
82 sulfonate, and submit the results to the department. The
83 sampling must be conducted in accordance with department rules
84 adopted under s. 403.0855.

85 Section 3. This act shall take effect July 1, 2026.
86

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 1288

INTRODUCER: Environment and Natural Resources Committee and Senator Harrell

SUBJECT: Waterbody Designations/Andrew “Red” Harris Shoal

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1288 designates Shoal S13 in Jupiter Sound as the Andrew “Red” Harris Shoal and directs the Florida Department of Environmental Protection (DEP) to erect suitable markers denoting the shoal’s designation.

The bill will have an indeterminate fiscal impact on the DEP for the cost of erecting the markers denoting the shoal’s designation. This cost can be absorbed through existing resources. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Andrew “Red” Harris

Andrew “Red” Harris was born and raised in the Town of Jupiter, Florida.¹ In 2011 he earned a degree in risk management and insurance from Florida State University and started his own group insurance brokerage agency. Outside of his work in insurance, Harris was an avid

¹ Taylor & Modeen Funeral Home, *Obituary for Andrew “Red” Harris*, <https://www.taylorandmodeenflorida.com/obituaries/Andrew-Harris-35976/#!/Obituary> (last visited Jan. 14, 2026).

outdoorsman and sportsman who excelled at basketball, golf, scuba diving, free diving, wake surfing, skiing, and snowboarding.²

Andrew Harris was tragically killed in a boating accident in 2014. He is survived by his parents, his brother, and his sister. He is remembered as an extremely generous and caring son, brother, and friend.³

Andrew “Red” Harris Foundation

The Andrew “Red” Harris Foundation was founded in 2014 in honor of Andrew “Red” Harris and his love of fishing and diving.⁴ The Foundation focuses on building artificial reefs in Palm Beach County.⁵ As of 2023, the Foundation had built mile-long artificial reef trails offshore of the towns of Jupiter and Juno Beach and deployed 42 barge-loads of artificial reef material.⁶

The Foundation has also donated 15 seven-foot-tall artificial reef structures to the Blue Heron Bridge Snorkel Trail at Phil Foster Park in Riviera Beach, FL, as well as a 17-foot-tall replica of the Jupiter Lighthouse, pictured on the right, which is located on the Jupiter artificial reef trail.⁷

The Foundation is also the primary supporter of a project to restore three mangrove islands in the Jupiter Narrows area near the Village of Tequesta.⁸ The mangrove island closest to Cato’s Bridge in Tequesta is the island that this bill will designate the Andrew “Red” Harris Shoal.



Shoal S13

Shoal S13 is a spoil island near Cato’s Bridge in the Village of Tequesta, FL. Spoil islands are manmade islands typically created as a byproduct of channel dredging.⁹ The dredge material is

² *Id.*

³ *Id.*

⁴ Andrew “Red” Harris Foundation, *History*, <https://andrewredharrisfoundation.org/history/> (last visited Jan. 14, 2026); The Guy Harvey Foundation, *An Unexpected Expert*, <https://guyharveyfoundation.org/issues/an-unexpected-expert/> (last visited Jan. 14, 2026).

⁵ Andrew “Red” Harris Foundation, *What We Do*, <https://andrewredharrisfoundation.org/what-we-do/> (last visited Jan. 14, 2026).

⁶ *Id.*

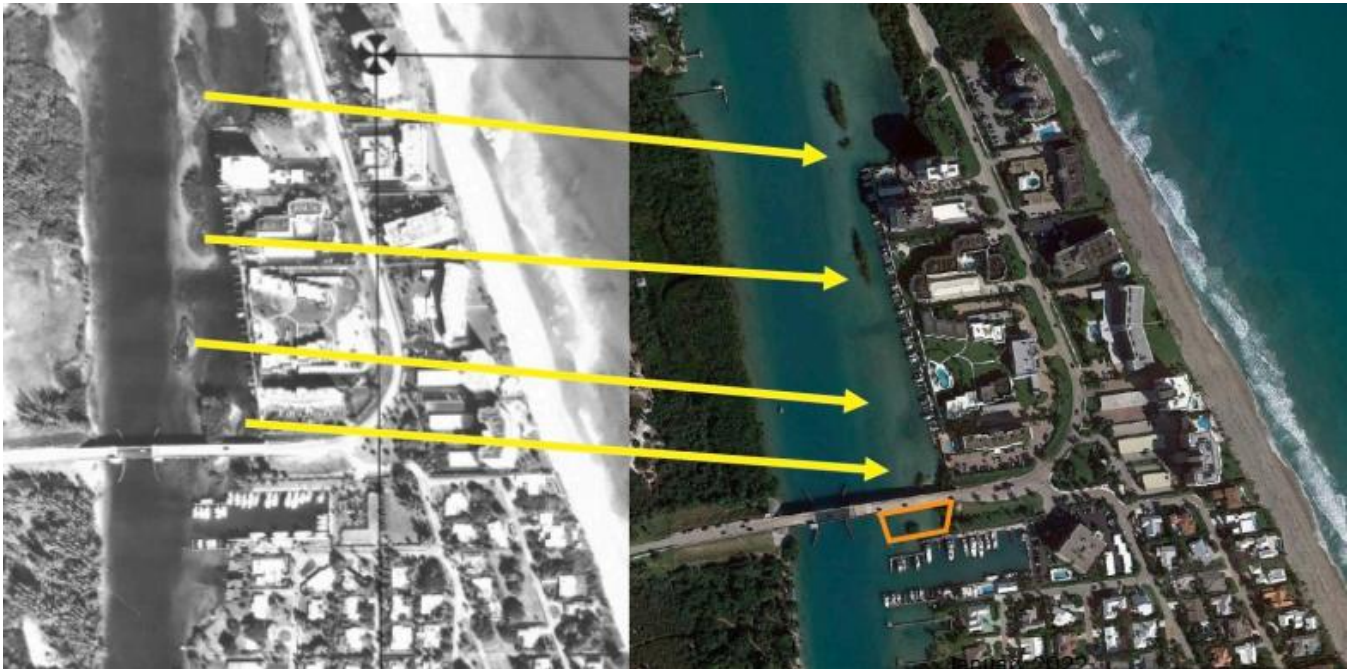
⁷ *Id.*; The Guy Harvey Foundation, *An Unexpected Expert* (showing the image on this page).

⁸ Andrew “Red” Harris Foundation, *Restoring the Mangroves Near Cato’s Bridge*, <https://andrewredharrisfoundation.org/restoring-the-mangroves-near-catos-bridge/> (last visited Jan. 14, 2026).

⁹ Friends of the Spoil Islands, *Spoil Island Project Home*, <https://www.fosifl.org/spoil-island-project-home/> (last visited Jan. 14, 2026).

called “spoil.” Spoil deposited in piles along the edge of channels can eventually break the surface of the water to become a spoil island.¹⁰ Spoil islands can be valuable and distinct habitats, with diverse plants and animals.¹¹

The map below shows the degradation of the spoil islands north of Cato’s Bridge from 1977 to 2022.¹² Shoal S13 is the spoil island closest to the bridge.



III. Effect of Proposed Changes:

Section 1 creates s. 258.603, F.S., to designate Shoal S13, a mangrove island adjacent to the Intracoastal Waterway in Jupiter Sound, as the Andrew “Red” Harris Shoal. It directs the Florida Department of Environmental Protection to erect suitable markers to denote the Shoal S13’s designation.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁰ *Id.*

¹¹ University of Florida Institute of Food and Agricultural Sciences, *Spoil Islands*, <https://fmel.ifas.ufl.edu/general-information/natural-habitats-at-fmel/spoil-islands/> (last visited Jan. 14, 2026).

¹² Jupiter Narrows Conservation Alliance, *Project Summary Multi-Year Budget*, 1 (2024), available at https://andrewredharrisfoundation.org/wp-content/uploads/2024/09/JNCA-Project-Summary_multi-year-budget.pdf.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have an indeterminate fiscal impact on the DEP for the cost of erecting the markers denoting the shoal's designation. This cost can be absorbed through existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 258.603 of the Florida Statutes.

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

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

CS by Environment and Natural Resources on January 20, 2026:

The committee substitute clarifies the location of Shoal S13. It specifies that Shoal S13 is a mangrove island adjacent to the Intracoastal Waterway in Jupiter Sound.

B. Amendments:

None.

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

By the Committee on Environment and Natural Resources; and
Senator Harrell

592-02042-26

20261288c1

1 A bill to be entitled
2 An act relating to waterbody designations; creating s.
3 258.603, F.S.; designating the Andrew "Red" Harris
4 Shoal; directing the Department of Environmental
5 Protection to erect suitable markers; providing an
6 effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Section 258.603, Florida Statutes, is created to
11 read:
12 258.603 Andrew "Red" Harris Shoal designated.-
13 (1) Shoal S13, a mangrove island adjacent to the
14 Intracoastal Waterway within Jupiter Sound, is designated as the
15 "Andrew "Red" Harris Shoal."
16 (2) The Department of Environmental Protection is directed
17 to erect suitable markers designating the "Andrew "Red" Harris
18 Shoal" as described in subsection (1).
19 Section 2. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 1682

INTRODUCER: Senator Trumbull

SUBJECT: Local Administration of Vessel Restrictions

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Favorable
2.	Reagan	Betta	AEG	Pre-meeting
3.			RC	

I. Summary:

SB 1682 authorizes counties and municipalities to administer laws relating to vessels at risk of becoming derelict, long-term anchoring permits, and derelict vessels within their jurisdictions. Local governments that elect to administer these laws must adopt ordinances and coordinate with the Florida Fish and Wildlife Conservation Commission (FWC).

Local governments that adopt such ordinances may designate code enforcement officers to:

- Determine whether a vessel meets one or more at-risk conditions;
- Investigate, document, and cite long-term anchoring permit violations; and
- Determine whether a vessel is derelict.

The bill specifies that a code enforcement officer's determination or citation is not a criminal finding. Code enforcement officers may support a law enforcement agency, but they may not make criminal determinations or take any action reserved for law enforcement officers. For specified purposes, a code enforcement officer's determination or citation is equivalent to a law enforcement officer's determination or citation. Additionally, local governments must comply with state law and FWC rules before taking corrective action or issuing a citation.

Regarding at-risk or derelict vessels, local governments are not prohibited from coordinating with law enforcement agencies for criminal investigation or prosecution. Regarding long-term anchoring permits, administrative enforcement by a local government does not preclude parallel enforcement by law enforcement officers.

The bill authorizes the FWC to adopt rules to implement the authorizations.

This bill may have a positive fiscal impact because it may hasten the removal process for at risk and derelict vessels. As the condition of a vessel worsens, it becomes more expensive to remove,

so removing vessels as early as possible reduces the associated cost. See Section V., Fiscal Impact Statement.

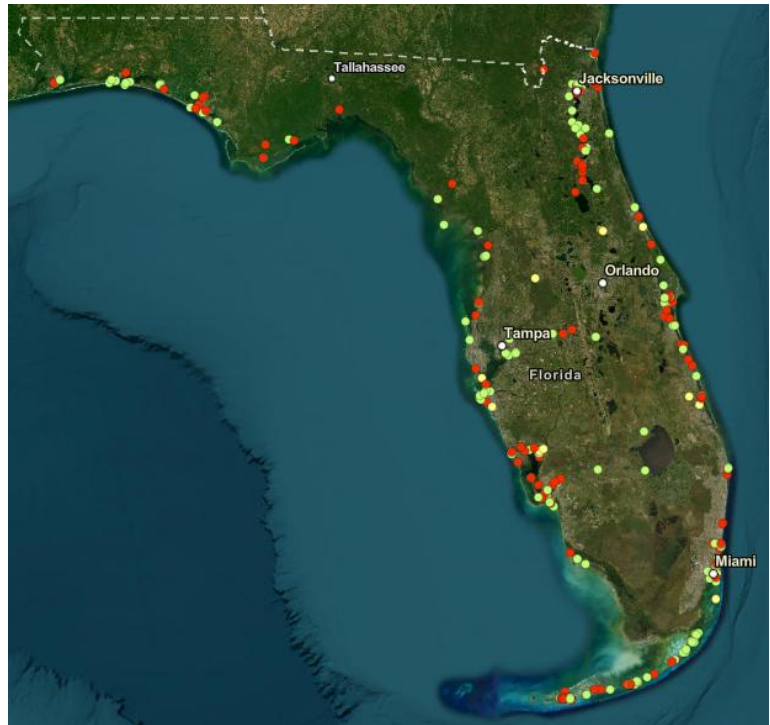
The bill has an effective date of July 1, 2026.

II. Present Situation:

Derelict Vessels

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.¹ As of November 2025, there were 365 active cases for derelict vessels.²

A derelict vessel is a vessel that is in a wrecked,³ junked,⁴ or substantially dismantled⁵ condition upon any public waters of this state;⁶ at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached on the property of another without their consent.⁷ It is unlawful for a person, firm, or corporation to leave



¹ Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study*, 61 (Sept. 2023), available at <https://myfwc.com/media/longtermstoredvesselstudy.pdf>.

² Florida Fish and Wildlife Conservation Commission (FWC), *2025 Boating Legislation Implementation Presentation*, 6 (Oct. 7, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7816>; The map on this page may be found at the following location: FWC, *Derelict Vessels*,

<https://experience.arcgis.com/experience/decfb6b7ca024ac98f6f900d86784d09?views=View-5> (last visited Jan. 21, 2026).

³ A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire. Section 823.11(1)(b), F.S.

⁴ A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁵ A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system, the propulsion system, or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁶ "Waters of this state" are defined as any navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state. Section 327.02(48), F.S.

⁷ Section 823.11(1)(b), F.S.

any derelict vessel on waters of this state.⁸

An FWC officer or other law enforcement agency or officer⁹ is authorized to relocate, remove, and store a derelict vessel if it obstructs or might obstruct navigation or if it endangers property, persons, or the environment.¹⁰ Law enforcement officers who relocate, remove, and store a derelict vessel are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.¹¹

When a derelict vessel is docked, grounded, or beached on private property without the property owner's consent, the property owner may remove the vessel at the vessel owner's expense 60 days after providing written notice to the vessel owner.¹²

It is a first degree misdemeanor to leave a derelict vessel on waters of the state and a court may order the imposition of a civil penalty in addition to any sentence imposed for the first offense.¹³ A conviction will not bar the assessment and collection of a civil penalty.¹⁴ If the owner or responsible party has been convicted of leaving a derelict vessel on waters of the state, they are prohibited from residing or dwelling on the vessel until it is permanently removed.¹⁵ They may reside or dwell on the vessel if it is returned to waters of the state when it is no longer derelict.¹⁶

Vessels at Risk of Becoming Derelict

To prevent neglected or deteriorating vessels from reaching a likely and foreseeable state of disrepair, a vessel that is at risk of becoming derelict may not be present on waters of this state.¹⁷

A vessel may be at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion;

⁸ Section 823.11(2), F.S. The term "leave" means to allow a vessel to remain occupied or unoccupied on waters of this state for more than 24 hours.

⁹ Law enforcement agencies or officers specified in s. 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

¹⁰ Section 823.11(3), F.S.

¹¹ *Id.*

¹² Section 823.11(5), F.S.

¹³ Section 823.11(6), F.S.

¹⁴ *Id.*

¹⁵ Section 823.11(7), F.S.

¹⁶ *Id.*

¹⁷ Section 327.4107(1), F.S.

- The vessel does not have an effective means of propulsion and the owner or operator is unable to prove they have ordered the necessary parts for repair;¹⁸ or
- The vessel is tied to an unlawful or unpermitted structure or mooring.¹⁹

If a vessel does not have an effective means of propulsion, a vessel owner or operator may provide a receipt, proof of purchase, or other documentation showing that the parts necessary to repair the vessel have been ordered.²⁰

It is a noncriminal infraction to anchor or moor a vessel at risk of becoming derelict on waters of the state, which is punishable by a civil penalty that increases for subsequent violations.²¹ A first offense results in a \$100 fine, a second offense that occurs at least 30 days after the first results in a \$250 fine, and a third or subsequent offense that occurs at least 30 days after the previous offense results in a \$500 fine.²²

A law enforcement officer may relocate a vessel that is at risk of becoming derelict to a distance greater than 20 feet from mangroves or upland vegetation and is protected from liability for damages caused by relocating the vessel, unless the damage is the result of gross negligence or willful misconduct.²³

A Vessel Declared a Public Nuisance

If a vessel is the subject of three or more violations issued because of the same condition of being at risk of becoming derelict within an 24-month period, the vessel may be declared a public nuisance.²⁴ Law enforcement officers may relocate or remove public nuisance vessels from waters of the state and are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.²⁵

Derelict and Public Nuisance Vessel Removal Procedure

If a law enforcement officer ascertains that a derelict vessel or a vessel declared a public nuisance is present on waters of the state, the officer must place a notice on the vessel stating that the vessel must be removed by the owner within 21 days.²⁶ The notice must inform the owner or interested parties that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law. It must also give notice that if the vessel is

¹⁸ If the owner or operator is present on the vessel, a law enforcement officer may require a test of the vessel's effective means of propulsion for safe navigation to be conducted immediately. If they are not present on the vessel, they must conduct the test in the presence of law enforcement and within 48 hours after receiving notice. Section 327.4107(2), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 327.4107(3), F.S.; section 327.73(1)(aa), F.S.

²² Section 327.73(1)(aa), F.S.

²³ Section 327.4107(4), F.S.

²⁴ Section 327.73(1), F.S.

²⁵ *Id.* Gross negligence is defined as "conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct." Willful misconduct is defined as "conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner." Section 823.11(1)(c) and (d), F.S.

²⁶ Section 705.103(2)(a)1.b. and 2., F.S.

not removed by the owner, then the owner or responsible party will be liable for the costs of removal, destruction, and disposal.²⁷

In addition to posting the notice on the vessel, the law enforcement officer must also mail a copy of the notice to the owner, if the officer is able to determine the owner's name and address after reasonable efforts.²⁸ If the owner or any interested person has not removed the vessel or requested a hearing within 21 days of the notice being posted and mailed, the law enforcement agency or its designee may:

- Remove, destroy, and dispose of the vessel or authorize another governmental entity or its designee to do so; or
- Authorize the vessel's use as an artificial reef if all necessary authorizations are received.²⁹

The owner or responsible party who does not remove the derelict or public nuisance vessel from waters of the state following the receipt of notice will be liable for all costs of removal, storage, destruction, and disposal of the vessel, less any salvage value.³⁰ The owner or responsible party who refuses to pay these costs will not be issued a certificate of registration for the derelict or public nuisance vessel or any other vessel.³¹

Derelict Vessel Removal Programs

State law authorizes the FWC to establish a derelict vessel prevention program to address vessels at risk of becoming derelict.³² The program is not required to, but may include:

- Removing, relocating, and destroying vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned;
- Creating a vessel turn-in program that allows the owner of a vessel at risk of becoming derelict to turn over their vessel and title to the FWC to be destroyed without penalty;
- Removing and destroying abandoned vessels;
- Purchasing anchor lines, anchors, and other equipment to secure vessels at risk of becoming derelict; and
- Creating or acquiring moorings designated for securing vessels at risk of becoming derelict.³³

Pursuant to this authorization, the FWC established the Florida Vessel Turn-In Program, which allows vessel owners who have received a written citation or warning that their vessel is at risk to have the vessel removed, destroyed, and disposed of at no cost to the owner.³⁴

Removal of vessels eligible for the Vessel Turn-In Program and local government efforts to remove derelict and public nuisance vessels are funded by grants from the FWC's Derelict Vessel Removal Grant Program.³⁵

²⁷ Section 705.103(2)(a)2., F.S.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Section 705.103(4), F.S.

³¹ *Id.*

³² Section 327.4107(6), F.S.

³³ *Id.*

³⁴ FWC, *Florida Vessel Turn-In Program*, <https://myfwc.com/boating/waterway/vtip/> (last visited Jan. 21, 2026).

³⁵ *Id.*; FWC, *Derelict Vessel Removal Grant Program*, <https://myfwc.com/boating/grants-programs/derelict-vessel/> (last visited Feb. 20, 2025).

The Derelict Vessel Removal Grant Program reimburses local governments and other political subdivisions of the state for removing, storing, destroying, and disposing of derelict and at-risk vessels.³⁶ The grant program allows the FWC to fully reimburse local governments for any eligible vessels in the grant contract.³⁷

Long-Term Anchoring Permits

Vessel owners or operators must obtain a long-term, no-cost anchoring permit when engaging in long-term anchoring.³⁸ Long-term anchoring is anchoring a vessel within one linear nautical mile of a documented anchorage point for 14 days or more within a 30-day period.³⁹

FWC-issued permits must include the vessel owner or operator's personal information, as well as information on the vessel itself.⁴⁰ The permit also must include where the vessel will be anchored and notice to the owner or operator that the permit may be revoked if the vessel is derelict, at risk of becoming derelict, or in violation of marine sanitation provisions.⁴¹

A person may obtain more than one permit; each permit is specific to one vessel.⁴² A permit must be renewed or updated for each long-term anchoring location and will expire one year from its date of issuance. The bill provides that a permit may be revoked if the permitted vessel is derelict, at risk of becoming derelict, or is operated or occupied on waters of the state in violation of marine sanitation laws.⁴³

A long-term anchoring permit is not required if a vessel is docked at a public or private dock or moored to a permitted mooring buoy.⁴⁴ The following vessels are exempt from long-term permitting requirements:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook-and-line fishing gear or nets.⁴⁵

A person who engages in long-term anchoring without a valid permit commits a noncriminal infraction.⁴⁶ The penalty for a first offense is a maximum of \$100.⁴⁷ A second offense is a maximum of \$250 and a third or subsequent offense is a maximum of \$500. If a vessel is the

³⁶ FWC, *Derelict Vessel Removal Grant Program*; FWC, *FWC Derelict Vessel and At-Risk/Public Nuisance Vessel Removal Grant Program Guidelines*, 2 (Sept. 2024), available at <https://myfwc.com/media/nrhhfxsj/dv-grant-guidelines.pdf>.

³⁷ *Id.*

³⁸ Section 327.4111, F.S.

³⁹ Section 327.4111(1), F.S.

⁴⁰ Section 327.4111(2), F.S.

⁴¹ *Id.*

⁴² Section 327.4111(3), F.S.

⁴³ *Id.* Marine sanitation laws are found in section 327.53, F.S.

⁴⁴ Section 327.4111(6), F.S.

⁴⁵ Section 327.4111(5), F.S.

⁴⁶ Section 327.4111(4), F.S.

⁴⁷ Section 327.73(1)(gg), F.S.

subject of three or more violations within a 24-month period that result in dispositions other in acquittal or dismissal, it must be declared a public nuisance.⁴⁸

III. Effect of Proposed Changes:

Section 1 amends s. 327.4107, F.S., to authorize counties and municipalities to identify, provide notice, take corrective action, relocate, remove, store, destroy, or dispose of vessels at risk of becoming derelict within their jurisdictions, pursuant to the amended section, by adopting an ordinance to that effect.

A local government that elects to administer these laws must do so in coordination with the Florida Fish and Wildlife Conservation Commission (FWC).

The bill authorizes a local government that adopts such an ordinance to designate a code enforcement officer⁴⁹ to determine whether a vessel meets one or more at-risk conditions.⁵⁰

Regarding the code enforcement officer's determination:

- It is only for administrative abatement purposes;
- It may only be used to initiate notice, corrective action, relocation, storage, disposal, or cost-recovery actions pursuant to laws on vessels at risk of becoming derelict and in accordance with FWC rules; and
- It is not a criminal finding and may not serve as a basis for prosecution under this section or any other criminal violation relating to vessel conditions or derelict vessels.

A local government that adopts an ordinance on vessels at risk of becoming derelict must comply with all notice, documentation, environmental compliance, storage, and recordkeeping requirements established by the FWC and state law before taking corrective action on a vessel. The FWC may provide technical assistance and guidance to the local government.

The authorization does not prohibit a county or municipality from coordinating with law enforcement agencies for criminal investigation or prosecution for violations of vessel safety or public nuisance laws.⁵¹

Code enforcement officers may support a law enforcement agency by providing documentation, photographs, observations, statements, and other non-law enforcement support, but they may not make criminal determinations or take any action reserved for law enforcement officers in vessel safety laws.⁵²

The bill adds that, for any FWC-administered program relating to the prevention, mitigation, removal, relocation, storage, or destruction of at-risk vessels, including the derelict vessel prevention program, a code enforcement officer's designation of a vessel as at risk of becoming

⁴⁸ *Id.*

⁴⁹ A code enforcement officer is defined as "any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality." Section 162.21(1), F.S.

⁵⁰ See pages 3 and 4 of this analysis.

⁵¹ Specifically, chapters 327 and 823, F.S.

⁵² Specifically, chapter 327, F.S.

derelict must be treated as equivalent to the same designation by a law enforcement officer, provided the county or municipality submits all documentation, photographic evidence, and verification materials required by rule.

The bill authorizes the FWC to adopt rules to implement this authorization. The rules may include procedures for:

- Verifying administrative designations;
- Ensuring statewide consistency in the application of at-risk criteria;
- Maintaining records of corrective actions or removals;
- Providing technical assistance to local governments; and
- Auditing reimbursement or cost-recovery requests.

Section 2 amends s. 327.4111, F.S., to authorize counties and municipalities to enforce long-term anchoring permits within their jurisdictions by adopting an ordinance to that effect.

A local government that elects to enforce long-term anchoring permits must do so in coordination with the FWC.

The bill authorizes a local government that adopts such an ordinance to designate a code enforcement officer to investigate, document, and cite long-term anchoring permit violations. A citation for permit violations by a code enforcement officer is a noncriminal infraction that:

- May be issued through local code enforcement procedures or the uniform boating citation system, as determined by FWC rule or local ordinance;
- Does not constitute a criminal finding; and
- May only be used for the imposition of civil penalties, corrective actions, or cost recovery authorized under vessel safety laws.

A local government that adopts such an ordinance must comply with all permit verification, documentation, notice, and recordkeeping requirements established by the FWC before a code enforcement officer may issue a citation or take other enforcement action. The FWC may provide technical assistance, training, and guidance to the local government.

The bill provides that administrative enforcement by a local government does not preclude parallel enforcement by law enforcement officers. Additionally, a local government may coordinate with law enforcement agencies for criminal investigation or prosecution for violations of vessel safety or public nuisance laws.

Code enforcement officers may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency, but may not make a criminal determination or take any action reserved for law enforcement officers by vessel safety laws.

The bill further provides that, for any FWC-administered program relating to anchoring regulation, vessel compliance, or public nuisance abatement, a noncriminal infraction citation issued by a code enforcement officer must be treated as equivalent to a uniform boating citation issued by a law enforcement officer, provided the local government submits all documentation,

photographic evidence, location data, permit status verification, and other materials required by FWC rule.

The bill authorizes the FWC to adopt rules to implement this authorization. The rules may include procedures for:

- Local designation of code enforcement officers;
- Verifying compliance with permit requirements;
- Ensuring statewide consistency in enforcement criteria;
- Coordinating with the uniform boating citation system;
- Maintaining records of citations and resolutions;
- Providing technical assistance or training to local governments; and
- Auditing any reimbursement or cost-sharing requests.

Section 3 amends s. 823.11, F.S., to authorize counties and municipalities to identify, remove, store, destroy, or dispose of derelict vessels within their jurisdictions by adopting an ordinance to that effect.

A local government that elects to administer these laws must do so in coordination with the FWC.

The bill authorizes a local government that adopts such an ordinance to designate a code enforcement officer to determine whether a vessel is a derelict vessel. The code enforcement officer's determination is:

- For administrative abatement purposes only and may only be used to initiate notice, removal, disposal, and cost-recovery actions pursuant to the amended section and in accordance with FWC rules; and
- Not a criminal finding and may not serve as a basis for prosecution under the amended section.

A local government that adopts an ordinance must comply with all notice, documentation, storage, and environmental compliance requirements established by the FWC and the amended section before removing or disposing of a vessel. The FWC may provide technical assistance and guidance to the local government.

The bill provides that the authorization does not prohibit a local government from coordinating with law enforcement agencies for criminal investigation or prosecution of violations of vessel safety and public nuisance laws. A code enforcement officer may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency, but may not make criminal determinations or take any action reserved for law enforcement officers.

The bill provides that for purposes of the Derelict Vessel Removal Grant Program administered by the FWC, a designation of a vessel as derelict by a code enforcement officer must be treated as equivalent to the same designation by a law enforcement officer, provided the local government submits all documentation, photographic evidence, location data, permit status verification, and other materials required by FWC rule.

The bill authorizes the FWC to adopt rules to implement this authorization, including procedures for:

- Verifying administrative designations;
- Maintaining records of removals;
- Providing technical assistance to local governments; and
- Auditing reimbursement requests.

The bill makes conforming changes.

Section 4 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:

This bill may have a positive fiscal impact because it may hasten the removal process for at risk and derelict vessels. As the condition of a vessel worsens, it becomes more

expensive to remove, so removing vessels as early as possible reduces the associated cost.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.4107, 327.4111, and 823.11

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.



464856

LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Between lines 228 and 229
insert:

Section 4. Paragraph (d) of subsection (3) of section 327.4108, Florida Statutes, is amended to read:

327.4108 Anchoring of vessels in anchoring limitation areas.—

(3)

(d) A vessel upon the waters of this state and within



464856

Monroe County for which the owner or occupant has established the vessel as a domicile in accordance with s. 222.17 is exempt from paragraph (a) until at least 60 ~~100~~ new moorings are available for public use within 1 mile of the Key West Bight City Dock. Until such time, the commission shall designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.

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

And the title is amended as follows:

Delete line 23

and insert:

rules; amending s. 327.4108, F.S.; revising the exemption from requirements for vessel relocation under certain circumstances for certain vessels; providing an effective date.

By Senator Trumbull

2-01499-26

20261682__

1 A bill to be entitled
 2 An act relating to local administration of vessel
 3 restrictions; amending ss. 327.4107, 327.4111, and
 4 823.11, F.S.; authorizing counties and municipalities
 5 to adopt ordinances to administer, in coordination
 6 with the Fish and Wildlife Conservation Commission,
 7 certain provisions relating to vessels at risk of
 8 becoming derelict, the enforcement of long-term
 9 anchoring permit requirements, and derelict and
 10 migrant vessels, respectively; authorizing counties
 11 and municipalities to designate code enforcement
 12 officers for specified purposes; providing that
 13 certain determinations made by the code enforcement
 14 officers are for administrative purposes only and are
 15 not criminal findings; requiring counties and
 16 municipalities to comply with specified provisions;
 17 authorizing the commission to provide technical
 18 assistance and guidance; providing construction;
 19 requiring certain designations and actions by code
 20 enforcement officers to be treated as equivalent to
 21 specified law enforcement actions under certain
 22 circumstances; authorizing the commission to adopt
 23 rules; providing an effective date.
 24
 25 Be It Enacted by the Legislature of the State of Florida:
 26
 27 Section 1. Present subsections (5) and (6) of section
 28 327.4107, Florida Statutes, are redesignated as subsections (6)
 29 and (7), respectively, and a new subsection (5) is added to that

Page 1 of 8

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

2-01499-26

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30 section, to read:
 31 327.4107 Vessels at risk of becoming derelict on waters of
 32 this state.—
 33 (5) A county or municipality may elect to administer, in
 34 coordination with the commission, this section relating to the
 35 identification, notice, corrective action, relocation, removal,
 36 storage, destruction, or disposal of vessels at risk of becoming
 37 derelict within its jurisdiction by adopting an ordinance to
 38 that effect.
 39 (a) A county or municipality that adopts an ordinance under
 40 this subsection:
 41 1. May designate a code enforcement officer as defined in
 42 s. 162.21 to determine whether a vessel meets one or more of the
 43 at-risk conditions listed in subsection (2). The code
 44 enforcement officer's determination is for administrative
 45 abatement purposes only and may be used solely to initiate
 46 notice, corrective action, relocation, storage, disposal, or
 47 cost-recovery actions pursuant to this section and in accordance
 48 with rules adopted by the commission. The code enforcement
 49 officer's determination is not a criminal finding and may not
 50 serve as a basis for prosecution under this section or any other
 51 criminal violation relating to vessel conditions or derelict
 52 vessels.
 53 2. Shall comply with all notice, documentation,
 54 environmental compliance, storage, and recordkeeping
 55 requirements established by the commission and this section
 56 before taking corrective action on a vessel. The commission may
 57 provide technical assistance and guidance to the county or
 58 municipality.

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

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(b) This subsection may not be construed to prohibit a county or municipality from coordinating with law enforcement agencies for purposes of criminal investigation or prosecution relating to violations of this chapter or chapter 823. A code enforcement officer acting pursuant to this subsection may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency, but may not make a criminal determination or take any action reserved for law enforcement officers under this chapter.

(c) For purposes of any commission-administered program relating to the prevention, mitigation, removal, relocation, storage, or destruction of vessels at risk of becoming derelict, including the derelict vessel prevention program authorized under subsection (7), a designation of a vessel as at risk of becoming derelict by a county or municipal code enforcement officer pursuant to this subsection must be treated, if the county or municipality submits all documentation, photographic evidence, and verification materials required by commission rule, as equivalent to such a designation by a law enforcement officer.

(d) The commission may adopt rules to implement this subsection, including procedures for verifying administrative designations, ensuring statewide consistency in the application of at-risk criteria, maintaining records of corrective actions or removals, providing technical assistance to local governments, and auditing reimbursement or cost-recovery requests.

Section 2. Present subsections (5) through (9) of section 327.4111, Florida Statutes, are redesignated as subsections (6)

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through (10), respectively, and a new subsection (5) is added to that section, to read:

327.4111 Long-term anchoring.—

(5) A county or municipality may elect to administer, in coordination with the commission, this section relating to the enforcement of long-term anchoring permit requirements within its jurisdiction by adopting an ordinance to that effect.

(a) A county or municipality that adopts an ordinance under this subsection:

1. May designate a code enforcement officer as defined in s. 162.21 to investigate, document, and cite violations of subsection (4). A citation from a code enforcement officer is a noncriminal infraction punishable as provided in s. 327.73 and may be issued through local code enforcement procedures or the uniform boating citation system under s. 327.74, as determined by commission rule or local ordinance. A citation issued pursuant to this subparagraph does not constitute a criminal finding and may be used solely for the imposition of civil penalties, corrective actions, or cost recovery authorized under this chapter.

2. Shall comply with all permit verification, documentation, notice, and recordkeeping requirements established by the commission before a code enforcement officer may issue a citation or take other enforcement action. The commission may provide technical assistance, training, and guidance to the county or municipality.

(b) Administrative enforcement under this subsection does not preclude parallel enforcement by law enforcement officers under s. 327.70. This subsection may not be construed to

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prohibit a county or municipality from coordinating with law enforcement agencies for purposes of criminal investigation or prosecution relating to violations of this chapter or chapter 823. A code enforcement officer acting pursuant to this subsection may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency, but may not make a criminal determination or take any action reserved for law enforcement officers under this chapter.

(c) For purposes of any commission-administered program relating to anchoring regulation, vessel compliance, or public nuisance abatement, a noncriminal infraction citation for a violation of subsection (4) issued by a county or municipal code enforcement officer pursuant to this subsection must be treated, if the county or municipality submits all documentation, photographic evidence, location data, permit status verification, and other materials required by commission rule, as equivalent to a uniform boating citation issued by a law enforcement officer.

(d) The commission may adopt rules to implement this subsection, including procedures for local designation of code enforcement officers, verifying compliance with permit requirements, ensuring statewide consistency in enforcement criteria, coordinating with the uniform boating citation system, maintaining records of citations and resolutions, providing technical assistance or training to counties or municipalities, and auditing any reimbursement or cost-sharing requests.

Section 3. Present subsections (6) and (7) of section 823.11, Florida Statutes, are redesignated as subsections (7)

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and (8), respectively, a new subsection (6) is added to that section, and paragraph (c) of subsection (4) of that section is amended, to read:

823.11 Derelict and migrant vessels; relocation or removal; penalty.—

(4)

(c) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels or migrant vessels from the waters of this state. This grant funding may also be used for the removal, storage, destruction, and disposal of vessels declared a public nuisance pursuant to s. 327.73(1)(aa) or the derelict vessel prevention program established pursuant to s. 327.4107(8) ~~s. 327.4107(7)~~. The program must be funded from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund. Notwithstanding s. 216.181(11), funds available for these grants may only be authorized by appropriations acts of the Legislature. In a given fiscal year, if all funds appropriated pursuant to this paragraph are not requested by and granted to local governments for the removal, storage, destruction, and disposal of derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant to s. 327.73(1)(aa) by the end of the third quarter, the Fish and Wildlife Conservation Commission may use the remainder of the funds to remove, store, destroy, and dispose of, or to pay private contractors to remove, store, destroy, and dispose of, derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant to s. 327.73(1)(aa). The commission shall adopt by rule procedures for local governments to submit a grant

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application and criteria for allocating available funds. Such criteria must include, at a minimum, all of the following:

1. The number of derelict vessels and migrant vessels within the jurisdiction of the applicant.

2. The threat posed by such vessels to public health or safety, the environment, navigation, or the aesthetic condition of the general vicinity.

3. The degree of commitment of the local government to maintain waters free of abandoned, derelict, and migrant vessels and to seek legal action against those who abandon vessels in the waters of this state as defined in s. 327.02.

(6) A county or municipality may elect to administer, in coordination with the commission, this section relating to the identification, removal, storage, destruction, or disposal of derelict vessels within its jurisdiction by adopting an ordinance to that effect.

(a) A county or municipality that adopts an ordinance under this subsection:

1. May designate a code enforcement officer as defined in s. 162.21 to determine whether a vessel meets the definition of a derelict vessel as provided in this section for administrative abatement purposes only. The code enforcement officer's determination is not a criminal finding and may not serve as the basis for prosecution under this section. Such determinations may be used solely to initiate notice, removal, disposal, and cost-recovery actions pursuant to this section and in accordance with rules adopted by the commission.

2. Shall comply with all notice, documentation, storage, and environmental compliance requirements established by the

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commission and this section before removing or disposing of a vessel. The commission may provide technical assistance and guidance to the county or municipality.

(b) This subsection may not be construed to prohibit a county or municipality from coordinating with law enforcement agencies for purposes of criminal investigation or prosecution relating to violations of chapter 327 or this chapter. A code enforcement officer acting pursuant to this subsection may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency but may not make a criminal determination or take any action reserved for law enforcement officers under this chapter.

(c) For purposes of the Derelict Vessel Removal Grant Program administered by the commission, a designation of a vessel as derelict by a county or municipal code enforcement officer under this subsection must be treated, if the county or municipality submits the required documentation, photographic evidence, and verification materials in accordance with commission rules, as equivalent to such a designation by a law enforcement officer.

(d) The commission may adopt rules to implement this subsection, including procedures for verifying administrative designations, maintaining records of removals, providing technical assistance to local governments, and auditing reimbursement requests.

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