Tab 1	**SB 484** by **Avila (CO-INTRODUCERS) Yarborough;** Compare to H 01517 Data Centers

781774	A	S	RCS	CA, Avila	Delete L.153 - 201:	02/03 07:03 PM

Tab 2	**CS/SB 698** by **EN, Martin;** Similar to CS/CS/H 00589 Onsite Sewage Treatment and Disposal System Permits

Tab 3	**CS/SB 706** by **TR, Mayfield (CO-INTRODUCERS) Massullo, Avila, Gruters, Pizzo;** Similar to CS/CS/H 00919 Commercial Service Airports

Tab 4	**SB 968** by **McClain;** Similar to CS/H 01049 Home Backup Power Systems

Tab 5	**SB 1118** by **Avila;** Public Records/Data Centers

399840	A	S	RCS	CA, Avila	Delete L.95:	02/03 07:03 PM

Tab 6	**SB 1122** by **Gruters (CO-INTRODUCERS) Calatayud;** Identical to H 01047 Activities of Special Districts

Tab 7	**SB 1134** by **Yarborough;** Identical to H 01001 Official Actions of Local Governments

Tab 8	**SB 1320** by **Martin;** Identical to H 01439 Tax Referenda

Tab 9	**SB 1342** by **Rouson;** Identical to H 01183 Transportation Infrastructure Land Development Regulations

219360	D	S	RCS	CA, Rouson	Delete everything after	02/03 07:03 PM
251288	AA	S	RCS	CA, Rouson	Delete L.49 - 356:	02/03 07:03 PM

Tab 10	**SB 1548** by **Calatayud;** Compare to CS/H 00837 Affordable Housing

Tab 11	**SB 1614** by **Leek;** Compare to H 01169 Florida Building Code

709702	A	S	RCS	CA, Leek	Delete L.64 - 86:	02/03 07:03 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator McClain, Chair
Senator Massullo, Vice Chair

MEETING DATE: Tuesday, February 3, 2026
TIME: 3:30—5:30 p.m.
PLACE: *Mallory Horne Committee Room,* 37 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 484** Avila (Compare H 1517, Linked S 1118)	Data Centers; Prohibiting an agency from entering into a nondisclosure agreement or other contract that restricts the agency from disclosing certain information to the public; specifying that local governments maintain authority to exercise power and responsibility over comprehensive planning and land development regulations related to large load customers; requiring the Florida Public Service Commission to develop minimum tariff and service requirements for large load customers; prohibiting the governing board of a water management district or the Department of Environmental Protection from issuing a permit for the consumptive use of water to a large-scale data center under certain circumstances, etc. RI 01/20/2026 Favorable CA 02/03/2026 Fav/CS RC	Fav/CS Yeas 8 Nays 0
2	**CS/SB 698** Environment and Natural Resources / Martin (Similar CS/CS/H 589)	Onsite Sewage Treatment and Disposal System Permits; Prohibiting a municipality or political subdivision of the state from requiring owners and builders of certain residences to receive construction permits from the Department of Environmental Protection as a condition of issuing building or plumbing permits; requiring such owners and builders to provide certain proof to the municipality or political subdivision, etc. EN 01/20/2026 Fav/CS CA 02/03/2026 Favorable RC	Favorable Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	**CS/SB 706** Transportation / Mayfield (Similar CS/CS/H 919)	Commercial Service Airports; Preempting the naming of major commercial service airports to the state; providing names for major commercial service airports; providing that such airport names continue to be valid under certain circumstances; requiring the Department of Transportation to annually review provisions naming major commercial service airports for a certain purpose; providing that a political subdivision is in compliance with certain provisions under specified circumstances, etc. TR 01/27/2026 Fav/CS CA 02/03/2026 Favorable RC	Favorable Yeas 8 Nays 0
4	**SB 968** McClain (Similar CS/H 1049, Compare CS/H 803, H 1227, S 1234, S 1444)	Home Backup Power Systems; Prohibiting a local government from adopting a technical amendment to the Florida Building Code which requires a permit or any functionally equivalent local review or approval for certain backup power systems; prohibiting a local government that issues building permits from requiring an owner of a single-family dwelling or such owner's contractor to obtain a building permit to perform work on the single-family lot valued at less than a specified sum; prohibiting a local enforcement agency from requiring a permit or any functionally equivalent local review or approval for the installation, relocation, replacement, or repair of an eligible residential backup power system; defining the term "backup power system", etc. CA 02/03/2026 Favorable RI RC	Favorable Yeas 8 Nays 0
5	**SB 1118** Avila (Linked S 484)	Public Records/Data Centers; Providing an exemption from public records requirements for information relating to the plans, intentions, or interest of a person to locate a data center; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. RI 01/20/2026 Favorable CA 02/03/2026 Fav/CS RC	Fav/CS Yeas 7 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	**SB 1122** Gruters (Identical H 1047)	Activities of Special Districts; Authorizing certain special districts meeting particular criteria to jointly enter into, participate in, establish, and control specified joint relationships or collaborations anywhere within the boundaries of either or all such special districts; establishing state action immunity; authorizing such districts to exercise such powers regardless of certain consequences, etc. CA 02/03/2026 Temporarily Postponed JU RC	Temporarily Postponed
7	**SB 1134** Yarborough (Identical H 1001, Compare H 1329, S 1566)	Official Actions of Local Governments; Prohibiting counties and municipalities, respectively, from funding or promoting or taking official action as it relates to diversity, equity, and inclusion; providing that certain ordinances, resolutions, rules, regulations, programs, and policies are void; providing that a county commissioner, a member of the governing body of a municipality, or any other county or municipal official acting in an official capacity who violates certain provisions commits misfeasance or malfeasance in office, etc. CA 02/03/2026 Favorable JU RC	Favorable Yeas 6 Nays 2
8	**SB 1320** Martin (Identical H 1439)	Tax Referenda; Defining the term “local government spending analysis”; requiring a local government spending analysis be included on certain referenda, etc. CA 02/03/2026 Favorable BI RC	Favorable Yeas 5 Nays 3

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	**SB 1342** Rouson (Identical H 1183)	Transportation Infrastructure Land Development Regulations; Citing this act as the "Transit-Oriented Development Act" or the "TOD Act"; requiring the governing body of a county or municipality to adopt an ordinance, and the governing body of a special district to adopt a resolution, establishing specified transit-oriented development (TOD) zones and rural livable urban village (LUV) areas by a certain date; prohibiting a local government from imposing certain building regulations in specified TOD zones and rural LUV areas; prohibiting the reduction or elimination of TOD zones after establishment; prohibiting a local government from imposing certain regulations for lots that contain historic property; providing a waiver of sovereign immunity, etc. CA 02/03/2026 Fav/CS JU RC	Fav/CS Yeas 8 Nays 0
10	**SB 1548** Calatayud (Compare CS/H 837, S 962)	Affordable Housing; Requiring counties and municipalities, respectively, to authorize certain residential use on property owned by a county, municipality, or school district under certain circumstances; revising the definition of the term "person"; revising a prohibition on discriminatory practices in land use decisions and in permitting of development to include housing that is affordable; waiving the state's sovereign immunity for certain causes of action based upon housing discrimination, etc. CA 02/03/2026 Favorable FP RC	Favorable Yeas 8 Nays 0
11	**SB 1614** Leek (Compare H 1169)	Florida Building Code; Prohibiting a local government from receiving state funds through a local funding initiative request to its legislative designation unless it has expended all funds through enforcing the Florida Building Code on authorized uses and does not have excess funds; providing that a local government is not eligible for additional state funds if it has been subject to a legislative committee's audit within a specified timeframe or if it fails to submit an affirmation to its legislative delegation, etc. CA 02/03/2026 Fav/CS AEG AP	Fav/CS Yeas 8 Nays 0
	Other Related Meeting Documents		

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	CS/SB 484
INTRODUCER:	Community Affairs Committee and Senator Avila
SUBJECT:	Data Centers
DATE:	February 4, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Favorable**
2.	Hackett	Fleming	CA	**Fav/CS**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 484 revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. Specifically, the bill:

- Specifies that agencies may not enter into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.
- Maintains the authority of local governments to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.
- Provides definitions for the terms "controlled by," foreign country of concern," "foreign entity," "large load customer," "public utility," "data center," and "large-scale data center."
- Requires the Public Service Commission to develop minimum large load tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service and that the general body of rate payers do not bear the risk of non-payment of such cost, and include provisions to prevent a public utility from providing electric service to a foreign entity large load customer.
- Prohibits public electric utilities from knowingly providing service to large load facilities owned or controlled by foreign countries of concern.
- Establishes a distinct large-scale data center consumptive use permit (CUP) permit requirements and application process. The bill also authorizes water management districts or

the Department of Environmental Protection to require large-scale data centers to use some portion of reclaimed water as part of a CUP approval.
- Specifies that CUP modifications involving a large-scale data center must be treated as new, initial applications.

The bill has effective date of the bill of July 1, 2026

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.[1] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[2] In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[3]

Electric Utilities

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

Public Electric Utilities in Florida

There are four investor-owned electric utility companies (electric IOUs) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), and Florida Public Utilities Corporation (FPUC).[9]

Electric IOU rates and revenues are regulated by the PSC, and the utilities must file periodic earnings reports. This allows the PSC to monitor earnings levels on an ongoing basis and adjust

[1] Section 350.001, F.S.
[2] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited Dec. 3, 2025).
[3] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Feb. 2, 2026).
[4] Section 366.04(5) and (6), F.S.
[5] Section 366.05(1) and (8), F.S.
[6] Section 366.05, F.S.
[7] Section 366.02(8), F.S.
[8] Florida Public Service Commission, *About the PSC*, *supra* note 3.
[9] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, pg. 4, Apr. 2025 (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf).

customer rates quickly if a company appears to be overearning.[10] If a utility believes it is earning below a reasonable level, it can petition the PSC for a change in rates.[11]

Section 366.041(2), F.S., requires public utilities to provide adequate service to customers. As compensation for fulfilling that obligation, s. 366.06, F.S., requires the PSC to allow the IOUs to recover honestly and prudently invested costs of providing service, including investments in infrastructure and operating expenses used to provide electric service.[12]

Water and Wastewater Utilities

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, [F.S.], includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2024, the PSC had jurisdiction over 153 investor-owned water and/or wastewater utilities in 40 of Florida's 67 counties.[13]

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation," and others.[14] The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

Municipal Water and Sewer Utilities in Florida

A municipality[15] may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.[16]

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's

[10] PSC, *2024 Annual Report*, p. 6, (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2024.pdf) (last visited Feb. 2, 2026).
[11] *Id.*
[12] *Id*.
[13] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, *supra* note 9, at 4.
[14] Section 367.022, F.S.
[15] Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."
[16] Section 180.02, F.S., *see also* s. 180.06, F.S.

corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates for such utilities. Municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.

PSC Setting of Public Utility Rates and Other Charges

Section 366.041, F.S., establishes the considerations the PSC must apply in fixing just, reasonable, and compensatory rates:

> the [PSC] is authorized to give consideration, among other things, to the efficiency, sufficiency, and adequacy of the facilities provided and the services rendered; the cost of providing such service and the value of such service to the public; the ability of the utility to improve such service and facilities; and energy conservation and the efficient use of alternative energy resources; provided that no public utility shall be denied a reasonable rate of return upon its rate base

Section 366.06, F.S., establishes the PSC's authority to establish and implement procedures for the fixing of and changing public utility rates. Under this section, all applications made by public utilities for changes in rates must be in writing with the PSC under the PSC's established rules and regulations.[17] Section 366.06(2), F.S., requires the PSC to hold a public hearing whenever it finds, upon request made, or upon its own motion, one or more of the following:

- That the rates demanded, charged, or collected by any public utility for public utility service, or that the rules, regulations, or practices of any public utility affecting such rates, are unjust, unreasonable, unjustly discriminatory, or in violation of law;
- That such rates are insufficient to yield reasonable compensation for the services rendered;
- That such rates yield excessive compensation for services rendered; or
- That such service is inadequate or cannot be obtained.

During such a hearing, the PSC must determine just and reasonable rates to be thereafter charged for such service, and promulgate rules and regulations affecting equipment, facilities, and service to be thereafter installed, furnished, and used.[18]

The PSC establishes separate rates and charges for various components of a public utility's cost of providing service to its customers. These are established through various proceedings and processes which include:

- Base rate proceedings (also known as rate cases);
- Cost recovery clauses;
- Interim charges;
- Infrastructure surcharges;

[17] Section 366.06(1), F.S.
[18] *Id.*

- Tariffs.[19]

Tariffs

A public utility's tariffs are a series of documents, approved by the PSC, that provide the utility's rates, terms, and conditions for service. These tariffs also include standardized forms for the utility's service offerings and its standard contracts and agreements. Tariffs are generally revised, as necessary, after a PSC-approved change in a utility's rates or charges and are generally part of any proceeding revising rates or charges. Utilities may also request a tariff change if circumstances warrant doing so. However, the PSC does not establish a return on equity (ROE) or overall rates of return in reviewing stand-alone requests to approve a new, modified, or canceled tariff.[20]

Rate Cases

Rate cases are generally held less frequently than the PSC's other rate and charge proceedings for public utilities. For a public utility, these wide-ranging proceedings seek to address:

- A reasonable rate of return on investment;
- Operating and maintenance expenses; and
- Cost of administering the public utility.[21]

According to the PSC, in setting a reasonable rate of return, it is guided by the principles established in *Bluefield Water Works & Improvement Co. v. Pub. Serv. Comm'n of W. Va.*, 262 U.S. 679 (1923) and *Fed. Power Comm'n v. Hope Natural Gas Co.*, 320 U.S. 591 (1944).[22] In *Bluefield,* the United States Supreme Court found that:

> Rates which are not sufficient to yield a reasonable return on the value of the property used at the time it is being used to render the service are unjust, unreasonable and confiscatory, and their enforcement deprives the public utility company of its property in violation of the Fourteenth Amendment….A public utility is entitled to such rates as will permit it to earn a return on the value of the property which it employs for the convenience of the public equal to that generally being made at the same time and in the same general part of the country on investments in other business undertakings which are attended by corresponding, risks and uncertainties.[23]

Further, the court in *Bluefield* found that such return should be "reasonably sufficient to assure confidence in the financial soundness of the utility and should be adequate, under efficient and economical management, to maintain and support its credit and enable it to raise the money necessary for the proper discharge of its public duties." Further, this "rate of return may be reasonable at one time and become too high or too low by changes affecting opportunities for

[19] Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126*, (Nov. 7, 2025) (on file with the Senate Committee on Regulated Industries).
[20] *Id.*.
[21] *Id.*
[22] *Id.*
[23] *Bluefield Waterworks & Imp. Co. v. Pub. Serv. Comm'n of W. Va.*, 262 U.S. 679, 690-92 (1923).

investment, the money market and business conditions generally."[24] Thus, for a rate of return to be non-confiscatory, it must be adjusted as broader-market circumstances change.

The Supreme Court in *Hope* found that:

> The fixing of 'just and reasonable' rates, involves a balancing of the investor and the consumer interests…. From the investor or company point of view it is important that there be enough revenue not only for operating expenses but also for the capital costs of the business…. By that standard the return to the equity owner should be commensurate with returns on investments in other enterprises having corresponding risks. That return, moreover, should be sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital.[25]

In *Hope*, the Supreme Court also reiterates its previous decision in *Fed. Power Comm'n v. Nat. Gas Pipeline Co. of Am.*, 315 U.S. 575, 586 (1942) that the "[United States] Constitution does not bind rate-making bodies to the service of any single formula or combination of formulas." Rather, it is "not theory but the impact of the rate order which counts."[26] The court cites with approval that the Federal Power Commission, in its rate-making function, uses "pragmatic adjustments" in fixing rates.[27]

In a base rate proceeding, the PSC establishes a public utility's rate of return or cost of capital. It sets this based on:
- Return on equity (ROE);
- Long-term and short-term debt;
- Customer deposits; and
- Deferred taxes.[28]

The PSC, in a rate proceeding, develops a substantial evidentiary record, which includes analysis of ROE using models generally used in the utility industry. The PSC also takes into account various risks to the public utility when setting ROE. When the PSC approves an ROE for a public utility, it does so within a 100-basis point rate of return (i.e. plus or minus 1 percent).[29]

The rate of return actually earned by the utility is dependent on both the utility's ability to manage costs and react to other factors that may impact its operations. These factors may include:
- Changes in revenues due to the impact of weather on sales;
- New, modified, or cancelled tariffed rates or charges;
- Costs of materials, supplies, and labor; and
- Interest rates affecting the cost of debt.[30]

[24] *Id* at 692.
[25] *Fed. Power Comm'n v. Hope Nat. Gas Co.*, 320 U.S. 591, 603 (1944).
[26] *Id* at 602.
[27] *Id*.
[28] Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126, supra* note 19.
[29] *Id.*
[30] *Id.*

Salaries and benefits paid to employees of the public utility, including its executives, are part of the PSC's review in a rate case proceeding and the PSC examines these figures in the aggregate. In determining whether such expenses are reasonable and prudent, the PSC will consider industry norms and the need to attract and retain qualified executive and non-executive utility personnel.[31]

Establishment of other Bases of Public Utility Customer Charges

Outside of rate cases, the PSC also has other processes for revising, or creating, utility rates and charges. These proceedings include cost recovery clause proceedings and interim charges.

Cost recovery clause proceedings allow public utilities to recover variable, volatile, or legislatively mandated costs.[32] For public electric utilities, the PSC holds annual hearings to allow the utilities to recover expenditures on:

- Fuel and purchased power costs;
- Capacity costs;
- Environmental compliance costs pursuant to s. 366.8255, F.S.;
- Storm protection plan costs pursuant to s. 366.96, F.S.; and
- Energy conservation program costs pursuant to s. 366.80 through 366.83, F.S.

Section 366.93, F.S., also authorizes similar cost recovery for nuclear costs. However, the PSC has not conducted a nuclear cost recovery proceeding since 2018 as no public utility has petitioned for recovery under this clause since that year.[33]

For public natural gas utilities, the PSC holds annual hearings to allow the utilities to recover expenditures on:

- Purchased natural gas costs;
- Energy conservation costs pursuant to s. 366.80 through 366.83, F.S.; and
- Natural gas infrastructure relocation costs pursuant to s. 366.99, F.S.[34]

Outside of cost recovery clause proceedings, the PSC also provides a process for establishing interim charges to quickly recover estimated storm-recovery related expenses. These interim charges are time-limited and are subject to a final true-up proceeding once final costs can be determined for a particular storm or series of storms.[35]

The PSC does not establish ROEs or overall rates of returns in recovery clause and interim charge proceedings, as these focused rate proceedings are limited in scope. Rather, ROE and overall rates of return are set during rate cases, as those proceedings are substantially broader in scope.[36]

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[31] *Id*.
[32] *Id.*
[33] Florida Public Service Commission, *2025 Agency Legislative Bill Analysis for SB 354*, (Feb. 28, 2025) (on file with the Senate Committee on Regulated Industries).
[34] Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126, supra* note 19.
[35] *Id.*
[36] Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126, supra* note 19.

Data Centers

At its most basic, a data center is a physical facility that contains information technology (IT) infrastructure for storing, processing, and distributing data and the running of shared and distributed applications and services. Data centers can be anything from a dedicated space within a building, a dedicated building, or, for the largest-scale data centers, multi-building campuses.[37]

Generally, the major components of a data center are:

- IT equipment: This would be the core processing, storage, and transmission hardware for a data center—this would include servers, data storage systems, and network gear (such as routers and switches).
- Power infrastructure: This would be all the equipment to supply and maintain power to the facility, including power supplies (including redundant and uninterruptable power supplies to ensure continuous operation), and power distribution units.
- Cooling systems: This would include cooling infrastructure to maintain the data center at ideal temperatures and prevent IT equipment from overheating.
- Physical security: This would include systems that restrict access to the data center and fire suppression systems.[38]

Technically, data centers came about during earliest days of electronic digital computing when machines like the US military's Electrical Numerical Integrator and Computer (ENIAC), completed in 1945, required dedicated computer room space to house its massive machines. For many years, mainframe computers dominated computer rooms. However, in the 1990's when microcomputers came about and replaced mainframes in computer rooms, these microcomputers became known as servers and the computer rooms became known as what would eventually become the modern data center.[39]

The emergence of cloud computing in the early 2000s changed the data center landscape significantly in regard to the purpose and scale of data centers. Data centers went from serving solely one organization's needs (or even one organization's needs at a single location), to shared resources that can be sold and provided as needed to multiple individuals and organizations with the ability to scale up or down as needed—these shared spaces are generally known as colocation data centers.[40]

Tiers/Types of Data Centers

While there are no hard-set size classification scale or guidelines for data centers, they generally fall into one of the below categories:[41]

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[37] Cisco, *What is a Data Center*, https://www.cisco.com/site/us/en/learn/topics/computing/what-is-a-data-center.html (last visited Feb. 2, 2026); and IBM, *What is a Data Center*, https://www.ibm.com/think/topics/data-centers (last visited Feb. 2, 2026).
[38] McKinsey & Company, *What is a Data Center*, https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-a-data-center (last visited Feb. 2, 2026).
[39] IBM *supra* note 37.
[40] *Id.*
[41] IBM, *What is a hyperscale data center*, https://www.ibm.com/think/topics/hyperscale-data-center (last visited Feb. 2, 2026); City Science, *Data Centres and Local Planning: Balancing Growth with Environmental Commitments*, Nov. 7, 2025

- Micro data center: These are the smallest type of data center—generally used by single companies or for remote offices of larger operations. Generally, these centers will have up to 10 server racks (or fewer than 140 servers).
  - Power capacity: Less than 150 kilowatts (kW).
  - Size: Less than 5,000 square feet.
- Small-sized data centers: These types of data centers are typical for onsite or regional enterprise facilities. Generally, these types of centers will range from 500-2,000 servers.
  - Power capacity: 1 to 5 megawatts (MW).
  - Size: 5,000 to 20,000 square feet.
- Medium-sized data centers: Also used for onsite or regional enterprise facilities. At the upper end of this scale, one may also see colocation data centers. Generally, these data centers will range from 2,000 to 5,000 servers.
  - Power capacity: 5 to 20 MW.
  - Size: 20,000 to 100,000 square feet.
- Large-scale data center: These are large-scale facilities. However, they are not quite up to what would generally, currently, be considered hyperscale. These facilities can be used for colocation, cloud services, big data analytics, and artificial intelligence. Generally, these data centers will fall somewhere between a medium-sized data center and a hyperscale data center in regard to servers, power capacity, and size.
- Hyperscale data center: These are massive-scale facilities, often involving a large campus of buildings. The International Data Corporation defines "hyperscale" as having at least 5,000 servers and at least 10,000 square feet of data center floor space. In practice, these facilities are multitudes larger than that.[42] Hyperscale data centers are used for cloud services, big data analytics, artificial intelligence and machine learning, streaming services, and large social networks and are run by large cloud providers and big tech firms.[43] While the minimum scale to qualify as a hyperscale can differ according to various sources—generally these facilities start at 40 to 100 MW in power capacity and reach up to a gigawatt or more.[44]

The size of data center facilities is anticipated to continue to grow and the share of the overall market for hyperscale facilities is also anticipated to grow. As of 2025, 41 percent of all data center capacity worldwide is within facilities with a power capacity of 100 MW or more. This figure is expected to grow to 60 percent by 2029.[45]

(available at: https://cityscience.com/news/data-centres-and-local-planning-balancing-growth-with-environmental-commitments/);

[42] IBM, *What is hyperscale?*, https://www.ibm.com/think/topics/hyperscale (last visited Feb. 2, 2026).

[43] BenchMark, *Hyperscale Data Centers and How to Power Them*, Jan. 15, 2025 (available at: https://info.burnsmcd.com/benchmark/article/hyperscale-data-centers-and-how-to-power-them).

[44] Ryan Abramson, Scout Cities, *Titans of Tech: Exploring America's Largest Hyperscale Data Centers*, Jul. 23, 2024 (available at: https://scoutcities.com/blog/the-titans-of-tech-exploring-the-worlds-largest-hyperscale-data-centers); Tawen Dawn-Hiscox, *What is a hyperscale data center*, DATA CENTER DYNAMICS, Sep. 13, 2022 (available at: https://www.datacenterdynamics.com/en/analysis/what-is-a-hyperscale-data-center/#:~:text=How%20big%20is%20a%20hyperscale,capacity%20above%20the%20100MW%20mark.); and Orrick, *Powering Data Centers*, Nov. 20, 2025 (available at https://www.orrick.com/en/Insights/2025/11/Powering-Data-Centers).

[45] Orrick *supra* note 44.

Data Center Growth

An analysis published by McKenzie and Company in 2025 found that the global demand for data center capacity will triple by 2030 and it anticipates a 20 to 25 percent annual growth of data center capacity within the United States during that time. That same analysis found that this growth will likely place substantial strains on United States energy and water supplies.[46]

Data Center Impact on Water Resources

Every piece of electronic IT equipment generates heat as it operates, and high-performance computing tasks, such as machine learning, cloud computing, and large-scale data processing, intensify this heat production because of their near-continuous heavy workloads. This heat must be offloaded in some manner, otherwise high temperatures can lead to hardware malfunctions, efficiency reductions, and permanent hardware damage.[47] Data centers, thus, require extensive cooling systems to help dissipate large amounts of heat.[48]

This cooling can be accomplished through a number of strategies and technologies:

- Centralized cooling systems: These systems either moved chilled air through centralized duct work (essentially large-scale central air conditioning) or by moving chilled water through a cooling loop that exchanges heat with the environment.
- De-centralized/room scale cooling systems: A common type of these cooling systems is called computer room air conditioners (or CRACs) and are popular with smaller data centers.

Methods that directly consume water are the most effective for cooling and this water can come from many sources including local water utilities, on-site wells, and on-site reservoirs or other co-located water resources. The International Energy Agency estimates that a 100 MW data center in the United States consumes approximately the same amount of water as 2,600 households in direct consumption and cooling.[49] This does not account for, however, the water needed to produce the electricity need to power such facilities—which can be substantial.

Date Center Impact on Electricity Resources

In larger economies like the United States, China, and the European Union, data centers, as of 2024, account for two to four percent of total electricity consumption.[50] Studies have estimated, for the United States, data centers' percentage of total consumption could rise to anywhere

[46] McKinsey & Company, *The data center balance: How US states can navigate the opportunities and challenges*, Aug. 8. 2025 (available at: https://www.mckinsey.com/industries/public-sector/our-insights/the-data-center-balance-how-us-states-can-navigate-the-opportunities-and-challenges).
[47] Terry Nguyen and Ben Green, *What Happens When Data Centers Come to Town*, UNIVERSITY OF MICHIGAN FORD SCHOOL OF SCIENCE, TECHNOLOGY, AND PUBLIC POLICY, Jul. 2025 (available at: https://stpp.fordschool.umich.edu/sites/stpp/files/2025-07/stpp-data-centers-2025.pdf).
[48] Martin C. Offutt and Ling Zhu, Cong. Rsch. Serv., R48646, *Data Centers and Their Energy Consumption: Frequently Asked Questions* (Introduction) (Aug. 26, 2025), (available at: https://www.congress.gov/crs-product/R48646#:~:text=In%20its%20simplest%20form%2C%20a,transmit%20large%20amounts%20of%20data.
[49] *Id*.
[50] International Energy Agency, *What the data centre and AI boom could mean for the energy sector*, Oct. 18, 2024 (available at https://www.iea.org/commentaries/what-the-data-centre-and-ai-boom-could-mean-for-the-energy-sector).

between 6.7 percent and 12 percent by 2030 (the United States, as of 2025, stands at approximately four percent).[51]

The total consumption of data centers, however, does not show the entire context of their electricity demand. Data centers, thus far in the United States, have tended to be spatially concentrated, with the data center sector surpassing 10 percent of electricity consumption in five states as of 2024.[52] A single large or hyperscale data center consuming 20 to 100 MW of electricity continuously can have the electricity demand equivalent of 15,000 to 75,000 United States homes or more (the equivalent of a single small city). A large 650 MW facility would be the equivalent of 500,000 homes.[53] For comparison, the U.S. Census Reporter estimates that Orange County, Florida, currently has 556,557 total households and Florida has a total of 8.967 million households.[54]

Thus the growth of data centers in an area can lead to considerable strain on local electric grids—especially with the considerable mismatch between the speed with which data centers can be constructed and the ability to get approval for and build new generation capacity and interconnect that generation into the electric transmission grid.[55] Data center-driven increases in demand may have also lead to an increase in electricity prices for consumers, at least in the short term (while the medium and long term impact on overall electric rates is still debated).[56]

In markets with the most data centers (such as the Pacific Northwest, Northern California, Phoenix, Dallas, Chicago, and Northern Virginia), surging demand is creating electric capacity challenges. Due to this, hyperscale operators are looking to secondary markets (with lower but fast-growing electricity demand—such as Kansas, Iowa, Indiana, Oklahoma, Nebraska, and much of the Southeastern United States) and emerging markets (where electricity is still, comparatively, abundant—such as Florida, Ohio, Pennsylvania, New York, and New Jersey).[57]

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[51] Gartner, *Gartner Says Electricity Demand for Data Centers to Grow 16% in 2025 and Double by 2030*, Nov. 17, 2025 (available at: https://www.gartner.com/en/newsroom/press-releases/2025-11-17-gartner-says-electricity-demand-for-data-centers-to-grow-16-percent-in-2025-and-double-by-2030), United States Department of Energy, Clean Energy Resources to Meet Data Center Electricity Demand, https://www.energy.gov/gdo/clean-energy-resources-meet-data-center-electricity-demand (last visited Feb. 2, 2026); and World Resources Institute, *Powering the US Data Center Boom: Why Forecasting Can Be So Tricky*, Sep. 17, 2025 (available at: https://www.wri.org/insights/us-data-centers-electricity-demand).

[52] International Energy Agency *supra* note 50.

[53] IAEI Magazine, *How Much Electricity Does a Data Center Use? Complete 2025 Analysis*, Jan. 1, 2026 (available at: https://iaeimagazine.org/electrical-fundamentals/how-much-electricity-does-a-data-center-use-complete-2025-analysis/#:~:text=Frequently%20Asked%20Questions,homes%20for%20an%20entire%20year).

[54] Census Reporter, Orange County, FL https://censusreporter.org/profiles/05000US12095-orange-county-fl/ https://censusreporter.org/profiles/05000US12095-orange-county-fl/ -:~:text=Here's%20some%20census%20data%20for%20Orange%20County%2C,households%20*%2015.5%25%20moved%20since%20previous%20year(last visited Feb. 2, 2026).

[55] McKinsey & Company, *The data center balance: How US states can navigate the opportunities and challenges*, Aug. 8, 2025 (available at: https://www.mckinsey.com/industries/public-sector/our-insights/the-data-center-balance-how-us-states-can-navigate-the-opportunities-and-challenges).

[56] *See* Ryan Wiser et al., *Factors influencing recent trends in retail electricity prices in the United States*, 38 ELECTRICITY J. 107516 (2025), https://doi.org/10.1016/j.tej.2025.107516; *but see* Eliza Martin and Ari Peskoe, *Extracting Profits from the Public: How Utility Ratepayers Are Paying for Big Tech's Power*, ENVIRONMENTAL & ENERGY LAW PROGRAM: HARVARD LAW SCHOOL, Mar. 2025 (available at: https://eelp.law.harvard.edu/wp-content/uploads/2025/03/Harvard-ELI-Extracting-Profits-from-the-Public.pdf).

[57] *Id.*

Consumptive Use Permits

Consumptive use is any use of water which reduces the supply from which it is withdrawn or diverted.[58] A consumptive use permit (CUP), also known as a water use permit (WUP), establishes the duration and type of water use as well as the maximum quantity of water that may be withdrawn.[59] The Florida Department of Environmental Protection (DEP) and Florida's five Water Management Districts (WMDs) are authorized to issue CUPs and impose reasonable conditions as necessary to assure such use is consistent with the DEP or the WMD's goals and is not harmful to the water resources of the area.[60] This authority is primarily delegated to the WMDs, which implement extensive CUP programs within their respective jurisdictions.[61] To obtain a CUP, an applicant must establish that the proposed use of water:

- Is a reasonable-beneficial use;[62]
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.[63]

The DEP has also adopted additional rules implementing s. 373.219(3), F.S., which provides that the agency, for Outstanding Florida Springs, adopt CUP rules "which prevent groundwater withdrawals that are harmful to the water resources and adopt by rule a uniform definition of the term 'harmful to the water resources' to provide water management districts with minimum standards necessary to be consistent with the overall water policy of the state." Florida Admin. Code R. 62-41.401 defines "harmful to the water resources" as:

> A consumptive use that adversely impacts an Outstanding Florida Spring or its spring run in one or more of the following ways: (a) Causing harmful water quality impacts to the Outstanding Florida Spring or its spring run resulting from the withdrawal or diversion; (b) Causing harmful water quality impacts from dewatering discharge to the Outstanding Florida Spring or its spring run; (c) Causing harmful saline water intrusion or harmful upcoming to the Outstanding Florida Spring or its spring run; (d) Causing harmful hydrologic alterations to natural systems associated with an Outstanding Florida Spring or its spring run, including wetlands or other surface waters; and (e) Otherwise causing harmful hydrologic alterations to the water resources of the Outstanding Florida Spring or its spring run.

Each of the five WMDs publishes an applicant's handbook, incorporated by reference into their respective rules, identifying the procedures and information used by district staff for review of CUP applications.[64] Generally, there are two types of CUP permits: general permits that may be

[58] Fla. Admin. Code R. 62-40.210(4).
[59] Chapter 373, part II, F.S.
[60] Section 373.219, F.S. No permit is required for domestic consumption of water by individual users.
[61] Section 373.216, F.S.; Fla Admin. Code Chapters 40A-2, 40B-2, 40C-2, 40D-2, and 40E-2.
[62] Section 373.019(16), F.S. "Reasonable-beneficial use" is defined as "the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest"; Fla. Admin. Code R. 62-40.410. DEP rules contain a list of factors that must be considered when determining whether a water use is a reasonable-beneficial use.
[63] Section 373.223, F.S.; *see* s. 373.229, F.S. Permit applications must contain certain specified information.
[64] South Florida WMD, *Applicant's Handbook for Water Use Permit Applications* (2022)[hereinafter *SFWMD WUP Handbook*], *available at* https://www.sfwmd.gov/sites/default/files/documents/wu_applicants_handbook.pdf; Southwest

granted by rule based on regulatory thresholds for factors such as withdrawal volume or pipe diameter, and individual permits requiring applications when regulatory thresholds are exceeded.[65] The WMDs have different schedules for application processing fees, which can vary based on total requested withdrawal amounts or type of application.[66] The DEP and the WMDs are authorized to grant permits for a period of up to 20 years, if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit.[67]

The WMDs are required to include appropriate monitoring efforts as part of their CUP programs.[68] CUPs must be monitored when they authorize groundwater withdrawals of 100,000 gallons or more per day from a well with an inside diameter of eight inches or more.[69] Such monitoring must be at intervals and must use methods determined by the applicable WMD.[70] The results of such monitoring must be reported to the applicable WMD at least annually.[71] The WMD's respective CUP applicant handbooks contain various monitoring standards, which may include thresholds for required monitoring, reporting requirements, and specific standards for metering.[72] Generally, pursuant to the handbooks, the permittee is responsible for required monitoring of withdrawal quantities.

Minimum Flows and Minimum Water Levels

Minimum Flows and Minimum Water Levels (MFLs) are adopted standards that identify the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.[73] The DEP and the WMDs are required to establish MFLs based on priority lists for surface water courses, aquifers, and surface waters.[74] By establishing the limit at which further withdrawals would be significantly harmful, the MFLs provide a benchmark to help establish excess quantities of water that are available from priority water bodies. A key goal of

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Florida WMD, *Water Use Permit Applicant's Handbook Part B* (2022)[hereinafter *SWFWMD WUP Handbook*], *available at* https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/WUP%20Applicant%27s%20Handbook%20Part%20B%20-%20January%202022_0.pdf; St. John's River WMD, *Applicant's Handbook: Consumptive Uses of Water* (2025)[hereinafter *SJRWMD CUP Handbook*], *available at* https://aws.sjrwmd.com/SJRWMD/permitting/CUP-Applicant-Handbook.pdf; Northwest Florida WMD, *Water Use Permit Applicant's Handbook* (2015)[hereinafter *NWFWMD WUP Handbook*], *available at* https://www.nwfwater.com/content/download/8605/71075/Applicant_Handbook_201504.pdf; Suwannee River WMD, *Water Use Permit Applicant's Handbook* (2019)[hereinafter *SRWMD WUP Handbook*], *available at* https://www.flrules.org/gateway/readRefFile.asp?refId=11315&filename=REFERENCE%20MATERIAL_WUP%20Applicant%27s%20Handbook%20FINAL%2010-31-2019.pdf.

[65] *See* Michael T. Olexa et al., University of Florida, Institute of Food and Agricultural Sciences, *Handbook of Florida Water Regulation: Consumptive Use*, 2 (2021), *available at* https://edis.ifas.ufl.edu/pdffiles/FE/FE60400.pdf.

[66] *See* s. 373.109, F.S.

[67] Section 373.236, F.S.

[68] Section 373.216, F.S.

[69] Section 373.223(6), F.S. The water management districts are authorized to adopt or enforce certain rules in lieu of these requirements, in accordance with the statute.

[70] *Id.*

[71] *Id.*

[72] *SFWMD WUP Handbook*, at 100-105; *SWFWMD WUP Handbook*, at 75-77, 85-89; *SJRWMD CUP Handbook*, at 4-1–4-3; *NWFWMD WUP Handbook*, at 63-64; *SRWMD WUP Handbook*, at 43-44, 50.

[73] Section 373.042, F.S.

[74] Sections 373.042 and 373.0421, F.S.; Fla. Admin. Code R. 62-40.473.

establishing an MFL is to identify and establish the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.[75]

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 112.231, F.S., which provides that state, county, district, authority, or municipal officer, public employee, department, division, board, bureau, or commission, or other units of Florida government (defined collectively as an "agency") may not enter into nondisclosure agreements or other contract restricting the agency from disclosing information about a potential data center development to members of the public. Data center is defined as a "facility that primarily contains electronic equipment used to process, store, and transmit digital information which may be a free-standing structure or a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment." The section states that any such agreements, entered into on or after July 1, 2026, are void and unenforceable. The section also provides for a civil fine penalty of $1,000 for agencies that violate this provision. It applies to agreements entered on or after July 1, 2026.

Section 2 of the bill creates s. 163.326, F.S., provides that it is the finding of the Legislature that facilities with substantial electric or other utility demands (such as data centers and other large load electricity customers), present unique planning, infrastructure, and compatibility considerations. The section further provides that it is the intent of the Legislature that such considerations shall be addressed through local comprehensive planning and land development regulations adopted pursuant to ch. 163, F.S., including provisions related to infrastructure capacity, land use compatibility, environmental impacts, and the efficient provision of public facilities and services. Local governments, under the section, are to maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load electric customers.

Section 3 of the bill creates s. 366.043, F.S., which modifies Florida's public utility code to create a requirement that the Public Service Commission (PSC) develop minimum large load service and tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service and that the general body of rate payers do not bear the risk of non-payment of such cost. The tariff requirements must also include provisions reasonably designed to prevent a public utility from providing electric service to a customer that otherwise qualifies as both a large load customer and a foreign entity. The bill defines a "large load customer" as one that a customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. In addition, the section:

- Specifies that large load customers cannot split up loads to avoid being subject to the large load tariff requirements established by the provisions of the bill. The peak load threshold does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the peak load threshold.

[75] *see* DEP, *Minimum Flows and Minimum Water Levels and Reservations*, https://floridadep.gov/water-policy/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations (last visited Feb. 2, 2026).

- Does not specify rate mechanisms or specific service policies, rather, it specifies the end goal and directs the PSC, by rule, to develop baseline requirements for serving large load customers using utility industry-accepted ratemaking and other financial tools, such as, but not limited to:
  - Contributions in aid of construction or other required customer infrastructure investments;
  - Demand charges;
  - Incremental generation charges;
  - Financial guarantees;
  - Minimum load factors;
  - Take-or-pay provisions or similar provisions requiring payment for contracted capacity; and
  - Minimum period of service contract requirements.
- Prohibits a public utility from knowingly providing a large load customer with a tariff, contractual provision, service requirement, or other policy that would prevent or otherwise hinder the curtailment or interruption of electric service to a large load customer where such curtailment or interruption is intended to ensure grid stability, reduce the likelihood or breadth of wider service outages, or ensure public safety during an emergency or other exceptional circumstance.
- Prohibits public utilities from providing electrical service to facilities that would otherwise qualify for a large load tariff if such facility is owned or controlled by a foreign country of concern. It defines control to include a person or entity that controls 25 percent of the voting interest of a company or is entitled to 25 percent or more of the profits of the company. Foreign country of concern has the same meaning as in s. 692.201, F.S., which defines the term as the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.
- Provides that the PSC is to adopt rules to implement this section, that it must propose a rule for adoption by March 1, 2027, and that public utilities must file for approval of a tariff complying with the final rule within 60 days after its adoption.

The section also provides a legislative finding that the provision of safe and reliable electric services, provided at fair, just, and reasonable rates, is essential to the welfare of Florida ratepayers. Further, it finds that when one class of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on other Florida ratepayers and makes it necessary for the PSC to develop policies to mitigate this risk and avoid the shifting of costs to provide service to such customers to the general body of ratepayers.

Section 4 amends s. 373.203, F.S., to create a definition for data centers and large-scale data centers for ch. 373, F.S., which regulates Florida's water resources. Specifically, the section defines:

- "Data center" as a facility that primarily contains electronic equipment used to process, store, and transmit digital information—which may be a free-standing structure or a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

- "Large-scale data center" as a single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. This does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load threshold.

Section 5 amends s. 373.262, F.S., to create distinct large-scale data center consumptive use permit (CUP) permit requirements. Specifically, the section:

- Provides that, consistent with the other provisions of Florida's CUP law, a water management district (WMD) or the Department of Environmental Protection (DEP) may not grant a CUP to a large-scale data center for an allocation of water if the proposed use of the water is harmful to the water resources of the area or is prohibited by the applicable local government zoning regulations and comprehensive plan. A CUP may only be issued if the proposed use of water:
  - Is a reasonable-beneficial use as defined in s. 373.019, F.S.;
  - Will not interfere with any presently existing legal use of water; and
  - Is consistent with the public interest.
- Provides that the WMD or DEP may require the large-scale data center to use some portion of reclaimed water, in lieu of surface or groundwater, if:
  - A suitable reclaimed water supply source is available and permitted;
  - Reclaimed water distribution or supply lines are available at the property boundary in sufficient capacity and quality to serve the applicant's needs;
  - The applicant can access the reclaimed water source through distribution or supply lines;
  - Use of reclaimed water is environmentally, economically, and technically feasible; and
  - Use of reclaimed water would not conflict with the requirements contained in the applicant's surface water discharge permit, if applicable.
- In addition to the minimum CUP filing requirements under s. 373.229, F.S., all CUP applications requesting an allocation of at least an average daily flow of 100,000 gallons of water per day by a large-scale data center must contain:
  - All sources and amounts of water and losses of water used for cooling, industrial and treatment processes, personal or sanitary needs of employees, and landscape irrigation; and
  - A water conservation plan that, at a minimum, incorporates recycling cooling water before discharge or disposal, implementation of a leak detection and repair program, use of water efficient fixtures, and implementation of an employee awareness and education program concerning water conservation
- Prohibits large-scale data center CUP application approvals without a hearing.

Section 6 amends s. 373.239, F.S., to provide that if a CUP modification application is filed by a large-scale data center, it must be treated in the same manner as an initial CUP permit application.

Section 7 provides an effective date of the bill 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:

The bill will most likely have an impact on the electricity rates, fees, and other costs paid by large load electric customers of public electric utilities. However, the degree of this impact is indeterminate given the multitude of factors present in determining an electric utility rate, particular customer circumstances, and that the impact is likely be partly determined upon the particular rule provisions adopted by the Public Service Commission. In addition, large-scale data centers seeking consumptive use permits may see an increase in costs relating to the application process and additional permitting requirements authorized by the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 373.203 and 373.239
This bill creates the following sections of the Florida Statutes: 112.231, 163.326, 366.043, and 373.262

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

Committee Substitute by Community Affairs on February 3, 2026:
The committee substitute provides that the tariffs the PSC create under the bill must include provisions to prevent a public utility from providing electric service to a foreign entity large load customer, and adds that public utility providers may not *knowingly* provide to a foreign entity. It also revises the timeline, giving the PSC until March 2027 to adopt a final rule, and public utilities 60 days from rule adoption to file conforming updated tariffs.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Community Affairs (Avila) recommended the following:

Senate Amendment (with title amendment)

Delete lines 153 - 201

and insert:

requirements for large load customers pursuant to all of the following:

(a) The minimum tariff and service requirements must reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers. Such cost of service includes, but

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is not limited to, connection, incremental transmission, incremental generation, and other infrastructure costs; operations and maintenance expenses; and any other costs required to serve a large load customer. The risk of nonpayment of such costs may not be borne by the general body of ratepayers.

(b) The minimum tariff and service requirements must include provisions reasonably designed to prevent a public utility from providing electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

(4) A customer may not separate an electrical load at a single location into multiple smaller connections to avoid being classified as a large load customer.

(5) To effectuate the requirements of subsection (3), the commission may include in such requirements utility industry-accepted ratemaking and other financial tools, including, but not limited to, all of the following:

(a) Contributions in aid of construction or other required customer infrastructure investments that may be returned, in whole or in part, to such customers over time.

(b) Demand charges, including minimum demand charges.

(c) Incremental generation charges.

(d) Financial guarantees.

(e) Minimum load factors.

(f) Take-or-pay provisions or similar provisions requiring payment for contracted capacity, regardless of a large load customer’s actual electricity use or demand.

(g) Minimum period of service contract requirements,

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including early termination fees or other fees for violation of such contracts.

(6) Any tariff, contractual provision, service requirement, or other public utility policy relating to large load customers may not prevent or otherwise hinder the curtailment or interruption of electric service to a large load customer where such curtailment or interruption is intended to ensure grid stability, reduce the likelihood or breadth of wider service outages, or ensure public safety during an emergency or other exceptional circumstance.

(7) A public utility may not knowingly provide electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

(8) The commission shall adopt rules to implement and administer this section and shall propose a rule for adoption by March 1, 2027.

(9) Within 60 days after adoption of the final rule implementing this section, each public utility shall file, for commission approval, a tariff that complies with the final rule.

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

And the title is amended as follows:

Delete lines 24 - 39

and insert:

requiring that such minimum tariff and service requirements include certain provisions designed to prevent a public utility from providing electric service to a large load customer that is a foreign entity; prohibiting a customer from separating a

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certain electrical load into multiple smaller connections for a specified purpose; authorizing the commission to include certain measures in minimum tariff and service requirements; prohibiting any tariff, contractual provision, service requirement, or other public utility policy from preventing or hindering the curtailment or interruption of electric service to a large load customer for certain purposes; prohibiting a public utility from knowingly providing electric service to a large load customer that is a foreign entity; requiring the commission to adopt rules by a specified date; specifying a deadline for utilities to file a tariff in compliance with the final rule; amending s. 373.203, F.S.;

By Senator Avila

39-01035F-26 2026484__

A bill to be entitled

An act relating to data centers; creating s. 112.231, F.S.; defining terms; prohibiting an agency from entering into a nondisclosure agreement or other contract that restricts the agency from disclosing certain information to the public; providing that an agreement or contract, or a provision of an agreement or contract, is void and unenforceable under certain circumstances; providing civil penalties; authorizing the state attorney or Attorney General to bring an action to collect a fine; providing applicability; creating s. 163.326, F.S.; providing legislative findings; specifying that local governments maintain authority to exercise power and responsibility over comprehensive planning and land development regulations related to large load customers; creating s. 366.043, F.S.; providing legislative findings; defining terms; requiring the Florida Public Service Commission to develop minimum tariff and service requirements for large load customers; requiring that such requirements ensure that large load customers bear their costs of service and that such costs are not shifted to the general body of ratepayers; specifying the cost of service; prohibiting the general body of ratepayers from bearing the risk of nonpayment of such costs; prohibiting a customer from separating a certain electrical load into multiple smaller connections for a specified purpose; authorizing the commission to include certain measures

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in minimum tariff and service requirements; prohibiting any tariff, contractual provision, service requirement, or other public utility policy from preventing or hindering the curtailment or interruption of electric service to a large load customer for certain purposes; prohibiting a public utility from providing service to certain customers; requiring the commission to adopt rules by a specified date; specifying a deadline for utilities' compliance with commission rules; amending s. 373.203, F.S.; defining terms; creating s. 373.262, F.S.; providing legislative intent; prohibiting the governing board of a water management district or the Department of Environmental Protection from issuing a permit for the consumptive use of water to a large-scale data center under certain circumstances; requiring that such permit be issued to a large-scale data center applicant if the applicant establishes that the proposed use of water satisfies certain requirements; requiring the governing board or the department to require the use of reclaimed water for a large-scale data center applicant's allocation when certain requirements are met; specifying requirements for certain permit applications; prohibiting the approval of permit applications without a hearing; amending s. 373.239, F.S.; requiring that consumptive use permit modifications proposed by a large-scale data center be treated in a specified manner; providing an effective date.

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

Section 1. Section 112.231, Florida Statutes, is created to read:

112.231 Data center nondisclosure agreements.—

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

(a) "Agency" means any state, county, district, authority, or municipal officer, public employee, department, division, board, bureau, or commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any such agency.

(b) "Data center" means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

1. A free-standing structure; or

2. A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) An agency may not enter into a nondisclosure agreement or other contract restricting the agency from disclosing information about a potential data center development to members of the public.

(3) An agreement or contract, or a provision of an agreement or contract, that violates this section is against public policy and is void and unenforceable.

(4) An agency that violates this section is subject to a civil fine of not more than $1,000. The state attorney of the

county in which the violation occurred or the attorney general may bring an action to collect the fine.

(5) This section applies to agreements entered into on or after July 1, 2026.

Section 2. Section 163.326, Florida Statutes, is created to read:

163.326 Large load customer considerations.—

(1) The Legislature finds that certain land uses, including facilities with substantial electric or other utility demands, such as data centers and other large load customers as defined in s. 366.043(2)(d), may present unique planning, infrastructure, and compatibility considerations. The Legislature intends that such considerations shall be addressed through local comprehensive planning and land development regulations adopted pursuant to this chapter, including provisions related to infrastructure capacity, land use compatibility, environmental impacts, and the efficient provision of public facilities and services.

(2) Local governments shall maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.

Section 3. Section 366.043, Florida Statutes, is created to read:

366.043 Large load tariffs for public electric utilities.—

(1) The Legislature finds that the provision of safe and reliable electric services, provided at fair, just, and reasonable rates, is essential to the welfare of the ratepayers of this state. The Legislature further finds that when one class

of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on the other ratepayers of this state and makes it necessary for the commission to develop and enforce rate structures and other policies for such customers which ensure such risk is mitigated as much as possible and prevent shifting the costs of serving large load customers to the general body of ratepayers.

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

(a) "Controlled by" means having the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or that is entitled to 25 percent or more of its profits is presumed to control the entity.

(b) "Foreign country of concern" has the same meaning as in s. 692.201.

(c) "Foreign entity" means an entity that is:

1. Owned or controlled by the government of a foreign country of concern; or

2. A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity.

(d) "Large load customer" means a customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. This does not include a load aggregated across multiple locations owned by the same customer. However,

it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this paragraph.

(e) "Public utility" has the same meaning as in s. 366.02, except that it does not include a gas utility.

(3) The commission shall develop minimum tariff and service requirements for large load customers. The minimum tariff and service requirements must reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers. Such cost of service includes, but is not limited to, connection, incremental transmission, incremental generation, and other infrastructure costs; operations and maintenance expenses; and any other costs required to serve a large load customer. The risk of nonpayment of such costs may not be borne by the general body of ratepayers.

(4) A customer may not separate an electrical load at a single location into multiple smaller connections to avoid being classified as a large load customer.

(5) To effectuate the requirements of subsection (3), the commission may include in such requirements utility industry-accepted ratemaking and other financial tools, including, but not limited to, all of the following:

(a) Contributions in aid of construction or other required customer infrastructure investments that may be returned, in whole or in part, to such customers over time.

(b) Demand charges, including minimum demand charges.

(c) Incremental generation charges.

(d) Financial guarantees.

(e) Minimum load factors.

(f) Take-or-pay provisions or similar provisions requiring payment for contracted capacity, regardless of a large load customer's actual electricity use or demand.

(g) Minimum period of service contract requirements, including early termination fees or other fees for violation of such contracts.

(6) Any tariff, contractual provision, service requirement, or other public utility policy relating to large load customers may not prevent or otherwise hinder the curtailment or interruption of electric service to a large load customer where such curtailment or interruption is intended to ensure grid stability, reduce the likelihood or breadth of wider service outages, or ensure public safety during an emergency or other exceptional circumstance.

(7) A public utility may not provide electric services to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

(8) The commission shall adopt rules to implement and administer this section and shall propose a rule for adoption by January 1, 2027.

(9) The commission shall ensure that all public utilities have complied with the rules adopted pursuant to this section by January 1, 2028. Any revision to a public utility's tariffs which is necessary to comply with such rules must be effective no later than this date.

Section 4. Present subsections (3) and (4) of section 373.203, Florida Statutes, are redesignated as subsections (5)

and (6), respectively, and new subsections (3) and (4) are added to that section, to read:

373.203 Definitions.—

(3) "Data center" means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(a) A free-standing structure; or

(b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(4) "Large-scale data center" means a single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. This does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this subsection.

Section 5. Section 373.262, Florida Statutes, is created to read:

373.262 Large-scale data center permitting.—

(1) It is the intent of the Legislature that the development and operation of large-scale data centers in this state be managed under a permitting framework that ensures this state's water resources are used in the public interest, in a manner that is not harmful to the water resources of this state, and consistent with local government zoning regulations and comprehensive plans.

(2) Consistent with other provisions of this part, the governing board of a water management district or the department may not issue a permit to a large-scale data center applicant for an allocation of water if the proposed use of the water is harmful to the water resources of the area or is prohibited by the applicable local government zoning regulations and comprehensive plan. A permit shall be issued to a large-scale data center applicant for an allocation of water if the applicant establishes that the proposed use of water:

(a) Is a reasonable-beneficial use as defined in s. 373.019;

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(3) The governing board or the department shall require the use of reclaimed water in lieu of all or a portion of a proposed use of surface water or groundwater by a large-scale data center applicant when:

(a) A suitable reclaimed water supply source is available and permitted;

(b) Reclaimed water distribution or supply lines are available at the property boundary in sufficient capacity and quality to serve the applicant's needs;

(c) The applicant is capable of accessing the reclaimed water source through distribution or supply lines;

(d) Use of reclaimed water is environmentally, economically, and technically feasible; and

(e) Use of reclaimed water would not conflict with the requirements contained in the applicant's surface water

discharge permit, if applicable.

(4)(a) In addition to the requirements of s. 373.229, all permit applications made under this part requesting an allocation of at least an average daily flow of 100,000 gallons of water per day by a large-scale data center must contain:

1. All sources and amounts of water and losses of water used for cooling, industrial and treatment processes, personal or sanitary needs of employees, and landscape irrigation; and

2. A water conservation plan that, at a minimum, incorporates recycling cooling water before discharge or disposal, implementation of a leak detection and repair program, use of water efficient fixtures, and implementation of an employee awareness and education program concerning water conservation.

(b) Notwithstanding s. 373.229(4), the governing board or the department may not approve a permit application made under this part by a large-scale data center without a hearing.

Section 6. Subsection (2) of section 373.239, Florida Statutes, is amended to read:

373.239 Modification and renewal of permit terms.—

(2) If the proposed modification involves water use of 100,000 gallons or more per day or is proposed by a large-scale data center as defined in s. 373.203, the application shall be treated under the provisions of s. 373.229 in the same manner as the initial permit application. Otherwise, the governing board or the department may at its discretion approve the proposed modification without a hearing, provided the permittee establishes that:

(a) A change in conditions has resulted in the water

allowed under the permit becoming inadequate for the permittee's need, or

(b) The proposed modification would result in a more efficient utilization of water than is possible under the existing permit.

Section 7. This act shall take effect July 1, 2026.

SENATOR BRYAN AVILA
39th District

THE FLORIDA SENATE
Tallahassee, Florida 32399-1100

Avila.bryan.web@flsenate.gov

COMMITTEES:
COMMITTEES:
Finance and Tax, *Chair*
Transportation, Vice Chair
Appropriations Committee on Transportation, Tourism, and Economic Development
Environmental and Natural Resources
Ethics and Elections
Fiscal Policy
Rules

January 21, 2026

Honorable Senator Stan McClain
The Florida Senate
315 Knott Building
404 S. Monroe Street
Tallahassee, Florida 32399

Honorable Senator McClain,

I respectfully request SB 484 Data Centers be placed on the next committee agenda.

SB 484 Data Centers; Prohibiting an agency from entering into a nondisclosure agreement or other contract that restricts the agency from disclosing certain information to the public; specifying that local governments maintain authority to exercise power and responsibility over comprehensive planning and land development regulations related to large load customers; requiring the Florida Public Service Commission to develop minimum tariff and service requirements for large load customers; prohibiting the governing board of a water management district or the Department of Environmental Protection from issuing a permit for the consumptive use of water to a large-scale data center under certain circumstances.

Sincerely,

Senator, District 39

CC: Elizabeth Fleming, Staff Director
Lizbeth Martinez Gonzalez, Administrative Assistant
Ryan Thomas, Legislative Assistant

The Florida Senate

APPEARANCE RECORD

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2/3/26
Meeting Date

Community Affairs
Committee

SB 484
Bill Number or Topic

Amendment Barcode (if applicable)

Name Peter Abello

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Address 180 S Monroe St
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Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: FL Association of Counties

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/26
Meeting Date

Community Affairs
Committee

SB 484
Bill Number or Topic

Amendment Barcode (if applicable)

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Jacksonville FL 32241
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
Consumer Energy Alliance

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/26
Meeting Date

Community Affairs
Committee

484 - Data Centers
Bill Number or Topic

Amendment Barcode (if applicable)

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
AARP Florida

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

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2/3/26
Meeting Date

Community Affairs
Committee

484
Bill Number or Topic

Amendment Barcode (if applicable)

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Street

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Tampa FL 33615
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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2/2/26
Meeting Date

Community Affairs
Committee

SB 484
Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Associated Industries of Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

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02/03/2026
Meeting Date

Community Affairs
Committee

SB 484
Bill Number or Topic

Amendment Barcode (if applicable)

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
The James Madison Institute

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

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	CS/SB 698
INTRODUCER:	Environment and Natural Resources Committee and Senator Martin
SUBJECT:	Onsite Sewage Treatment and Disposal System Permits
DATE:	February 3, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	**Fav/CS**
2.	Tolmich	Fleming	CA	**Favorable**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 698 provides that if a building or plumbing permit is issued for a single-family residence that requires the use of an onsite sewage treatment and disposal system (OSTDS), a municipality or political subdivision of the state may not require an owner or builder to obtain a construction permit for the OSTDS as a condition of issuing the building or plumbing permit.

The bill also provides that any new rules relating to the use and installation of an OSTDS that are adopted by the Florida Department of Environmental Protection will not apply to permit applications submitted within 120 days after the date the rules are adopted.

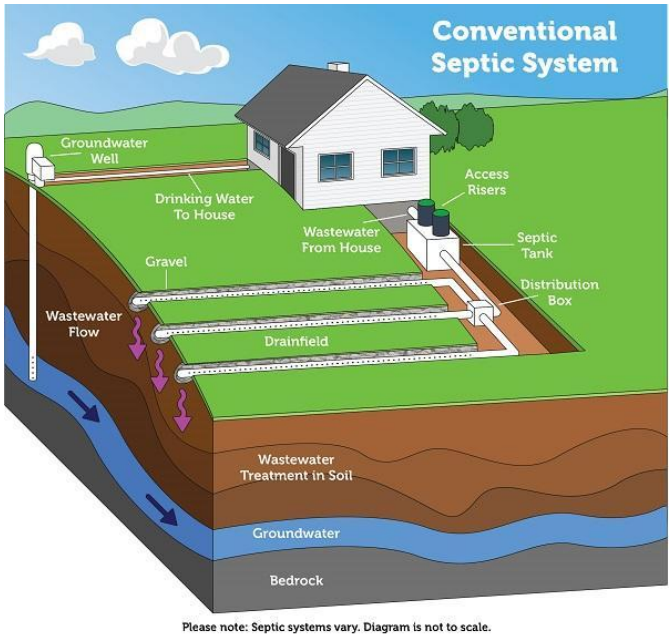
II. Present Situation:

Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (OSTDSs), commonly referred to as "septic systems," generally consist of two basic parts: the septic tank and the drainfield.[1] Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where

[1] Florida Department of Environmental Protection (DEP), *Onsite Sewage Program*, *available at* https://floridadep.gov/water/onsite-sewage (last visited Feb. 2, 2026); U.S. Environmental Protection Agency (EPA), *How Septic Systems Work*, *available at* https://www.epa.gov/septic/how-septic-systems-work (last visited Feb. 2, 2026); EPA, *Types of Septic Systems*, *available at* https://www.epa.gov/septic/types-septic-systems (last visited Feb. 2, 2026) (showing the graphic provided in the analysis).

anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also filters the wastewater as gravity draws the water down through the soil layers.[2] In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.[3]



There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state's population.[4] The vast majority of these OSTDS are conventional systems.[5]

Conventional OSTDSs do not reduce nitrogen from raw sewage. In Florida, approximately 30 to 40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.[6] This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from OSTDSs a potential contaminant in groundwater.[7]

Different types of advanced OSTDSs can remove greater amounts of nitrogen than a typical septic system (often referred to as "advanced" or "nutrient-reducing" septic systems),[8] and may

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[2] *Id.*
[3] Fla. Admin. Code R. 62-6.006(2). For system repairs and alterations to add sewage flow, where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield must be maintained at the existing separation or a minimum of 12 inches above the wet season high water table, whichever is greater. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield must be brought into full compliance with all new system standards. Fla. Admin. Code R. 62-6.001(4)(e)2. and 3. *See also* Fla. Admin. Code R. 62-6.015(6)(a).
[4] DEP, *Onsite Sewage Program*, *available at* https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems (last visited Feb. 2, 2026).
[5] DEP, *Onsite Sewage Research Projects*, *available at* https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects (last visited Feb. 2, 2026).
[6] DOH, *Florida Onsite Sewage Nitrogen Reduction Strategies Study*, *Final Report 2008-2015*, 21 (Dec. 2015), *available at* https://wakullaspringsalliance.org/wp-content/uploads/2016/11/Fla-OSTDS-N-Reduction-Strategies.DOH2015.pdf (last visited Feb. 2, 2026); *See* Fla. Admin. Code R. 62-6.006(2).
[7] University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (2020), *available at* http://edis.ifas.ufl.edu/pdffiles/SS/SS55000.pdf (last visited Feb. 2, 2026).
[8] DEP, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), *available at* https://floridadep.gov/sites/default/files/Nitrogen_Reducing_Systems_for%20_Springs_Protection_0.pdf (last visited Feb. 2, 2026).

be required in certain areas. For example, enhanced nutrient-reducing OSTDSs[9] are required for new systems within the Indian River Lagoon[10] and on lots of 1 acre or less within a basin management action plan, reasonable assurance plan, or pollution reduction plan where a sewerage system is not available.[11] There are also special treatment requirements for the Florida Keys.[12] In addition, performance-based treatment systems[13] must meet specific treatment standards.[14]

DEP must inspect OSTDSs before placing a system into service[15] and approve the final OSTDS installation before a building or structure may be occupied.[16] If certain alterations[17] are made, system tanks must be pumped and visually inspected.[18] If an existing system was approved within the preceding five years, a new inspection is not required unless there is a record of failure of the system.[19] System repairs must be inspected by DEP or a master septic tank contractor.[20] Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by DEP at least annually.[21]

Onsite Sewage Treatment and Disposal System Permits

State law requires a person to receive a DEP-approved permit to construct, repair, modify, abandon, or operate an OSTDS.[22] Once received, a permit to construct an OSTDS is valid for 18 months after it is issued and DEP may provide one 90-day extension. A permit to repair an OSTDS is valid for 90 days after it is issued.[23]

A construction or repair permit for an OSTDS may be transferred to another person if all information pertaining to the siting, location, and installation conditions or repair of an OSTDS remains the same and if the transferee files an amended application providing the updated

[9] "Enhanced nutrient-reducing OSTDS" means an OSTDS approved by DEP as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from onsite sewage tank or tanks and drainfield. Section 373.469(2)(b), F.S.
[10] *See* section 373.469(3)(d), F.S.
[11] Sections 373.811(2) and 403.067(7)(a)10., F.S.
[12] Section 381.0065(4)(l), F.S.
[13] "Performance-based treatment system" means a specialized OSTDS designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD5 (carbonaceous biochemical oxygen demand after five days), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), or fecal coliform found in domestic or commercial sewage waste, to a specific and measurable established performance standard. Fla. Admin. Code R. 62-6.025(7). If a site restricts home construction because of setbacks or authorized sewage flow, a system can be designed by an engineer to meet strict levels of effluent pollutant reductions. The three levels of performance-based treatment systems are secondary treatment, advanced secondary treatment, and advanced wastewater treatment.
[14] *See* Fla. Admin. Code R. 62-6.025(11).
[15] Fla. Admin. Code R. 62-6.003(2).
[16] Section 381.0065(4), F.S.
[17] This includes alterations that change the conditions under which the system was permitted, sewage characteristics, or increase sewage flow. DEP approval is required prior to such alterations. Fla. Admin. Code R. 62-6.001(4), F.S.
[18] Fla. Admin. Code R. 62-6.001(4)(b).
[19] Fla. Admin. Code R. 62-6.001(4)(c).
[20] Fla. Admin. Code R. 62-6.003(3).
[21] Section 381.0065(4), F.S.
[22] *Id*. DEP may issue OSTDS permits, except that the issuance of a permit to work seaward of the coastal construction control line is contingent upon receipt of any required coastal construction control line permit from DEP.
[23] *Id*.

information and proof of property ownership.[24] The transferee must file the amended application within 60 days of the transfer of ownership.[25]

A property owner who personally performs construction, maintenance, or repairs to an OSTDS serving their own owner-occupied, single-family residence does not have to be registered as a septic tank contractor,[26] however they will be subject to all permitting requirements.[27]

State law prohibits a municipality or political subdivision of the state from issuing a building or plumbing permit for any building that requires the use of an OSTDS, unless the owner or builder has received a construction permit for the OSTDS from DEP.[28]

Onsite Sewage Treatment and Disposal System Rule Updates

DEP has proposed amendments to the OSTDS rules[29] to ensure proper regulation of OSTDSs by addressing statutory changes, improving regulatory efficiency, and simplifying and clarifying the rules.[30] The rule development addresses requirements for permit application processing, OSTDS installation and location, abandonment, construction materials, standards for tanks, registration of a septic tank or a master septic tank contractor, renewal of registration certificates, disciplinary standards and penalties for registered persons, certification of partnerships and corporations, and fees related to OSTDS regulations.[31] DEP has published draft rules and forms, as well as the agenda and recording from its December 5, 2025, public rule workshop on its website.[32]

III. Effect of Proposed Changes:

Section 1 amends s. 381.0065, F.S., to create an exception to current law for single-family homes. Specifically, if a building or plumbing permit is for a single-family residence that requires the use of an onsite sewage treatment and disposal system (OSTDS), a municipality or political subdivision of the state may not require the owner or builder to receive a construction permit from the Florida Department of Environmental Protection (DEP) for the OSTDS as a condition of issuing the building or plumbing permit. The owner or builder must provide proof to the municipality or political subdivision that an application for the OSTDS was submitted when applying for a building and plumbing permit.

The bill also makes conforming changes.

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[24] *Id*.
[25] *Id*.
[26] *See* chapter 489, part III, F.S., relating to septic tank contracting.
[27] Section 381.0065(4), F.S.
[28] *Id*.
[29] Fla. Admin. Code R. 62-6.
[30] Fla. Admin. Register, *Notice of Development of Rulemaking Ch. 62-6* (Nov. 2025), *available at* https://flrules.org/gateway/ruleno.asp?id=62-6.004&PDate=11/20/2025&Section=1 (last visited Feb. 2, 2026).
[31] *Id*.
[32] DEP, *Water Resource Management Rules in Development: Onsite Sewage Program*, *available at* https://floridadep.gov/water/water/content/water-resource-management-rules-development#OSP%20-%20OSTDS (last visited Feb. 2, 2026).

Section 2 amends s. 381.0065, F.S., effective July 1, 2026, to provide that any new rules relating to the use and installation of OSTDS that are adopted by DEP[33] do not apply to permit applications submitted within 120 days after the date such rules are adopted.

Section 3 amends s. 380.0552, F.S., to make conforming changes to several statutory citations.

Section 4 amends s. 381.00651, F.S., to make a conforming change to one statutory citation.

Section 5 provides that, except as otherwise expressly provided in the bill, the act will take effect upon becoming a law. Section 2 of the bill will take effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

[33] This is specific to rules adopted by DEP under section 381.0065, F.S., relating to OSTDSs.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 381.0065, 380.0552, and 381.00651 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 makes clarifying and technical changes to the bill. The amendment clarifies language regarding the exception for single-family homes by changing "notwithstanding paragraph (a)" to "except as provided in paragraph (a)." Further, the amendment changes "onsite wastewater systems" to "onsite sewage treatment and disposal systems" to conform the term to statutory norms.

B. Amendments:

None.

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

592-02038-26 2026698c1

A bill to be entitled

An act relating to onsite sewage treatment and disposal system permits; amending s. 381.0065, F.S.; prohibiting a municipality or political subdivision of the state from requiring owners and builders of certain residences to receive construction permits from the Department of Environmental Protection as a condition of issuing building or plumbing permits; requiring such owners and builders to provide certain proof to the municipality or political subdivision; providing applicability for new rules adopted by the department beginning on a specified date; amending ss. 380.0552 and 381.00651, F.S.; conforming cross-references; providing effective dates.

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

Section 1. Subsection (4) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the

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department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating permit must be obtained before the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from

registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. Except as provided in paragraph (a), a municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) If the building or plumbing permit is for a single-family residence that requires the use of an onsite sewage treatment and disposal system, a municipality or political subdivision of the state may not require the owner or builder to receive a construction permit from the department for such system as a condition of issuing the building or plumbing permit. The owner or builder of the single-family residence must provide to a municipality or political subdivision proof that the owner or builder submitted an application for the onsite sewage treatment and disposal system when applying for a building and plumbing permit.

(b) ~~(a)~~ Subdivisions and lots in which each lot has a

minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(c) ~~(b)~~ Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(d) ~~(c)~~ Notwithstanding paragraphs ~~(a) and~~ (b) and (c), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this

paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(e) ~~(d)~~ Paragraphs ~~(a) and~~ (b) and (c) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. This paragraph does not allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(f) ~~(e)~~ The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rules must consider conventional and enhanced nutrient-reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to former s. 381.00652. The rules must also allow a person to apply for and receive a variance from a rule requirement upon demonstration that the requirement would cause an undue hardship and granting the variance would not cause or contribute to the

exceedance of a total maximum daily load.

(g) ~~(f)~~ Onsite sewage treatment and disposal systems that are permitted before June 21, 2022, may not be placed closer than:

1. Seventy-five feet from a private potable well.

2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.

3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.

4. Fifty feet from any nonpotable well.

5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.

7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.

8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(h) ~~(g)~~ This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for

lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(i)1.~~(h)1.~~ The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

a. The hardship was not caused intentionally by the action of the applicant;

b. A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory,

special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible.

a. The committee is composed of the following:

(I) The Secretary of Environmental Protection or his or her designee.

(II) A representative from the county health departments.

(III) A representative from the home building industry recommended by the Florida Home Builders Association.

(IV) A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.

(V) A representative from the Department of Health.

(VI) A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

(VII) A representative from the engineering profession recommended by the Florida Engineering Society.

b. Members shall be appointed for a term of 3 years, with

such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

3. The variance review and advisory committee is not responsible for reviewing water well permitting. However, the committee shall consider all requirements of law related to onsite sewage treatment and disposal systems when making recommendations on variance requests for onsite sewage treatment and disposal system permits.

(j) ~~(i)~~ A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the proposed use of the

system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(k) ~~(j)~~ An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department shall issue the permit or, if it determines that the

system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

5. The property owner shall obtain a biennial system

operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(l) ~~(k)~~ An innovative system may be approved in conjunction with an engineer-designed site-specific system that is certified by the engineer to meet the performance-based criteria adopted by the department.

(m) ~~(l)~~ For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection,

transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

a. Biochemical oxygen demand (CBOD5) of 10 mg/l.

b. Suspended solids of 10 mg/l.

c. Total nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.

d. Total phosphorus, expressed as P, of 1 mg/l.

In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

3. In areas not scheduled to be served by a central sewerage system, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central

sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and

b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.

6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.

7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.

8. Notwithstanding any other law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not required to connect to a central sewerage system until December 31, 2020.

(n) ~~(m)~~ A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent

the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(o) ~~(n)~~ Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(l). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(p) ~~(o)~~ An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. Specific documentation of property ownership is not required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(q) ~~(p)~~ The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before submission of an application for an onsite sewage treatment and disposal system.

(r) ~~(q)~~ This section does not limit the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(s) ~~(r)~~ In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(t) ~~(s)~~ Notwithstanding subparagraph (h)1. ~~(g)1.~~, onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield may not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

a. The lot is at least one-half acre in size;

b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and

c. The applicant installs a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water may not be permitted if such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(u)1.~~(t)1.~~ The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report

quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

3. A septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities. After the original warranty period, component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications but are manufactured by others. The maintenance entity shall maintain documentation of the substitute part's equivalency for 2 years and shall provide such documentation to the department upon request.

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may

include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(v) ~~(u)~~ The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

(w) ~~(v)~~ Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution of 1885.

(x) ~~(w)~~ A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012.

Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

(y)1. ~~(x)1.~~ An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and if the system was properly functioning at the time of disconnection and was not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if:

a. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, if the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster;

b. The system is not a sanitary nuisance; and

c. The system has not been altered without prior authorization.

2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned.

(z) ~~(y)~~ If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction

approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(aa)~~(z)~~ An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

Section 2. Effective July 1, 2026, subsection (10) is added to section 381.0065, Florida Statutes, to read:

381.0065 Onsite sewage treatment and disposal systems;

regulation.—

(10) ADOPTION OF NEW RULES.—Any new rule for the use and installation of onsite sewage treatment and disposal systems adopted by the department under this section does not apply to permit applications submitted within 120 days after the date such rule is adopted.

Section 3. Paragraph (i) of subsection (2), paragraph (b) of subsection (4), paragraph (j) of subsection (7), and paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, are amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(i) Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(m) and 403.086(11) ~~ss. 381.0065(4)(l) and 403.086(11)~~, as applicable.

(4) REMOVAL OF DESIGNATION.—

(b) Beginning November 30, 2010, the state land planning agency shall annually submit a written report to the Administration Commission describing the progress of the Florida Keys Area toward completing the work program tasks specified in commission rules. The land planning agency shall recommend removing the Florida Keys Area from being designated as an area of critical state concern to the commission if it determines that:

1. All of the work program tasks have been completed, including construction of, operation of, and connection to central wastewater management facilities pursuant to s. 403.086(11) and upgrade of onsite sewage treatment and disposal systems pursuant to s. 381.0065(4)(m) ~~s. 381.0065(4)(l)~~;

2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and

3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.

(7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which is adopted and incorporated herein by reference. For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole and specific provisions may not be construed or applied in isolation from the other provisions. However, the principles for guiding development are repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:

(j) Ensuring the improvement of nearshore water quality by

requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(m) and 403.086(11) ~~ss. 381.0065(4)(l) and 403.086(11)~~, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(m) ~~s. 381.0065(4)(l)~~ for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a

hurricane evacuation clearance time for permanent residents of no more than 24.5 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

Section 4. Paragraph (c) of subsection (6) of section 381.00651, Florida Statutes, is amended to read:

381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.—

(6) The requirements for an onsite sewage treatment and disposal system evaluation and assessment program are as follows:

(c) *Repair of systems.*—The local ordinance may not require a repair, modification, or replacement of a system as a result of an evaluation unless the evaluation identifies a system failure. For purposes of this subsection, the term "system failure" means a condition existing within an onsite sewage treatment and disposal system which results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water or that results in the failure of building plumbing to discharge properly and presents a sanitary nuisance. A system is not in failure if the system does not have

a minimum separation distance between the drainfield and the wettest season water table or if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield. If a system failure is identified and several allowable remedial measures are available to resolve the failure, the system owner may choose the least costly allowable remedial measure to fix the system. There may be instances in which a pump-out is sufficient to resolve a system failure. Allowable remedial measures to resolve a system failure are limited to what is necessary to resolve the failure and must meet, to the maximum extent practicable, the requirements of the repair code in effect when the repair is made, subject to the exceptions specified in s. 381.0065(4)(h) ~~s. 381.0065(4)(g)~~. An engineer-designed performance-based treatment system to reduce nutrients may not be required as an alternative remediation measure to resolve the failure of a conventional system.

Section 5. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

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

2/3/2024
Meeting Date

COMMUNITY AFFAIRS
Committee

SB 698
Bill Number or Topic

Amendment Barcode (if applicable)

Name JOHN RIDDLE

Phone 407-595-7578

Address 2150 PARK MAITLAND COURT
Street

Email JOHN@TURNINGLEAFCO.COM

MAITLAND FL 32751
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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Feb 3, 2026
Meeting Date

Community Affairs
Committee

SB 698
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 727-512-2469

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Tallahassee FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Home Builders Association

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-3-26
Meeting Date

Community Affairs
Committee

SB 698
Bill Number or Topic

Amendment Barcode (if applicable)

Name Stephen Miller

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26
Meeting Date

Community Affairs
Committee

SB 698
Bill Number or Topic

Amendment Barcode (if applicable)

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City State Zip

Email mark.jeffries@ocfl.net

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	CS/SB 706
INTRODUCER:	Transportation Committee and Senator Mayfield and others
SUBJECT:	Commercial Service Airports
DATE:	February 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	**Fav/CS**
2.	Tolmich	Fleming	CA	**Favorable**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 706 preempts to the state the naming of major commercial service airports, which are defined as commercial service airports classified by the Federal Aviation Administration (FAA) as large or medium hub airports.

The bill codifies in law the names of Florida's seven major commercial service airports. The only name being changed from its current name is "Palm Beach International Airport," which the bill renames as the "Donald J. Trump International Airport." The name change is subject to the approval of the Federal Aviation Administration (FAA) and the execution of an agreement with the rights holders authorizing the use of the name "Donald J. Trump International Airport."

The bill provides that each airport's name remains valid if the airport no longer meets the criteria for a major commercial service airport and requires the Florida Department of Transportation (FDOT) to annually review the list of major commercial service airports and notify the Legislature if any airport needs to be added or removed from the list.

The bill provides that an airport's name is a branding designation and that a name change does not require a change to any existing documents. A political subdivision is in compliance with the name change if it diligently pursues all needed approvals and, upon receipt of approvals, timely commences making such changes.

Palm Beach County may incur indeterminate costs associated with changing the name of the airport. See Section V. Fiscal Impact Statement for details.

This bill takes effect July 1, 2026.

II. Present Situation:

The Federal Aviation Administration (FAA) regulates airports in the United States, including federal aid, aspects of airport operations, aviation safety, and the construction, activation, deactivation, and certification of airports.[1]

The FAA considers publicly owned airports with at least 2,500 annual passenger enplanements and scheduled air carrier service to be commercial service airports. Commercial services airports are categorized by their size. Large hub airports are commercial service airports that receive 1 percent or more of the annual United States commercial passenger enplanements. Medium hub airports are commercial service airports that receive 0.25 to 1 percent of annual United States commercial passenger enplanements.[2]

Florida's large hub airports and their governing bodies are:
- Orlando International Airport (Greater Orlando Aviation Authority);
- Miami International Airport (Miami-Dade County);
- Fort Lauderdale/Hollywood International Airport (Broward County); and
- Tampa International Airport (Hillsborough County Aviation Authority).

Florida's medium hub airports and their governing bodies are:
- Southwest Florida International Airport (Lee County Port Authority);
- Palm Beach International Airport (Palm Beach County); and
- Jacksonville International Airport (Jacksonville Aviation Authority).[3]

Section 332.0075, F.S., provides transparency and accountability requirements for commercial service airports. These requirements include posting specified items on the airport's website, procurement requirements, and reporting requirements.

Federal Aviation Administration Approval of Name Changes

Federal regulations require certain data, including changes to airport names, ownership, and management to be submitted to the FAA on specified forms.[4] The FAA uses this information to

[1] *See* generally 14 C.F.R., parts 140-169.
[2] Federal Aviation Administration (FAA), *Airport Categories*, available at: https://www.faa.gov/airports/planning_capacity/categories (last visited Feb. 2, 2026).
[3] FAA, *CY 2024 Enplanements at All Commercial Service Airports (by Rank)*, September 15, 2025, available at: https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/arp-cy2024-commercial-service-enplanements.pdf (last visited Feb. 2, 2026) and Florida Department of Transportation (FDOT), *2025 Florida Airport Directory*, available at: https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/charts---directories/florida_directory_2025.pdf (last visited Feb. 2, 2026).
[4] FAA, *Submitting Aeronautical Data*, https://www.faa.gov/air_traffic/flight_info/aeronav/aero_data/Submitting_Data/ available at: (last visited Feb. 2, 2026). These regulations are codified in 14 C.F.R., part 157.

evaluate the effect of the proposed action on the safe and efficient use of airspace and on public safety.[5]

President Donald J. Trump

President Donald J. Trump was born in Queens, New York, on June 14, 1946. President Trump was inaugurated as the 45th President of the United States on January 20, 2017. President Trump was again elected President in 2024 and was inaugurated as the 47th President of the United States on January 20, 2025.[6]

In Palm Beach County, President Trump owns the Mar-A Lago Club, the Trump National Golf Club, and the Trump International Golf Club. In 2019, President Trump made Palm Beach County his permanent residence.[7] He is the first president to be a Florida resident.[8]

III. Effect of Proposed Changes:

Section 1 amends s. 332.0075, F.S., to preempt to the state the naming of major commercial service airports.

The bill defines the term "major commercial service airport" to mean an airport providing commercial service which is a medium or large hub airport under FAA established classification criteria.

The bill names the following major commercial service airports:

- The airport located at One Jeff Fuqua Boulevard in Orlando, or nearest thereto, as the "Orlando International Airport."
- The airport located at 2100 NW 42nd Avenue in Miami, or nearest thereto, as the "Miami International Airport."
- The airport located at 100 Terminal Drive in Fort Lauderdale, or nearest thereto, as the "Fort Lauderdale-Hollywood International Airport."
- The airport located at 4100 George J. Bean Parkway in Tampa, or nearest thereto, as the "Tampa International Airport."
- The airport located at 11000 Terminal Access Road in Fort Myers, or nearest thereto, as the "Southwest Florida International Airport."
- The airport located at 1000 James L. Turnage Boulevard in West Palm Beach, or nearest thereto, as the "Donald J. Trump International Airport."
- The airport located at 2400 Yankee Clipper Drive in Jacksonville, or nearest thereto, as the "Jacksonville International Airport."

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[5] FAA, *Part 157 Notice of Construction, Alteration, Activation and Deactivation*, available at: https://www.faa.gov/airports/central/engineering/part157 (last visited Feb. 2, 2026).
[6] Donald J. Trump Presidential Library, *President Donald J. Trump*, available at: https://www.trumplibrary.gov/trumps/president-donald-j-trump (last visited Feb. 2, 2026).
[7] Kristina Webb, *Palm Beach moves toward official support for President Donald J. Trump Boulevard*, Palm Beach Daily News, August 12, 2025, available at: https://www.palmbeachdailynews.com/story/news/trump/2025/08/12/palm-beach-moves-toward-support-for-president-donald-j-trump-blvd/85623174007/ (last visited Feb. 2, 2026).
[8] James C. Clark, *After 175 years as a state, Florida has its first president in Donald Trump*, Orlando Sentinel, November 4, 2019, available at: https://www.orlandosentinel.com/2019/11/04/after-175-years-as-a-state-florida-has-its-first-president-in-donald-trump-commentary/ (last visited Feb. 2, 2026).

The only name being changed from its existing name is the "Palm Beach International Airport," which is being changed to the "Donald J. Trump International Airport."

This name change is subject to FAA approval and execution of an agreement with the rights holder authorizing Palm Beach County's commercial use of "Donald J. Trump International Airport," as well as reasonable abbreviations and deviations of that name, at no cost, in signage, advertising, marketing, merchandising, and promotions, and for the branding of the airport, its operations, services and amenities, and all related purposes.

The bill provides that if an airport no longer meets the classification criteria as a major commercial service airport, the airport's name continues to be valid.

The bill requires the Florida Department of Transportation (FDOT) to annually review the major commercial service airports to identify airports that may be added or removed based on any change in status as a major commercial service airport. If FDOT identifies any such airport, it must notify the President of the Senate and the Speaker of the House of Representatives 60 days before the next regular legislative session. FDOT's notice must include the name of the airport and specify the reasons for the airport's change in status.

The bill also requires government records created on or after July 1, 2026, which refer to a major commercial service airport, to use the airport's designated name. For this purpose, the bill provides airport names are understood to be only brand designations and may not be construed to create or require the creation of a new legal entity. The bill does not require a political subdivision to amend any existing agreement with any person or entity solely to update references to an airport's name, nor does it require the political subdivision to contract in the name of the airport.

The bill defines the term "political subdivision" to mean the local government of any county, municipality, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state.[9] A political subdivision may not be considered in violation of any state law, including, but not limited to, s. 540.08, F.S., relating to the unauthorized publication of a name or likeness, and the Registration and Protection of Trademarks Act,[10] for using a designated airport name.

A political subdivision is considered in compliance with the law if it diligently pursues all necessary approvals and agreements to implement the name change following its effective date and timely commences signage and branding changes upon receipt of such approval. The bill provides that "timely commences" means to initiate planning, procurement, and implementation within a reasonable period after receiving all necessary approvals, considering the availability of budgeted funds and the timeframes necessary to comply with applicable procurement laws, regulations, and procedures.

[9] This is as the term "political subdivision" is defined in s. 333.01(14), F.S.
[10] Chapter 495, F.S.

Section 2 provides that this bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met.

The bill provides for the renaming of the "Palm Beach International Airport" as the "Donald J. Trump International Airport." To the extent that Palm Beach County would be required to expend funds to replace signage and to update advertising, marketing, merchandising, promotional materials, and branding for the airport, the bill may constitute an unfunded mandate.

However, the mandate requirements do not apply to laws having an insignificant impact,[11] which for Fiscal Year 2026-2027[12] is forecast at approximately $2.4 million or less. If the bill does qualify as a mandate, not meeting an exemption or exception, in order to be binding, the bill must include a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

[11] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at: http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Feb. 2, 2026).

[12] Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, available at: https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf (last visited Feb. 2, 2026).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Palm Beach International Airport, which is being renamed by the bill, is owned by Palm Beach County. The county may incur costs associated with this renaming, such as branding changes. However, the potential fiscal impact of these issues is indeterminate.

FDOT can likely accomplish the required annual review of major commercial service airports using existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FAA's approval of Palm Beach International Airport's name change is required in order for the name change to be recognized in the national airspace system, including official aeronautical charts, databases, and publications.[13]

The bill will impact Palm Beach International Airport's identification codes, which are assigned by the FAA and the International Civil Aviation Organization.[14]

VIII. Statutes Affected:

This bill substantially amends section 332.0075 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 Transportation on January 27, 2026:
The committee substitute:

- Makes an airport name change subject to the approval of the FAA and specified rights holders.

[13] E-mail from Alessandro Marchesani, Director of Intergovernmental Affairs, Palm Beach County Board of County Commissioners, *Re: SB 706 Commercial Service Airports*, January 5, 2025. (on file with Senate Committee on Transportation).
[14] *Id*.

- Clarifies that the name is a branding designation and does not require the creation of a new legal entity.
- Provides a political subdivision with certain protections regarding an airport's use of trademarks and likenesses.
- Provides that a political subdivision is not in violation of the requirements of the bill if it diligently pursues certain approvals and timely commences the name change.

B. Amendments:

None.

By the Committee on Transportation; and Senators Mayfield and Massullo

596-02236-26 2026706c1

A bill to be entitled

An act relating to commercial service airports; amending s. 332.0075, F.S.; defining the term "major commercial service airport"; preempting the naming of major commercial service airports to the state; providing names for major commercial service airports; providing that renaming a specified airport is subject to approval of the Federal Aviation Administration and execution of a certain agreement; providing that such airport names continue to be valid under certain circumstances; requiring the Department of Transportation to annually review provisions naming major commercial service airports for a certain purpose; requiring the department to provide certain notice to the Legislature; providing requirements for such notice; requiring that certain government records created on or after a certain date use such airport names; specifying that airport names are branding designations; providing construction; defining the terms "political subdivision" and "timely commences"; providing that a political subdivision is in compliance with certain provisions under specified circumstances; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (1) of section 332.0075, Florida Statutes, and subsection (7) is added to that section, to read:

596-02236-26 2026706c1

332.0075 Commercial service airports; transparency and accountability; penalty.—

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

(e) "Major commercial service airport" means an airport providing commercial service which is a medium or large hub airport under the classification criteria established by the Federal Aviation Administration.

(7)(a) The naming of major commercial service airports is preempted to the state.

(b) Notwithstanding any law to the contrary, the major commercial service airports are named as follows:

1. The airport located at One Jeff Fuqua Boulevard in Orlando, or nearest thereto, is the "Orlando International Airport."

2. The airport located at 2100 NW 42nd Avenue in Miami, or nearest thereto, is the "Miami International Airport."

3. The airport located at 100 Terminal Drive in Fort Lauderdale, or nearest thereto, is the "Fort Lauderdale-Hollywood International Airport."

4. The airport located at 4100 George J. Bean Parkway in Tampa, or nearest thereto, is the "Tampa International Airport."

5. The airport located at 11000 Terminal Access Road in Fort Myers, or nearest thereto, is the "Southwest Florida International Airport."

6. The airport located at 1000 James L Turnage Boulevard in West Palm Beach, or nearest thereto, currently known as the "Palm Beach International Airport," shall be renamed as the "Donald J. Trump International Airport," subject to approval of the Federal Aviation Administration and execution of an

agreement with the rights holder authorizing the commercial use of "Donald J. Trump International Airport" by Palm Beach County, which must, at a minimum, grant Palm Beach County the perpetual and unrestricted right to use the name "Donald J. Trump International Airport," as well as reasonable abbreviations or deviations thereof, at no cost, in signage, advertising, marketing, merchandising, and promotions and for the branding of the airport and its operations, services, and amenities, and all related purposes.

7. The airport located at 2400 Yankee Clipper Drive in Jacksonville, or nearest thereto, is the "Jacksonville International Airport."

(c) If an airport listed in paragraph (b) no longer meets the classification criteria to be a major commercial service airport, the airport name continues to be valid.

(d) The department shall review paragraph (b) annually to identify airports that may be added to or removed from paragraph (b) based on any change in status as a major commercial service airport. If the department identifies any such airport, it must notify the President of the Senate and the Speaker of the House of Representatives 60 days before the next regular legislative session. The notice must include the name of the airport and specify the reasons for the airport's change in status.

(e) Government records created on or after July 1, 2026, which refer to airports listed in paragraph (b) must use the airport names provided in paragraph (b). For purposes of this subsection, airport names are branding designations only and may not be construed to create or require the creation of a new legal entity. This paragraph does not require a political

subdivision to amend any existing agreement with any person or entity solely to update references to the airport name or require a political subdivision to contract in the name of the airport listed in paragraph (b).

(f) For purposes of this subsection, the term "political subdivision" means a political subdivision as defined in s. 333.01 which owns and controls an airport listed in paragraph (b). Notwithstanding any other provision of law, a political subdivision may not be construed to be in violation of any state law, including, but not limited to, chapter 495 and s. 540.08, for using the airport name provided in paragraph (b).

(g) A political subdivision is in compliance with this subsection if it diligently pursues all necessary approvals and agreements to implement an airport name change required under this subsection and timely commences signage and branding changes upon receipt of such approvals. For purposes of this paragraph, the term "timely commences" means to initiate planning, procurement, and implementation within a reasonable period after receiving all necessary approvals, taking into account the availability of budgeted funds and the timeframes necessary to comply with applicable procurement laws, regulations, and procedures.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DEBBIE MAYFIELD
19th District

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Transportation, Tourism, and Economic Development
Commerce and Tourism
Finance and Tax
Fiscal Policy
Regulated Industries

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining, Alternating *Chair*

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

January 27, 2026

Senator Stan McClain, Chair
Committee on Community Affairs
Room 312, Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair McClain,

I respectfully request that you place Committee Substitute for Senate Bill 706 – Commercial Service Airports on the agenda for your next committee meeting.

CS/SB 706 preempts the naming of major commercial service airports to the State. The bill defines "major commercial service airport" as an airport eligible to be designated as a medium or large hub by the Federal Aviation Authority. The bill provides names for all the airports in Florida which currently meet that classification.

Thank you for your consideration of this request.

Sincerely,

Debbie Mayfield,
State Senator, District 19

CC: Elizabeth Fleming, Staff Director
Lizbeth Matinez Gonzalez, Committee Administrative Assistant
Ryan Thomas, Legislative Aide

REPLY TO:
☐ 900 East Strawbridge Avenue, Room 408, Melbourne, Florida 32901 (321) 409-2025
☐ 302 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/3/26
Meeting Date

Community Affairs
Committee

706
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ashe Bradley

Phone 850 320 7786

Address _____
Street

Email _____

Tampa FL 33615
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26
Meeting Date

Community Affairs
Committee

706
Bill Number or Topic

—
Amendment Barcode (if applicable)

Name Alesandro Marchesani Phone 305-308-2104

Address 205 S. Adams
Street

Tallahassee FL 32301
City State Zip

Email amarchesani@pbc.gov

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Palm Beach County

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 968
INTRODUCER:	Senator McClain
SUBJECT:	Home Backup Power Systems
DATE:	February 2, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Favorable**
2.			RI	
3.			RC	

I. Summary:

SB 968 prohibits local governments from requiring building permits, adopting technical amendments to the Florida Building Code that would require permits, or adopting or enforcing any measure more stringent than the Building Code for backup power systems.

A "backup power system" is defined under the bill as equipment and associated components installed at or serving a one- or two-family dwelling or townhouse for the purpose of providing onsite electrical power during utility outages, load management, resiliency, or other similar purposes that is capable of providing no more than 50 kilowatts of output to the residence or has an aggregate storage capacity of no more than 100 kilowatt-hours, if the system includes energy storage. The bill specifies requirements related to inspections of backup power systems.

The bill also exempts work valued at less than $7,500 on single-family dwelling lots from building permit requirements.

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

II. Present Situation:

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to

adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[1]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[2] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[3]

Part IV of chapter 553, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[4]

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.[5] The Commission reviews several International Codes published by the International Code Council,[6] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every 3 years.[7] Additionally, the Commission is required to adopt updates necessary to maintain eligibility for federal funding and discounts under the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development.[8]

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[1] FLA. DEPT. OF CMTY AFFAIRS, THE FLORIDA BUILDING COMMISSION REPORT TO THE 2006 LEGISLATURE 4 (Jan 2006), http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Feb. 2, 2026).
[2] *Id.*
[3] FLA. DEPT. OF BUS. & PRO. REGUL., *Florida Building Codes*, https://floridabuilding.org/bc/bc_default.aspx (last visited Feb. 2, 2026).
[4] Section 553.72(1), F.S.
[5] Sections 553.73 and 553.74, F.S.
[6] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. INT'L CODE COUNCIL, *Who We Are*, https://www.iccsafe.org/about/who-we-are/ (last visited Feb. 2, 2026).
[7] Section 553.73(7)(a), F.S.
[8] *Id.*

Amendments to the Building Code

The Commission and local governments may adopt technical and administrative amendments to the Building Code.[9] The Commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.[10]

Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government's jurisdiction.[11] Amendments by local governments expire upon the adoption of the newest edition of the Building Code, and, thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Building Code.[12]

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[13] Every local government must enforce the Building Code and issue building permits.[14]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specified activity.[15] It is unlawful for a person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a building permit from the appropriate enforcing agency or from such persons as may, by resolution or regulation, be delegated authority to issue such permit.[16]

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website.[17] The Act prescribes the information and format for applications for fire alarm permit applications.[18] The minimum application information and format requirements for other building permits issued by local governments are prescribed by s. 713.135, F.S.

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code.[19] The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.[20] Construction work may not be done

[9] Section 553.73, F.S.
[10] Section 553.73(9), F.S.
[11] Section 553.73(4), F.S.
[12] Section 553.73(4)(e), F.S.
[13] Section 553.72(2), F.S.
[14] Section 553.80(1), F.S. *See also* ss. 125.01(1)(bb) and 125.56(1), F.S.
[15] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 220 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1_Ch02_Sec202 (last visited Feb. 2, 2026).
[16] Section 553.79(1), F.S. *See also* s. 125.56(4)(a).
[17] Section 553.79(1), F.S.
[18] *See* s. 553.7921, F.S.
[19] *See* s. 533.79(2), F.S.
[20] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110.3 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110 (last visited Feb. 2, 2026).

beyond a certain point until it passes an inspection.[21] Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.[22]

Exemptions from Permitting Requirements

A limited set of exemptions from the Building Code are specified in statute and the Building Code. The Act specifies the following buildings, structures, and facilities are exempt:[23]

- Installation, replacement, removal, or metering of any load management control device[24].
- Federally regulated buildings and structures.
- Railroads and ancillary facilities.
- Nonresidential farm buildings on farms.
- Temporary buildings or sheds used exclusively for construction purposes.
- Mobile or modular structures used as temporary offices, except for accessibility by persons with disabilities requirements.
- Electric utility structures or facilities directly involved in electricity generation, transmission, or distribution.
- Temporary sets, assemblies, structures, or sound-recording equipment used in commercial motion picture or television production.
- Storage sheds not designed for human habitation with a floor area of 720 square feet or less are exempt from Building Code wind-borne-debris-impact standards. Such sheds that are 400 square feet or less used in conjunction with one- and two-family residences are exempt from Building Code door height and width requirements.
- Chickees constructed by the Miccosukee Tribe or the Seminole Tribe of Florida.
- Family mausoleums of less than 250 square feet in areas which are prefabricated or preassembled and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- Hunting buildings or structures of less than 1,000 square feet and which are repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if they are not rented or leased or used as a principal residence; not located in the 100-year floodplain; and not connected to electric or water supply.
- A drone port.
- Any system or equipment, whether affixed or movable, located on spaceport territory property and used for the activities related to space launch vehicles, payloads, or spacecraft.

The Building Code provides that certain types of work do not require permits, though such exemption "shall not be deemed to grant authorization for any work to be done in any manner in

[21] *Id*. at s. 110.6.
[22] Section 553.79(16), F.S.
[23] Section 553.79(1) and (10), F.S.
[24] Load management control device" means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility's system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission. S. 553.71(4), F.S.

violation of the" Building Code.[25] The Building Code does not require permits for work related to:[26]

- Gas:
  - Portable heating appliance.
  - Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- Mechanical:
  - Portable heating appliance.
  - Portable ventilation equipment.
  - Portable cooling unit.
  - Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
  - Replacement of any part that does not alter its approval or make it unsafe.
  - Portable evaporative cooler.
  - Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
  - The installation, replacement, removal or metering of any load management control device.
- Plumbing:
  - The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
  - The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

The Building Code allows for "ordinary minor repairs" to be made without a permit, but such repairs may not violate the technical code provisions of the Building Code.[27] Additionally, minor repairs may not include the cutting away of a wall or partition; the removal or cutting of a structural beam or load-bearing support; the removal, change, or rearrangement of parts of a structure affecting egress; the addition to, alteration of, replacement, or relocation of standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety.[28]

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[25] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 105.2 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec105.2 (last visited Feb. 2, 2026).
[26] *Id.*
[27] *Id.* at s. 105.2.2.
[28] *Id.*

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.[29] 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.[30] Participation in the NFIP by a community is voluntary.[31] 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.[32]

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.[33] An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).[34] The SFHA is intended to distinguish the flood risk zones where properties have a risk of 1 percent or greater risk of flooding every year[35] and at least a 26 percent chance of flooding over the course of a 30-year mortgage.[36] In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.[37]

Community Floodplain Management

Key conditions of the NFIP minimum floodplain management standards include, among things, that communities:

- Require permits for development in the SFHA;
- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the base flood elevation (BFE);[38]
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.[39]

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[29] The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). *See also* FEMA, *Laws and Regulations*, https://www.fema.gov/flood-insurance/rules-legislation/laws (last visited Feb. 2, 2026).

[30] *See* FEMA, *Flood Insurance*, https://www.fema.gov/flood-insurance (last visited Feb. 2, 2026).

[31] FEMA, *Participation in the NFIP*, https://www.fema.gov/about/glossary/participation-nfip (last visited Feb. 2, 2026).

[32] *Id.*

[33] *See* Congressional Research Service, *Introduction to the National Flood Insurance Program*, 2 (2025), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Feb. 2, 2026).

[34] *Id.* at 3.

[35] *Id.*

[36] FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, *available at* https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf (last visited Feb. 2, 2026).

[37] Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2025), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Feb. 2, 2026). Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation or the Office of the Comptroller of the Currency. *Id.*

[38] The "base flood elevation" is the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. See FEMA, *Base Flood Elevation (BFE)*, (Mar. 5, 2020), https://www.fema.gov/about/glossary/base-flood-elevation-bfe (last visited Feb. 2, 2026).

[39] Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2025), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Feb. 2, 2026).

The NFIP regulations for floodplain management generally require permits for all proposed construction or other development in the community "so that it may determine whether such construction or other development is proposed within flood-prone areas."[40] Once a regulatory floodway has been designated, the community must prohibit encroachments, including fill, new construction, substantial improvements, and other development within the floodway unless data demonstrates that the encroachment would not result in flood levels in the community during a base flood discharge.[41] Once coastal high hazard areas or flood protection restoration areas have been identified, the community must ensure that all new construction in certain zones are landward of the mean high tide.[42]

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.[43] Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.[44] Premium discounts range from 5 to 45 percent based on a community's CRS credit points.[45] Communities earn credit points by implementing a variety of activities that fall into one of four categories: public information activities, mapping and regulations, flood damage reduction activities, and warning and response.[46] To receive credit, the activities must meet the criteria specified for each project.[47] A prerequisite for participation in the CRS is that communities obtain, review, correct, and maintain all floodplain-related construction certifications, make them available to the public, and have written procedures for such processes.[48]

Backup Power Systems

Onsite backup power systems generate power locally at a facility site to provide power when the utility is not available.[49] A backup power system consists of a power source, fueled by natural gas, propane, or diesel, and a means to transfer power from that source to the load when an outage occurs.[50] A backup power system may or may not be interconnected with the utility grid.[51] The system may be designed based on a variety of considerations, including the intensity and sensitivity of the power load; the location of the installation; the need for a standby, prime,

[40] *See* 44 C.F.R. s. 60.3(a).
[41] 44 C.F.S. s. 60.3(d)(3).
[42] 44 C.F.R. s. 60.3(e)(3) and (f)(1).
[43] FEMA, *Community Rating System*, https://www.fema.gov/floodplain-management/community-rating-system (last visited Feb. 2, 2026).
[44] *Id.*
[45] *Id.*
[46] Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, (Nov. 26, 2024) 19, *available at* https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf (last visited Feb. 2, 2026).
[47] *See* FEMA, *Coordinator's Manual* (2025), *available at* https://www.fema.gov/sites/default/files/documents/fema_crs_coordinators-manual_082025.pdf (last visited Feb. 2, 2026).
[48] *Id.*at 300-3.
[49] National Electrical Manufacturers Association, *Backup Power Systems*, https://www.nema.org/storm-disaster-recovery/backup-generation/backup-power-systems (last visited Feb. 2, 2026).
[50] *Id.*
[51] *Id.*

or continuous rating; and environmental considerations related to noise, exhaust emissions, and fuel storage.[52]

Current law requires a permit for the installation of a residential backup system or whole house generator.[53] Various municipalities and counties provide more specific guidance on their requirements for generator permits. For example, Hillsborough County requires all of the following:[54]

- A licensed contractor to apply for a residential electrical trade permit.
- Receive two inspections (electrical rough in and electrical final).
- A notice of commencement submitted prior to the first inspection.
- Provide a digitally signed and sealed site plan, including verification the project will not encroach into an easement, wetland or wetland setback.
- Verify the applicable zoning district, flood hazard areas and Base Flood Elevation on the site plan. If the proposed project will be located within a Special Flood Hazard Area (SFHA); the site plan must indicate the minimum required design flood elevation.

III. Effect of Proposed Changes:

Backup Power Systems

The bill prohibits local governments from imposing permitting requirements related to backup power systems.

Section 3 of the bill prohibits local governments from requiring a building permit or having a local review or approval process that mirrors the building permit process, for the design, installation, relocation, replacement, or repair of a backup power system installed by a licensed contractor or public utility. However, the bill provides that the prohibition against local building permit requirements does not apply to a backup power system designed, installed, relocated, replaced, or repaired by an owner-builder and that unlicensed contracting is not authorized.

A "backup power system" is defined under the bill as equipment and associated components installed at or serving a one- or two-family dwelling or townhouse for the purpose of providing onsite electrical power during utility outages, load management, resiliency, or other similar purposes that is capable of providing no more than 50 kilowatts of output to the residence or has an aggregate storage capacity of no more than 100 kilowatt-hours, if the system includes energy storage.

A county, municipality, or special district is prohibited under the bill from adopting or enforcing any ordinance, rule, or other measure that regulates the installation of backup power systems beyond enforcing the standards contained in the Building Code and the Florida Fire Prevention Code (FFPC).

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[52] *Id.*
[53] *See* s. 553.79(1), F.S.
[54] Hillsborough County, *Residential Backup Generators Requirements*, https://hcfl.gov/businesses/hillsgovhub/residential-and-mobile-home-checklists/residential-backup-generators-requirements (last visited Feb. 2, 2026).

A local enforcement agency is authorized to conduct inspections in person or virtually to ensure compliance with the Building Code and FFPC, but is prohibited from conditioning an inspection on obtaining a building permit or undergoing an equivalent review or approval process and from requiring a plans review. An owner or installing contractor may choose to have the inspection performed by a private provider. The private provider must meet the timelines for emergency inspections and submission requirements of inspection reports.

Upon a finding of noncompliance, a local enforcement agency must issue a written notice of correction citing the specific code sections out of compliance and required remedy to achieve compliance. Stop-work orders may only be issued to address immediate dangers to life or safety for the affected area. After the issues are addressed, the local enforcement agency must offer a reinspection date within the earlier of 2 business days after the request or on the next day inspections are being conducted. If a reinspection does not take place within this timeframe, a private provider inspection report constitutes acceptance by the local enforcement agency.

For existing occupied dwellings, the bill provides that a failed inspection of a backup power system may not be the sole basis for a local enforcement agency to withhold or revoke a certificate of occupancy. The enforcement agency can withhold authorization to energize the backup power system until corrections are verified. A private provider is authorized to inspect and complete the certificate of compliance.

Section 1 of the bill prohibits local governments from adopting technical amendments to the Building Code that require permits or a functionally equivalent local review or approval for exempt backup power systems.

Section 4 of the bill specifies that it does not alter or abridge the jurisdiction of the Public Service Commission or the exemptions for utilities and cooperatives relating to interconnection and net metering. The bill does not affect any tariff, service policy, or interconnection requirements of a utility or cooperative.

Work Valued at Less than $7,500

Section 2 The bill amends s. 553.79, F.S. to prohibit local governments from requiring owners of single-family dwellings to obtain permits on work valued at $7,500 or less on such a dwelling's lot. Local governments may still require permits for electrical, plumbing, or structural work, except for the repair or replacement of exterior doors or windows, regardless of the value. Contractors performing such exempted work must keep written records of the work, the property address, and the value of such work as proof.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 18 of Article VII of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Section 18(b) of Article VII of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,[55,56] which is $2.4 million or less for Fiscal Year 2026-2027.[57]

The REC has not yet reviewed SB 968 and the bill is likely to have a negative fiscal impact due to the reduction of fees that local governments may receive because of the exemptions of certain projects from building permit requirements. If SB 968 reduces the authority for counties and municipalities to raise revenue in an amount that exceeds the threshold for an insignificant impact, the mandates provision of section 18 of Article VII of the Florida Constitution may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

[55] FLA. CONST. art. VII, s. 18(d).
[56] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Feb. 2, 2026).
[57] Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf (last visited Feb. 2, 2026).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because of the exemption of certain projects from building permit requirements, those going through the building permitting process may enjoy cost savings resulting from not having to pay permit fees.

C. Government Sector Impact:

Local governments may receive reduced revenues from building permit fees due to the exemption of certain projects from building permit requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

- Article III, s. 6 of the Florida Constitution requires all laws to "embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title". The "relating to" clause of SB 968 is "home backup power systems," which relates to the contents of sections 1, 3, and 4 of the bill. However, section 2 relates to building permits for work valued below a certain threshold. Since section 2 appears to be not directly related to the more specific topic of home backup power systems, the "relating to clause" may not satisfy the requirements of Art. III, s. 6 of the Florida Constitution.

- Sections 1 and 2 of the bill exempt backup power systems from permitting requirements, but lines 73-74 authorize local governments to require building permits for electrical work. These provisions should be revised to clarify local government permitting authority related to electrical work and backup power systems.

- The exemption of the installation of backup power systems and work with a value of less than $7,500 could conflict with the general requirement for communities wishing to participate in the NFIP that they implement floodplain management standards, including that they require permits for new construction and development. Additionally, these exemptions could impact flood insurance discounts communities receive under the CRS, depending on the standards and activities participating communities have implemented.

VIII. Statutes Affected:

This bill substantially amends sections 553.73 and 553.79 of the Florida Statutes.
This bill creates section 553.7923 of the Florida Statutes and an undesignated section of law.

IX. Additional Information:

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

None.

B. Amendments:

None.

By Senator McClain

9-01118-26 2026968__

A bill to be entitled

An act relating to home backup power systems; amending s. 553.73, F.S.; prohibiting a local government from adopting a technical amendment to the Florida Building Code which requires a permit or any functionally equivalent local review or approval for certain backup power systems; amending s. 553.79, F.S.; prohibiting a local government that issues building permits from requiring an owner of a single-family dwelling or such owner's contractor to obtain a building permit to perform work on the single-family lot valued at less than a specified sum; providing exceptions; requiring a contractor who performs work that does not require a permit to keep a written record of certain information; creating s. 553.7923, F.S.; prohibiting a local enforcement agency from requiring a permit or any functionally equivalent local review or approval for the installation, relocation, replacement, or repair of an eligible residential backup power system; defining the term "backup power system"; providing applicability; prohibiting a county, municipality, or special district from adopting or enforcing any ordinance, rule, or measure that regulates the installation of backup power systems beyond the standards of the Florida Building Code or the Florida Fire Prevention Code; authorizing a local enforcement agency to conduct inspections of a backup power system to verify compliance with the Florida Building Code or the Florida Fire Prevention Code; providing

9-01118-26 2026968__

construction; authorizing the owner or installing contractor to hire a private provider to perform such inspections; authorizing such inspections to be conducted in person or virtually; requiring the local enforcement agency to issue a written correction notice for noncompliance; authorizing the local enforcement agency to issue a stop-work order to address certain hazards; requiring the local enforcement agency to offer a reinspection date within a specified timeframe; authorizing the owner or installing contractor to submit a completed private provider inspection report if the local enforcement agency fails to reinspect the property within such timeframe; providing that such a private provider inspection report submission constitutes acceptance of the inspection report by the local enforcement agency; providing that the failed inspection of a backup power system may not be the sole basis for withholding or revoking a certificate of occupancy for existing occupied dwellings; providing a remedy for such failed inspections; authorizing a private provider to complete the inspection and complete a certificate of compliance; providing construction; providing an effective date.

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

Section 1. Paragraph (f) is added to subsection (1) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(1)

(f) A local government may not adopt a technical amendment to the Florida Building Code which requires a permit or any functionally equivalent local review or approval for a backup power system exempt under s. 553.7923.

Section 2. Paragraph (g) is added to subsection (1) of section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(g)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform any work valued at less than $7,500 on the single-family dwelling's lot. However, a local government may require a building permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows, performed on a lot containing a single-family dwelling regardless of the value of the work.

2. A contractor who performs work that does not require a permit under this paragraph must keep a written record of the work performed, the property address where the work was performed, and the value of such work as proof that such work meets the criteria of subparagraph 1.

Section 3. Section 553.7923, Florida Statutes, is created to read:

553.7923 Permit exemption for backup power systems.—

(1)(a) A local enforcement agency may not require a permit or any functionally equivalent local review or approval for the

design, installation, relocation, replacement, or repair of a backup power system installed by a contractor properly licensed under chapter 489 to perform such work or by a public utility exempt from licensure under s. 489.503(4).

(b) As used in this section, the term "backup power system" means equipment and associated components that are installed at or serving a one-family dwelling, two-family dwelling, or townhouse for the purpose of providing onsite electric power during utility outages, load management, resiliency, or similar purposes and that are capable of providing no more than 50 kilowatts of output to the residence or have an aggregate storage capacity of no more than 100 kilowatt-hours if such systems include energy storage.

(2) Subsection (1) does not apply to an eligible backup power system that is designed, installed, relocated, replaced, or repaired by an owner-builder without a licensed electrical contractor. This subsection does not authorize unlicensed contracting.

(3) Notwithstanding chapter 125, chapter 166, or any other law, a county, municipality, or special district may not adopt or enforce any ordinance, rule, or other measure that regulates the installation of backup power systems beyond the standards contained in the Florida Building Code or the Florida Fire Prevention Code.

(4)(a) A local enforcement agency may conduct inspections of a backup power system to verify compliance with the Florida Building Code or the Florida Fire Prevention Code. An inspection under this subsection may not be conditioned on obtaining a permit or any functionally equivalent local review or approval

and may not include plan review.

(b) The owner or the installing contractor may hire a private provider to perform the inspections authorized in paragraph (a) in accordance with s. 553.791, including timelines for emergency inspections and submittal of inspection reports.

(c) Inspections under this section may be conducted either in person or virtually in accordance with s. 553.791.

(d)1. Upon a finding of noncompliance, the local enforcement agency must issue a written correction notice citing the specific code sections and required cure. The local enforcement agency may issue a stop-work order only to address an immediate life-safety hazard and only for the affected portion of the work.

2. After the issues addressed in the stop-work order are corrected, the local enforcement agency must offer a reinspection date within 2 business days or the next day inspections are conducted, whichever is earlier.

3. If the local enforcement agency fails to inspect the work performed regarding the issues in the stop-work order within 2 business days, the owner or installing contractor may submit a completed private provider inspection report under s. 553.791. Submission of a private provider inspection report after the local enforcement agency fails to comply with subparagraph 2. constitutes acceptance of the inspection report by the local enforcement agency.

4. For existing occupied dwellings, a failed inspection of a backup power system may not be the sole basis for withholding or revoking a certificate of occupancy for the dwelling. The remedy for such failed inspections is to withhold authorization

to energize the backup power system until corrections are verified. A private provider may inspect and complete the certificate of compliance pursuant to s. 553.791(13).

Section 4. This act does not alter or abridge the jurisdiction of the Public Service Commission under chapter 366, Florida Statutes, the exemptions for utilities and cooperatives under s. 366.11, Florida Statutes, or the requirements of rule 25-6.065, Florida Administrative Code, relating to interconnection and net metering. This act does not affect any tariff, service policy, or interconnection requirement of any utility or cooperative.

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

The Florida Senate

APPEARANCE RECORD

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

2/3/2026
Meeting Date

Community Affairs
Committee

SB968
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone (305) 240-2917

Address 107 E College Ave
Street

Email Dmartinez@AFPHQ.org

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Americans for Prosperity

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/2026
Meeting Date

Senate Community Affairs
Committee

968
Bill Number or Topic

Amendment Barcode (if applicable)

Name Steve Schale

Phone 850-222-8900

Address 204 South Monroe Street
Street

Email steve@tapfla.com

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Environmental Defense Fund

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

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

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/3/26
Meeting Date

SB 1068
Bill Number or Topic

Community Affairs
Committee

Amendment Barcode (if applicable)

Name Jeff Starkey

Phone 850 224 1660

Address 106 E College Ave ~~Ste~~ 1110
Street

Email jeffstarkey@gunster.com

TLH FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
TESLA - ENERGY

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26
Meeting Date

Community Affairs
Committee

SB 968
Bill Number or Topic

Amendment Barcode (if applicable)

Name Andy Palmer

Phone (850) 205-9000

Address 119 S. Monroe St., Suite 200
Street

Email andy.palmer@mhdfirm.com

Tallahassee FL 32309
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Permit Power

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	CS/SB 1118
INTRODUCER:	Community Affairs Committee and Senator Avila
SUBJECT:	Public Records/Data Centers
DATE:	February 4, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Favorable**
2.	Hackett	Fleming	CA	**Fav/CS**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1118 provides a time-limited public records exemption for information held by a county or municipality that concerns the plans, intentions, or interests of such person to locate a data center within the jurisdiction of the county or municipality. Such records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution upon request by a person, for a period of 12 months. It also provides that person's proprietary confidential business information related to a data center and held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

SB 484 (2026 Regular Session) by Senator Avila, revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. In part, the bill prohibits agencies from entering into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.

SB 1118 would take effect on the same date that SB 484 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

SB 484 (2026 Regular Session)

SB 484 revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. Specifically, the bill:

- Specifies that agencies may not enter into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.
- Maintains the authority of local governments to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.
- Requires the Public Service Commission (PSC) to develop minimum large load tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service and that the general body of rate payers do not bear the risk of non-payment of such cost.
- Prohibits public electric utilities from providing service to large load facilities owned or controlled by foreign countries of concern.
- Establishes a distinct large-scale data center consumptive use permit (CUP) permit requirements and application process. The bill also authorizes water management districts or the Department of Environmental Protection to require large-scale data centers to use some portion of reclaimed water as part of a CUP approval.
- Specifies that CUP modifications involving a large-scale data center must be treated as new, initial applications.

SB 484 takes effect upon becoming a law.

Data Centers

At its most basic, a data center is a physical facility that contains information technology (IT) infrastructure for storing, processing, and distributing data and the running of shared and distributed applications and services. Data centers can be anything from a dedicated space within a building, a dedicated building, or, for the largest-scale data centers, multi-building campuses.[1]

Generally, the major components of a data center are:

- IT equipment: This would be the core processing, storage, and transmission hardware for a data center—this would include servers, data storage systems, and network gear (such as routers and switches).
- Power infrastructure: This would be all the equipment to supply and maintain power to the facility, including power supplies (including redundant and uninterruptable power supplies to ensure continuous operation), and power distribution units.
- Cooling systems: This would include cooling infrastructure to maintain the data center at ideal temperatures and prevent IT equipment from overheating.

[1] Cisco, *What is a Data Center*, https://www.cisco.com/site/us/en/learn/topics/computing/what-is-a-data-center.html (last visited Feb. 2, 2026); and IBM, *What is a Data Center*, https://www.ibm.com/think/topics/data-centers (last visited Feb. 2, 2026).

- Physical security: This would include systems that restrict access to the data center and fire suppression systems.[2]

Data centers date back to the earliest dates of electronic, digital, computing when machines like the US military's Electrical Numerical Integrator and Computer (ENIAC), completed in 1945, required dedicated computer room space to house its massive machines. For many years, mainframe computers dominated computer rooms. However, in the 1990's when microcomputers came about and replaced mainframes in computer rooms—these microcomputers became known as servers and the computer rooms became known as what would eventually become the modern data center.[3]

The emergence of cloud computing in the early 2000s changed the data center landscape significantly in regard to the purpose and scale of data centers. Data centers went from serving solely one organization's (or even one organization's needs at a single location) needs, to shared resources that can be sold and provided as needed to multiple individuals and organizations with the ability to scale up or down as needed—these shared spaces are generally known as colocation data centers.[4]

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[5] This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.[6]

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.[7] For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[8] Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.[9]

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

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[2] McKinsey & Company, *What is a Data Center*, https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-a-data-center (last visited Feb. 2, 2026).
[3] IBM *supra* note 1.
[4] *Id.*
[5] FLA. CONST. art. I, s. 24(a).
[6] *Id*. *See also*, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).
[7] Chapter 119, F.S., does not apply to legislative or judicial records. *See*, *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).
[8] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[9] Section 119.01(1), F.S.

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to "perpetuate, communicate, or formalize knowledge of some type."[10]

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person's right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.[11] A violation of the Public Records Act may result in civil or criminal liability.[12]

Only the Legislature may create an exemption to public records requirements.[13] An exemption must be created by general law and must specifically state the public necessity justifying the exemption.[14] Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions[15] and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.[16]

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.[17] Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.[18] Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[19]

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[10] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc*., 379 So. 2d 633, 640 (Fla. 1980).
[11] Section 119.07(1)(a), F.S.
[12] Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[13] FLA. CONST. art. I, s. 24(c).
[14] *Id.*
[15] The bill may, however, contain multiple exemptions that relate to one subject.
[16] FLA. CONST. art. I, s. 24(c)
[17] *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
[18] *Id.*
[19] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

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

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 112.231, F.S., created by SB 484, to create a time-limited public records exemption for information, held by a county or municipality, that concerns the plans, intentions, or interests of such person to locate a data center[22] within the jurisdiction of the county or municipality. Such records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution upon request by a person, for a period of 12 months (or until the person waives confidentiality or the information is otherwise disclosed). To be valid, this request must be made in the timeframe in which such person plans, intends, or is interested in locating the data center and before any formal application is filed with the county or municipality. However, the county or municipality must disclose that the project in question is a data center. This exemption applies to officers and public employees of the county or municipality and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of the county or municipality.

The section does provide, however, that a municipality may disclose such information to an agency with decision-making or regulatory responsibility regarding the data center, including, but not limited to, regulation of the location, construction, or operations.

In addition to the above time-limited exemption, the section also provides a public records exemption for confidential business information related to a data center and held by any agency.[23] These records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution until such information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information. The section defines "confidential business information" as owned or controlled by the person requesting confidentiality, is intended to be and is treated by that person as private (in that the disclosure of the information would cause harm to the business operations of the person), and that has not been disclosed pursuant to a statutory provision or an order of a court or administrative body. Such information would include all of the following:

- Business plans;
- Internal auditing controls and reports of internal auditors;
- Reports of external auditors for privately held companies;

[20] *See, e.g.*, s.119.071(1)(a), F.S., exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure.
[21] *See, e.g.*, s. 213.053(2), F.S., exempting from public disclosure information received by the Department of Revenue, including investigative reports and information.
[22] Section 112.231, F.S., as created by SB 484 (2026), defines a "data center" as a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be 1) a free-standing structure, or 2) a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.
[23] Section 112.231, F.S., as created by SB 484 (2026), defines a "agency" as means any state, county, district, authority, or municipal officer, public employee, department, division, board, bureau, or commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any such agency.

- Security measures, systems, or procedures; and
- Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

This section is subject to Florida's Open Government Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides a statement of public necessity as required by s. 24(c), Article I of the Florida Constitution stating that such protections provide confidentiality for a period of time for certain information concerning persons locating a data center in Florida or attempting to do data center-related business with a county or municipality. The section finds the disclosure of information such certain business activity plans related to the data center could injure a person in the marketplace by providing competitors with vital competitive information. Such a situation may negatively impact the economics state by increasing the likelihood of a person refraining from locating a data center in Florida due to confidentiality concerns.

Section 3 of the bill would take effect on the same date that SB 484 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records or public meetings requirements. This bill creates a new public records exemption; thus, the bill does require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect certain business information relating to data centers. This bill exempts only those portions of records and meetings that contain relevant

information and therefore does not appear to be broader than necessary to accomplish the purposes of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 112.231, F.S., created by SB 484 (2026).

IX. Additional Information:

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

Committee Substitute by Community Affairs on February 3, 2026:
The committee substitute inserts the companion bill's assigned number, SB 484, in the placeholder.

B. Amendments:

None.

399840

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with directory amendment)

Delete line 95
and insert:
SB 484 or similar legislation takes effect, if such legislation

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:
Delete line 15
and insert:

399840

Florida Statutes, as created by SB 484 or similar legislation,

By Senator Avila

39-01061B-26 20261118__

A bill to be entitled

An act relating to public records; amending s. 112.231, F.S.; providing an exemption from public records requirements for information relating to the plans, intentions, or interest of a person to locate a data center; defining the term "proprietary confidential business information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Present subsection (5) of section 112.231, Florida Statutes, as created by SB ___ or similar legislation, 2026 Regular Session, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

112.231 Data center nondisclosure agreements; confidentiality.—

(5)(a) If a person, as defined in 1.01(3), requests in writing that a county or municipality maintain the confidentiality of information that concerns the plans, intentions, or interests of such person to locate a data center within the jurisdiction of the county or municipality, any portion of a public record held by a county or municipality which contains such information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The request must be made during the timeframe in which the person plans, intends, or is interested in locating the data center and

39-01061B-26 20261118__

before any formal application is filed with the county or municipality. The information is confidential and exempt for 12 months after the date a county or municipality receives a request for confidentiality or until the person waives confidentiality or the information is otherwise disclosed. However, the county or municipality must disclose that the project is a data center. This paragraph applies to officers and public employees of the county or municipality and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of the county or municipality.

(b) The information requested pursuant to paragraph (a) may be disclosed to an agency with decision-making or regulatory responsibility regarding the data center, including, but not limited to, regulation of the location, construction, or operations.

(c)1. A person's proprietary confidential business information related to a data center and held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information.

2. The term "proprietary confidential business information" means information that is owned or controlled by the person requesting confidentiality under this section; that is intended to be and is treated by the person as private in that the disclosure of the information would cause harm to the business operations of the person; and that has not been disclosed pursuant to a statutory provision or an order of a court or administrative body. Proprietary confidential business

information includes all of the following:

a. Business plans.

b. Internal auditing controls and reports of internal auditors.

c. Reports of external auditors for privately held companies.

d. Security measures, systems, or procedures.

e. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to provide confidentiality for a period of time for certain information concerning persons locating a data center in this state which is contained in records of such persons conducting business or attempting to conduct business with a county or municipality in this state. The disclosure of information such as plans for locating proprietary confidential business information, or other business activities related to the data center could injure a person in the marketplace by providing competitors with detailed insights into the strategic plans of the person or with confidential personnel information, thereby diminishing the advantage that the person maintains over those that do not possess such information. Without these exemptions, persons whose records generally are not required to be open to the public might refrain from locating a data center

in this state and instead choose to conduct business activities outside of this state, which would deprive the state and the public of the potential economic benefits associated with business activities in this state. The harm to persons caused by the public disclosure of such information outweighs the public benefits derived from the release of the information.

Section 3. This act shall take effect on the same date that SB ___ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 1122
INTRODUCER:	Senators Gruters and Calatayud
SUBJECT:	Activities of Special Districts
DATE:	February 2, 2026
REVISED:	

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

I. Summary:

SB 1122 grants broad authority to special districts operating as hospital districts to enter into joint relationships or collaborations. Under the bill, two or more hospital districts are allowed to enter into any joint relationship or collaboration anywhere within either or all of the participating districts. Specifically, the bill authorizes them to jointly enter into, participate in, establish, and control any venture, partnership, corporation, business entity, organization, joint operating network, service line, facility, or any other joint relationship or collaboration, whether public or private, for-profit or non-profit.

The bill provides legislative findings and declarations establishing that the act serves a public purpose; that quality, cost efficient medical care is a necessity; and that hospital district collaborations benefit Florida residents and are important and necessary for the preservation of public health and welfare.

The bill declares that the parties to the collaboration have state action immunity and may exercise the powers to collaborate regardless of the purposes, effects, or that they may be deemed to violate state or federal antitrust laws. The grant of authority to enter into joint relationships or collaborations supersedes and controls over any inconsistent or conflicting general or special law.

The bill takes effect upon becoming a law.

II. Present Situation:

Special Districts

A "special district" is a unit of local government created for a particular purpose, which has jurisdiction to operate within a limited geographic boundary.[1] Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.[2] A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.[3] Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.[4] Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.[5]

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as "dependent" if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district's governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.[6]

A district is classified as "independent" if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.[7]

Special districts do not possess "home rule" powers and may impose only those taxes, assessments, or fees authorized by special or general law.[8] The special act creating an

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[1] Section 189.012(6), F.S. *See also Halifax Hosp. Med. Ctr. v. State*, 278 So. 3d 545, 547 (Fla. 2019).
[2] Section 189.012(6), F.S. *See also* ss. 189.02(1), 189.031(3), and. 190.005(1), F.S.
[3] FLA. HOUSE INTERGOVERNMENTAL AFFAIRS SUBCOMM., *The Local Government Formation Manual*, 56, *available at* https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf (last visited Feb. 2, 2026).
[4] *Id.*
[5] The method of financing a district must be stated in its charter. Ss. 189.02(4)(g), 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. *See, e.g.*, ch. 2023-335, s. 6(6)(m) and (o) of s. 1, Laws of Fla. (East River Ranch Stewardship District). *See also, e.g.*, ss. 190.021 (community development districts), 191.009 (independent fire control districts), 298.305 (water control districts), 388.221, F.S. (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District; authorizing the levy of an ad valorem tax) and ch. 2006-347, s. 13 of s. 3, Laws of Fla. (North Broward Hospital District; authorizing the levy of an ad valorem tax).
[6] S. 189.012(2), F.S.
[7] S. 189.012(3), F.S.
[8] *See* Art. VII, s. 9(a), Fla. Const.; *see also State ex rel. City of Gainesville v. St. Johns River Water Mgmt. Dist*., 408 So. 2d 1067 (Fla. 1st DCA 1982).

independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.[9]

Hospital and Health Care Districts

Hospital districts are a type of independent special district specializing in the provision of health care services. As of January 29, 2026, there are 28 special districts classified as hospital or health care districts.[10] The charters of hospital districts generally possess a set of core features: a board appointed by the Governor, the authority to build and operate hospitals, the power of eminent domain, the ability to issue bonds payable from ad valorem taxes, the use of ad valorem revenue to be used for operating and maintaining hospitals, and a provision that the facilities be established for the benefit of the indigent sick.[11]

Florida Hospital and Health Care Districts	
Dependent Special Districts	
Carrabelle Hospital Tax District	Hillsborough County Hospital Authority
Gadsden County Hospital	Marion County Hospital District
Highlands County Hospital District	
Independent Special Districts	
Baker County Hospital District	Jackson County Hospital District
Bay Medical Center	Lake Shore Hospital Authority
Cape Canaveral Hospital District	Lower Florida Keys Hospital District
Citrus County Hospital Board	Madison County Health and Hospital District
DeSoto County Hospital District	North Brevard County Hospital District
Doctors Memorial Hospital	North Broward Hospital District
George E. Weems Memorial Hospital	North Lake County Hospital District
Halifax Hospital Medical Center	Sarasota County Public Hospital District
Hamilton County Memorial Hospital	South Broward Hospital District
Health Care District of Palm Beach County	Southeast Volusia Hospital District
Hendry County Hospital Authority	West Volusia Hospital Authority
Indian River County Hospital District	

Hospital District Operation and Collaboration Authority

The Legislature has declared that the best security for special districts' special purpose is through "certain minimum standards of accountability designed to inform the public and appropriate local general-purpose governments of the status and activities of special districts."[12] As special

[9] See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).
[10] Dept. of Commerce, *Official List of Special Districts*, https://specialdistrictreports.floridajobs.org/OfficialList/CustomList (last visited Feb. 2, 2026).
[11] Florida TaxWatch, *Florida's Fragmented Hospital Taxing District System in Need of Reexamination*, Briefings (Feb. 2009), *available at* https://floridataxwatch.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=210&moduleid=34407&articleid=16012&documentid=427 (last visited Feb. 2, 2026).
[12] Section 189.011, F.S.

districts, hospital districts are required to comply with the creation, dissolution, and reporting requirements of chapter 189, F.S., regardless of the existence of other, more specific provisions of applicable law.[13] Chapter 189, F.S., provides minimum standards encompassing a broad range of special districts operations including meeting notice requirements,[14] budgeting procedures,[15] elections,[16] and general oversight and accountability.[17]

Merger or Dissolution of Special Districts

The procedures for merger or dissolution of a special district under chapter 189 differ depending on the status of the district as dependent or independent, and the method for creating the district.

In the case of a dependent special district, it may be dissolved or merged by ordinance by the general-purpose governmental entity governing the area where the district or districts are located.[18] If created by special act, another special act or general law is required.[19] Inactive dependent special districts may be dissolved or merged by special act without referendum.[20]

Voluntary dissolution of independent special districts created by special act requires the district's governing body to vote, then legislative action is required, and the special act is subject to referendum.[21] If created by referendum or other procedure, the county or municipality that created it may dissolve the independent special district by referendum or the same creating procedure.[22] However, if the independent special district had ad valorem taxation powers, the method for granting such powers must be used to dissolve the district.[23] Inactive independent special districts may be dissolved by special act without referendum, or, if created by a referendum, then the county or municipality may dissolve it after publishing notice.[24]

The Legislature may merge independent special districts by special act.[25] Voluntary merger of two or more contiguous independent special districts created by special act which have similar functions and elected governing bodies is possible if initiated by joint resolution of their governing bodies or elector initiative petition.[26] If initiated by resolution of the governing bodies, the districts must develop a plan, hold hearings, and ultimately schedule separate referenda in each component district.[27] If initiated by elector initiative, a petition signed by at least 40 percent

[13] Section 189.013, F.S.
[14] Section 189.015, F.S.
[15] Section 189.016, F.S.
[16] Part IV, ch. 189, F.S.
[17] Part VI, ch. 189, F.S.
[18] Section 189.071, F.S.
[19] *Id.*
[20] *Id.*
[21] Section 189.072, F.S.
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] Section 189.073, F.S.
[26] Section 189.074, F.S.
[27] *Id.*

of the qualified electors of each component district must be filed.[28] Just as with the resolution-initiated merger, development of a plan, hearings, and a referendum are required.[29]

Involuntary merger may be effectuated for independent special districts created by special act through passage of a special act and subsequent referendum.[30] A county or municipality may also merge independent special districts they create by referendum or the procedure by which the district was created.[31] If the independent special district has ad valorem taxation powers, the method for granting such powers must be used to for the merger.[32] A special act may merge inactive special districts without referendum.[33]

Part VII of chapter 189, F.S. prescribes requirements for handling of assets, debts, liabilities and following dissolution or merger of special districts. Following merger of independent special districts, all property and "all rights, privileges, and franchises" of the respective component districts are deemed transferred to the resulting merged independent district.[34]

Interlocal Agreements

The purpose of the Florida Interlocal Cooperation Act of 1969, codified at s. 163.01, F.S., is to permit local governmental units, including special districts, to use their powers to cooperate with other localities to provide services and facilities .[35] Under the act, special districts "may exercise jointly with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately."[36] The section requires a contract which must be filed with the clerk of the circuit court of each county where a party to the agreement is located.[37]

Recently, the Florida Supreme Court issued an opinion regarding the authority of one hospital district to act pursuant to interlocal agreements in *Halifax Hospital Medical Center v. State*.[38] The Halifax Hospital Medical Center, a hospital district created by special act in 1925 entered into an interlocal agreement with the City of Deltona to undertake the construction of a hospital outside the boundaries of the hospital district.[39] Halifax sought to validate bonds for the project, which the court upheld were properly denied.[40] The court found that neither the enabling special act for the district or the Interlocal Act granted authority for Halifax to operate outside its geographic boundaries, however the case was limited to its facts as the court stated that it was "not the proper forum for a policy decision as to whether Halifax or any other special district should be allowed to operate extraterritorially."[41]

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[28] *Id.*
[29] *Id.*
[30] Section 189.075, F.S.
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] Section 189.074, F.S.
[35] Section 163.01(2), F.S.
[36] Section 163.01(4), F.S.
[37] Section 163.01(11), F.S.
[38] *Halifax Hosp. Med. Ctr. v. State*, 278 So. 3d 545 (Fla. 2019).
[39] *Id.*
[40] *Id.*
[41] *Id.* at 551.

Lease or Sale of Local Government Hospitals or Hospital Systems

Current law authorizes the sale or lease of local government owned hospitals.[42] The governing board of the hospital or hospital system must find that the sale or lease is in the best interest of the affected community[43] and must state the basis of the finding.[44] The governing board is responsible for determining the terms of the lease, sale, or contract.[45] The hospital or hospital system may be leased or sold to a for-profit or a not-for-profit Florida entity, but the lease, contract, or agreement must:

- Subject the articles of incorporation of the lessee or buyer to approval by the board of the hospital.
- Require that not-for-profit lessees or buyers become qualified under s. 501(c)(3) of the United States Internal Revenue Code.
- Provide for orderly transition of operations and management.
- Provide for return of the facility upon termination of the lease, contract, or agreement.
- Provide for continued treatment of the indigent sick.[46]

The lease, sale, or contract must be done through a public process that includes public notice, detailed findings regarding the accepted proposal, and approval by the Secretary of the Agency of Health Care Administration (AHCA).[47] If a hospital is sold, all tax authority associated with the hospital ceases.[48] Fifty percent of the proceeds from the sale or lease must be deposited into a health care economic development trust fund serving specified health care related purposes.[49] The district board must appropriate the other 50 percent to funding to care for the indigent sick.[50] Other taxing, financial, and liability considerations are provided by the law, including prohibitions on the transfer of government functions.[51] A streamlined process is provided if the property represents less than 20 percent of the hospital's net revenue.[52]

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[42] Section 155.40, F.S.
[43] "Affected community" means those persons residing within the geographic boundaries defined by the charter of the county, district, or municipal hospital or health care system, or if the boundaries are not specifically defined by charter, by the geographic area from which 75 percent of the county, district, or municipal hospital's or health care system's inpatient admissions are derived. S. 155.40(4)(a), F.S.
[44] Section 155.40, F.S.
[45] *Id.*
[46] Continued treatment of the indigent sick must comply with the Florida Health Care Responsibility Act and pursuant to chapter 87-92, Laws of Florida. S. 155.40(2)(e), F.S. Ss. 154.301-154.316, F.S., are the Florida Health Care Responsibility Act. S. 154.301, F.S.
[47] Section 155.40, F.S.
[48] Section 155.40(15), F.S.
[49] Section 155.40(16)(a), F.S. The trust fund is controlled by the local government where the leased or sold property is located. The net proceeds in trust fund shall be distributed, in consultation with the Department of Economic Opportunity, to promote job creation in the health care sector of the economy through new or expanded health care business development, new or expanded health care services, or new or expanded health care education programs or commercialization of health care research within the affected community.
[50] Section 155.40(16)(b), F.S. Funding the delivery of indigent care, includes, but not limited to, primary care, physician specialty care, out-patient care, in-patient care, and behavioral health, to hospitals within the boundaries of the district with consideration given to the levels of indigent care provided.
[51] Section 155.40(17)-(21), F.S.
[52] Section 155.40(22), F.S.

Antitrust Laws

In 1890, Congress passed the first antitrust law, the Sherman Act, as a comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade. Congress subsequently passed two additional antitrust laws in 1914: the Federal Trade Commission Act, which created the Federal Trade Commission (FTC), and the Clayton Act. Currently, these are the three core federal antitrust laws.[53]

The Sherman Act

The Sherman Act outlaws every contract, combination, or conspiracy in restraint of trade, and any monopolization, attempted monopolization, or conspiracy or combination to monopolize. The Sherman Act does not prohibit every restraint of trade – only those that are unreasonable. For example, an agreement between two individuals to form a partnership may restrain trade, but may not do so unreasonably, and thus may be lawful under the antitrust laws. In contrast, certain acts are considered "per se" violations of the Sherman Act because they are harmful to competition. These include plain arrangements among competing individuals or businesses to fix prices, divide markets, or rig bids.[54]

The Federal Trade Commission Act

The Federal Trade Commission Act prohibits unfair methods of competition and unfair or deceptive acts or practices. The U.S. Supreme Court has ruled that all violations of the Sherman Act also violate the FTC Act. Therefore, the FTC can bring cases under the FTC Act against the same kinds of activities that violate the Sherman Act. The FTC Act also reaches other practices that harm competition but may not fit neatly into categories of conduct formally prohibited by the Sherman Act. Only the FTC may bring cases under the FTC Act.[55]

The Clayton Act

The Clayton Act addresses specific practices that the Sherman Act does not clearly prohibit, such as mergers and interlocking directorates.[56] It also bans mergers and acquisitions where the effect may substantially lessen competition or create a monopoly. As amended by the Robinson-Patman Act of 1936, the Clayton Act also prohibits certain discriminatory prices, services, and allowances in dealings between merchants. The Clayton Act was amended again in 1976 by the Hart-Scott-Rodino Antitrust Improvements Act to require companies planning large mergers or acquisitions to notify the government of their plans in advance. Additionally, private parties are authorized to sue for triple damages when they have been harmed by conduct that violates either the Sherman or Clayton Act and to obtain a court order prohibiting the anticompetitive practice prospectively.[57]

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[53] FEDERAL TRADE COMMISSION, *The Antitrust Laws*, https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws (last visited Feb. 2, 2026).
[54] *Id.*
[55] *Id.*
[56] "Interlocking directorates" means the same person making business decisions for competing companies. *Id.*
[57] *Id.*

State Action Immunity Doctrine

The state action immunity doctrine originated with the Supreme Court's *Parker v. Brown*[58] decision which held that, because states are sovereign entities, Congress did not intend for the Sherman Act to apply to the sovereign activities of the states themselves. As a result of this decision, in limited circumstances, the anticompetitive activities of certain nonsovereign governmental entities may be shielded from federal antitrust scrutiny.[59] Generally, given the values of free enterprise and economic competition embodied in the antitrust laws, state-action immunity is disfavored.[60] For immunity to attach, the activities must meet a two-prong test: (1) they must be undertaken pursuant to a "clearly articulated and affirmatively expressed" state policy to displace competition, and (2) the policy must "be actively supervised by the state."[61] In *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, the Supreme Court clarified the active supervision prong to specify that the supervisor must review the substance of the anticompetitive decision, not merely the procedures followed to produce it; the supervisor must have the power to veto or modify particular decisions to ensure they accord with state policy; and the mere potential for state supervision is not an adequate substitute for a decision by the State.[62]

Florida Antitrust Laws

Florida law also provides protections against anticompetitive practices. Part I of chapter 542, F.S., the Florida Antitrust Act of 1980, is intended to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition.[63] It outlaws every contract, combination, or conspiracy in restraint of trade or commerce in Florida[64] and any person from monopolizing or attempting or conspiring to monopolize any part of trade.[65]

Florida's Certificate of Public Advantage Law

Certificate of Public Advantage ("COPA") laws are a tool used by states to protect hospital mergers from antitrust laws and FTC challenges. In states with COPA laws, officials allow hospitals to merge if they determine the likely benefits outweigh any disadvantages from reduced competition and increased consolidation. COPA laws often impose terms and conditions intended to mitigate harms from a loss of competition, such as price controls and rate regulations, mechanisms for sharing cost savings and efficiencies, and commitments about certain contractual provisions between hospitals and commercial health insurers.[66]

Florida's version of a COPA law, s. 381.04065, F.S., allows for rural health network cooperative agreements. The intent of the law is that "competitive market forces shall be replaced with state

[58] 317 U.S. 341 (1943).
[59] FEDERAL TRADE COMMISSION, *FTC Denies State Dental Boards Dismissal Motion on State Action Grounds*, (July 30, 2004) https://www.ftc.gov/news-events/news/press-releases/2004/07/ftc-denies-state-dental-boards-dismissal-motion-state-action-grounds (last visited Feb. 2, 2026).
[60] *Fed. Trade Comm'n v. Phoebe Putney Health Sys., Inc.*, 568 U.S. 216 (2013).
[61] *Id.*
[62] *N.C. State Bd. of Dental Examiners v. Fed. Trade Comm'n*, 574 U.S. 494 (2015).
[63] Section 542.16, F.S.
[64] Section 542.18, F.S.
[65] Section 542.19, F.S.
[66] FEDERAL TRADE COMMISSION, *FTC Policy Perspectives on Certificates of Public Advantage* (Aug. 15, 2022), *available at* https://www.ftc.gov/system/files/ftc_gov/pdf/COPA_Policy_Paper.pdf (last visited Feb. 2, 2026).

regulation." Further, the Legislature specifies its intent that the consolidation of hospital services or technologies and cooperative agreements between rural health networks not violate the state's antitrust laws and be protected from federal antitrust laws, when such arrangements improve the quality of health care, moderate cost increases, and are made between members of rural health networks. Providers seeking to consolidate services may seek approval from the Department of Health, which is authorized to consult with the Department of Legal Affairs. The Department of Health must determine whether the likely benefits resulting from the agreement outweigh any disadvantages attributable to any potential reduction in competition resulting from the agreement, and approve agreements otherwise meeting specified criteria. The Department of Health must review each approved agreement every 2 years and initiate termination of the agreement if it finds the likely benefits resulting from its state action approval no longer outweigh any disadvantages attributable to any potential reduction in competition resulting from the agreement.[67]

III. Effect of Proposed Changes:

SB 1122 grants broad authority to special districts operating as hospital districts to enter into joint relationships or collaborations.

The bill prefaces the grant of authority with legislative findings and declarations establishing that the act serves a public purpose; that quality, cost efficient medical care is a necessity; and that hospital district collaborations benefit Florida residents by improving health care services access, strengthening health care services provider integration, and promoting care continuity, and are important and necessary for the preservation of public health and welfare.

Under the bill, two or more hospital districts are allowed to enter into any joint relationship or collaboration anywhere within either or all of the participating districts. Specifically, the bill authorizes them to jointly enter into, participate in, establish, and control any venture, partnership, corporation, business entity, organization, joint operating network, service line, facility, or any other joint relationship or collaboration, whether public or private, for-profit or non-profit.

The bill declares that the parties have state action immunity under Florida's laws and constitution, and may exercise the powers to collaborate regardless of the purposes, effects, or that they may be deemed to violate state or federal antitrust laws.

The bill states that the grant of authority to enter into joint relationships or collaborations supersedes and controls over any inconsistent or conflicting general or special law.

The bill takes effect upon becoming a law.

[67] Section 381.04065, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues, therefore the provisions of Article VII, s. 18 of the Florida Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article VI, Clause 2 of the United States Constitution provides that "the Laws of the United States . . . shall be the supreme Law of the Land . . ." Known as the Supremacy Clause, this clause is the foundation for the concept of federal preemption. Conflict preemption occurs where compliance with both federal and state law is impossible or where state law poses an obstacle to federal objectives.[68]

Despite the bill authorizing hospital districts to exercise powers regardless of whether they are in violation of federal antitrust law, a joint relationship or collaboration that is determined by the FTC or a court to be in violation of federal antitrust law would arguably not be allowed to remain in effect because federal antitrust law has preempted, and thus controls, state law pursuant to the Supremacy Clause.

Furthermore, state action immunity is a doctrine developed by the Supreme Court in their *Parker v. Brown* opinion, and therefore requires fulfillment of the test articulated and refined by the Court in that opinion and subsequent cases. It cannot be conferred by legislative decree. While SB 1122 likely satisfies the first prong by clearly articulating and affirmatively expressing a state policy supporting hospital district collaboration, the bill likely would not meet the second prong. The second prong would require the bill to include provisions regulating active supervision by the state, including review of and the power to veto or modify a collaboration. The bill arguably does not satisfy the active supervision prong of the test because of the broad grant of authority to hospital districts to collaborate in practically any manner without limitation, the lack of any requirement for an agreement, no specification of the form or contents of the agreement, no

[68] Library of Congress, *ArtVI.C2.1 Overview of Supremacy Clause*, https://constitution.congress.gov/browse/essay/artVI-C2-1/ALDE_00013395/ (last visited Feb. 2, 2026).

requirement for the state to review or approve an agreement, and no requirement for the state to supervise or review the collaboration after it is initiated.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Independent hospital districts seeking to collaborate may experience reduced costs from simpler, expedited procedures compared to other provisions in law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Powers of Special Districts

Courts of this state have maintained that much like agencies, since special districts are created by the Legislature, they only have the powers expressly granted to them or necessarily implied.[69] Though the Florida Supreme Court declined to extend the aforementioned *Halifax*[70] case beyond its facts, the opinion is arguably relevant to this bill. *Halifax* involved an independent hospital district making an interlocal agreement for a project outside of its boundaries. The core issue was that neither the district's enabling special act nor any statute authorized it to exercise those powers. SB 1122 will cause confusion in implementation because it grants broad authority to hospital districts to exercise powers to collaborate and states that this grant supersedes any conflicting law. It is unclear exactly which laws would conflict, as the conflicts could only be determined at the time the hospital districts initiate a collaboration, at which time it could be determined if the special acts enabling them, the provisions of chapter 189, F.S., related to mergers and dissolutions, s. 163.01, F.S., related to interlocal agreements, or the provisions of chapter 155, F.S., related to lease or sale of local government hospitals impose any limitations or otherwise would conflict with the terms of the collaboration.

Taxation Powers of Special Districts

A specially created district does not have an inherent power to tax even if it was established by or under the authority of a statute.[71] Article VII, s. 1(a), of the State Constitution provides that no tax can be levied except in pursuance of law, therefore, a specially created district possesses the

[69] *See, e.g., Board of Com'rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529 (Fla. 4th DCA 2007).
[70] *Halifax Hosp. Med. Ctr. v. State*, 278 So. 3d 545 (Fla. 2019).
[71] *Atlantic Coast Line R. Co. v. Amos*, 115 So. 315 (Fla. 1927).

power to tax only to the extent that the power was clearly conferred or indicated by law.[72] Article VII, s. 9(a) of the State Constitution states that "special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes." The phrase "for their respective purposes" has been found to limit how special districts may expend revenues from their authorized levies.[73] SB 1122 provides no limitation on the use of taxes collected by the hospital districts pursuant to their collaborations, though they likely would be limited pursuant to Article VII, s. 9(a) of the State Constitution.

VIII. Statutes Affected:

This bill substantially amends section 181.081 of the Florida Statutes.
This bill creates an undesignated section of law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

[72] *Id.*
[73] *See State ex rel. City of Gainesville v. St. Johns River Water Management Dist.*, 408 So. 2d 1067 (Fla. 1st DCA 1982).

By Senator Gruters

22-00662A-26 20261122__

A bill to be entitled

An act relating to activities of special districts; providing legislative findings; amending s. 189.081, F.S.; authorizing certain special districts meeting particular criteria to jointly enter into, participate in, establish, and control specified joint relationships or collaborations anywhere within the boundaries of either or all such special districts; establishing state action immunity; authorizing such districts to exercise such powers regardless of certain consequences; providing construction; providing an effective date.

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

Section 1. The Legislature finds and declares that the provision of quality and cost-efficient medical care is a public necessity and that this act serves a public purpose. The Legislature further finds and declares that collaborations of special districts that operate as hospital districts under this act benefit the residents of this state by improving access to health care services, strengthening the integration of health care service providers, and promoting the continuity of care provided to the residents of the state, and that such relationships and collaborations are vitally important to and necessary for the preservation of the public health and welfare of such districts, the inhabitants thereof, and the residents of this state.

Section 2. Subsection (7) is added to section 189.081, Florida Statutes, to read:

189.081 Activities of special districts; local government comprehensive planning.—

(7)(a) Two or more special districts that operate as hospital districts may jointly enter into, participate in, establish, and control any venture, partnership, corporation, business entity, organization, joint operating network, service line, facility, or any other joint relationship or collaboration, public or private, for-profit or not-for-profit, anywhere within the boundaries of either or all such special districts.

(b) Parties that jointly enter into or participate in joint relationships or collaborations with special districts pursuant to paragraph (a) have state action immunity under the laws of this state and the State Constitution and may exercise the powers granted in paragraph (a), regardless of the purposes or effect of such relationships or collaborations, or that the exercise thereof may otherwise be deemed or considered to be in violation of state or federal antitrust laws.

(c) This subsection shall supersede and control over any general or special law that is inconsistent or in conflict with this subsection.

Section 3. This act shall take effect upon becoming a law.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 1134
INTRODUCER:	Senator Yarborough
SUBJECT:	Official Actions of Local Governments
DATE:	February 2, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.			JU	
3.			RC	

I. Summary:

SB 1134 prohibits counties and municipalities from funding, promoting, or taking official actions such as adopting ordinances, resolutions, rules, regulations, programs, or policies, related to diversity, equity, and inclusion. A county or municipality may not expend any funds, regardless of the source, or establish, support, sustain, or staff a diversity, equity, and inclusion office or officer.

The bill provides that a member of a county or municipal governing body acting in their official capacity who violates the prohibitions commits misfeasance or malfeasance in office. An action may be brought against a county or municipality that violates the bill's provisions by a resident of the county. The bill does not prohibit official action required for compliance with general or federal law or regulation, and includes a series of exceptions.

Further, the bill requires any potential recipient of a county or municipal contract or grant to certify before such award that they do not and will not use local government funds to require employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials related to diversity, equity, and inclusion.

The bill takes effect January 1, 2027.

II. Present Situation:

Unlawful Discrimination in Florida

In 2019, Governor DeSantis reaffirmed the policy of non-discrimination in government employment and declared it the policy of his administration to prohibit discrimination in employment based on age, sex, race, color, religion, national origin, marital status, or disability.[1]

Florida Civil Rights Act (Part I, Chapter 760, F.S.)

The Florida Civil Rights Act (FCRA) of 1992 protects persons from discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.[2] The FCRA establishes the Florida Commission on Human Relations (the Commission) within the Department of Management Services.[3]

The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings, and act upon complaints alleging discriminatory practices.[4] Additionally, the Attorney General may initiate a civil action for damages, injunctive relief, civil penalties of up to $10,000 per violation, and other appropriate relief.[5]

Local Ordinances

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

Local Government Authority

The Florida Constitution grants local governments broad authority to take actions furthering citizens' health, welfare, safety, and quality of life. This "home rule" authority includes legislative powers to enact local laws. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[6] Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.[7] Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to

[1] Office of the Governor, *Executive Order Number 19-10*, Jan. 8, 2019 (Reaffirming Commitment to Diversity in Government).
[2] Section 760.01, F.S.
[3] Sections 760.03 and 760.04, F.S.
[4] Section 760.06(5), F.S.
[5] Section 760.021(1), F.S.
[6] FLA. CONST. art. VIII, s. 1(f).
[7] FLA. CONST. art. VIII, s. 1(g).

conduct municipal government, perform their functions and provide municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.[8]

This authority, under the umbrella of governmental or municipal purpose, extends broadly to any ordinance necessary to promote the health, welfare, safety, and quality of life of a local government's residents.[9] Local governments' authority has been liberally construed when reviewed by courts. For example, courts have found the following to meet the standards for what constitutes a "municipal purpose," and therefore were valid local government actions:

- Acquisition and maintenance of a golf course;[10]
- Sale of souvenir photographs;[11] and
- Prohibiting the rental of motorized scooters.[12]

In general, this broad home rule authority is limited by two guideposts: preemption, where a higher level of government such as the state has already legislated on a topic, and standards of reasonableness. Local governments may not pass ordinances which are apparently arbitrary or unreasonable, despite their wide-ranging powers.[13] Anyone affected by an ordinance may challenge its validity in court by filing a civil action against the local government.[14]

Preemption

An ordinance can be declared invalid on the grounds that it is inconsistent with the State Constitution or Florida Statutes. Inconsistency may be found where a local ordinance is either preempted by or in conflict with the State Constitution or Florida Statutes.[15] Preemption means that a local government is precluded from exercising authority in a particular area, while conflict exists where a municipality has the right to act but such action frustrates the purpose of the state regulation.[16] Express preemption refers to instances where the Legislature has directly written into law that the state intends to occupy a field of law, prohibiting local governments from taking action in that field.[17]

Malfeasance or Misfeasance in Office

Misfeasance has been described broadly as a "misdeed or trespass" while malfeasance has been described as a "wrongful, unlawful, or dishonest act."[18]

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[8] FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.
[9] Art. VIII, § 2(b), Fla. Const.; Section 125.86, F.S.; for municipalities see *Quiles v. City of Boynton Beach*, 802 So. 2d 397, 398 (Fla. 4th DCA 2001); § 166.021, Fla. Stat.
[10] West v. Town of Lake Placid, 97 Fla. 127, 120 So. 361 (1929).
[11] City of Winter Park v. Montesi, 448 So. 2d 1242 (Fla. 5th DCA 1984).
[12] Classy Cycles, Inc. v. Panama City Beach, 301 So. 3d 1046 (Fla. 1st DCA 2019).
[13] Dennis v. City of Key West, 381 So. 2d 312 (Fla. 3d DCA 1980).
[14] Hardage v. City of Jacksonville Beach, 399 So. 2d 1077 (Fla. 1 DCA 1981). There are statutory requirements for being allowed to bring suit in certain cases, such as those based on a technical deficiency in the ordinance, but the cases at issue in this analysis merely require being affected.
[15] *City of Jacksonville v. American Environmental Services Inc.,* 699 So. 2d 255 (Fla. 1st DCA 1997).
[16] *Id.*
[17] *See, e.g.,* s. 790.33, F.S. "… the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition…"
[18] BLACK'S LAW DICTIONARY (12th ed. 2024).

Under Article IV, s. 7 of the State Constitution, the Governor is authorized to suspend from office by executive order any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony. The Governor may temporarily appoint someone to fill the office during the suspension and may choose to reinstate the suspended officer.[19] The Senate has the authority to remove from office or reinstate the suspended officer in proceedings prescribed by law and may convene a special session for such purpose.[20]

In reference to municipal officers, the State Constitution only authorizes the Governor to suspend municipal officers indicted for crime, unless such power is vested in law or a municipal charter.[21] Section 112.51, F.S., provides that the Governor may by executive order suspend from office any elected or appointed municipal official for malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties. The Governor may temporarily fill the office during the suspension.[22] If the municipal officer is convicted of any of the charges contained in the indictment or information by reason of which he or she was suspended, the Governor must remove the official from office.[23] If the municipal official is acquitted, found not guilty, or otherwise cleared of the charges, the Governor must revoke the suspension.[24]

III. Effect of Proposed Changes:

Sections 1 and 2 create ss. 125.595 and 166.04971, F.S., to prohibit counties and municipalities, respectively, from funding, promoting, or taking official actions, such as adopting or enforcing ordinances, resolutions, rules, regulations, programs, or policies, related to diversity, equity, and inclusion. A county or municipality may not expend any funds, regardless of the source, or establish, support, sustain, or staff a diversity, equity, and inclusion office or officer.

"Diversity, equity, and inclusion" (DEI) is defined as any effort to:

- Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;
- Promote or provide preferential treatment or special benefits to a person or group based on that person's or group's race, color, sex, ethnicity, gender identity, or sexual orientation; or
- Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

[19] FLA. CONST. art. IV, s. 7.
[20] *Id.*
[21] *Id.*
[22] Section 112.51(3), F.S.
[23] Section 112.51(5), F.S.
[24] Section 112.51(6), F.S.

"Diversity, equity, and inclusion office" is defined as any office, division, department, agency, center, or other unit of a local government which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions related to diversity, equity, and inclusion.

"Diversity, equity, and inclusion officer" is defined as a person who is a full-time or part-time employee of, or an independent contractor contracted by, a local government, whose duties cover the same fields as the office described above.

The bill provides that a member of a county or municipal governing body acting in an official capacity who violates the prohibitions commits misfeasance or malfeasance in office. An action may be brought by a local resident against a county or municipality that violates the bill's provisions; the court may enter judgment awarding declaratory and injunctive relief, damages, and costs. Declaratory relief is a form of relief in which a court pronounces the legal status of an item or pronounces the correct ownership of something.[25] Injunctive relief occurs when a court grants an injunction to require a party to do something or refrain from doing a particular thing to prevent irreparable injury.[26]

The provisions do not prohibit official action required for compliance with state or federal law or regulations. These sections do not apply to the actions of an appointed board or commission composed of nonelected volunteers, or basic administrative support provided to such a board, unless such support is provided by a government employee whose sole function is such support.

Additionally, the bill does not prohibit a county from doing any of the following:
- Recognizing or promoting federal or state holidays;
- Recognizing or promoting patriotic and national observances recognized by federal law;
- Recognizing or honoring the individuals and groups honored by state monuments and memorials, including recognizing the events forming the basis for such monuments and memorials; or
- Using equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

The bill provides that the sections may not be construed to conflict with:
- State or federal law protecting the right of males and females to restrooms and changing facilities corresponding to biological sex;
- State or federal law ensuring that victims of domestic violence and dependents have access to emergency shelters;
- State or federal law prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment;
- State or federal law ensuring males and females have access to public health services corresponding to biological sex; or

[25] BLACKS LAW DICTIONARY (12th ed. 2024).
[26] *Id*.

- Any other state or federal laws recognizing the inherent biological differences between makes and females for the purpose of ensuring their health, safety, and welfare.

Section 3 creates s. 287.139, F.S., to provide that any potential recipient of a county or municipal contract or grant must certify before such award that they do not and will not use local government funds to require employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials related to diversity, equity, and inclusion, as defined above.

The bill takes effect 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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 125.595, 166.04971, and 287.139.

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 Yarborough

4-00723B-26 20261134__

A bill to be entitled

An act relating to official actions of local governments; creating ss. 125.595 and 166.04971, F.S.; defining terms; prohibiting counties and municipalities, respectively, from funding or promoting or taking official action as it relates to diversity, equity, and inclusion; providing that certain ordinances, resolutions, rules, regulations, programs, and policies are void; prohibiting counties and municipalities, respectively, from expending funds for diversity, equity, and inclusion offices or for diversity, equity, and inclusion officers; providing that a county commissioner, a member of the governing body of a municipality, or any other county or municipal official acting in an official capacity who violates certain provisions commits misfeasance or malfeasance in office; authorizing a cause of action against counties and municipalities, respectively; authorizing a court to enter a judgment awarding certain relief, damages, and costs; providing construction and applicability; creating s. 287.139, F.S.; requiring potential recipients of county or municipal contracts or grants to make a certain certification to the county or municipality before being awarded such contract or grant; providing an effective date.

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

4-00723B-26 20261134__

Section 1. Section 125.595, Florida Statutes, is created to read:

125.595 Prohibition of official actions of counties relating to diversity, equity, and inclusion; penalty; remedy.—

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

(a) "Diversity, equity, and inclusion" means any effort to:

1. Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;

2. Promote or provide preferential treatment or special benefits to a person or group based on that person's or group's race, color, sex, ethnicity, gender identity, or sexual orientation; or

3. Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(b) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a county which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(c) "Diversity, equity, and inclusion officer" means a person who is a full-time or part-time employee of, or an independent contractor contracted by, a county whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(2) A county may not fund or promote, directly or indirectly, or take any official action, including, but not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies, as it relates to diversity, equity, and inclusion. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

(3) A county may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity, equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) A county commissioner or other county official acting in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) An action in circuit court may be brought by a resident of the county against a county that violates this section. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.

(6)(a) This section does not prohibit any official action by a county required for compliance with state or federal laws

or regulations.

(b) This section does not prohibit a county from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments and memorials authorized by chapter 265 or recognizing the events forming the basis for such monuments or memorials.

(c) This section does not prohibit the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring

males and females have access to public health services corresponding to their biological sex.

5. Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

(7) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a county employee whose sole function is the provision of such administrative support.

Section 2. Section 166.04971, Florida Statutes, is created to read:

166.04971 Prohibition of official actions of municipalities relating to diversity, equity, and inclusion; penalty; remedy.—

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

(a) "Diversity, equity, and inclusion" means any effort to:

1. Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;

2. Promote or provide preferential treatment or special benefits to a person or group based on that person's or group's race, color, sex, ethnicity, gender identity, or sexual orientation; or

3. Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex,

ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(b) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a municipality which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(c) "Diversity, equity, and inclusion officer" means a person who is a full-time or part-time employee of, or an independent contractor contracted by, a municipality whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(2) A municipality may not fund or promote, directly or indirectly, or take any official action, including, but not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies, as it relates to diversity, equity, and inclusion. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

(3) A municipality may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity,

equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) Any member of the governing body of a municipality or other municipal official acting in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) An action in circuit court may be brought by a resident of the municipality against a municipality that violates this section. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.

(6)(a) This section does not prohibit any official action by the governing body of a municipality required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a municipality from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments and memorials authorized by chapter 265 or recognizing the events forming the basis for such monuments or memorials.

(c) This section does not prohibit the use of equal opportunity or equal employment opportunity materials designed

to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

(7) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a municipal employee whose sole function is the provision of such administrative support.

Section 3. Section 287.139, Florida Statutes, is created to read:

287.139 Prohibition against using diversity, equity, and inclusion material.—A potential recipient of a county or

municipal contract or grant shall certify to the county or municipality, as applicable, before being awarded such contract or grant that the potential recipient does not and will not use county or municipal funds in requiring its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials relating to diversity, equity, and inclusion as defined in ss. 125.595(1) and 166.04971(1).

Section 4. This act shall take effect January 1, 2027.

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

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 12, 2026

I respectfully request that **Senate Bill #1134**, relating to Official Actions of Local Governments, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Clay Yarborough

Senator Clay Yarborough
Florida Senate, District 4

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/3/25
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Letitia Harmon

Phone

Address 18800 Biscayne Blvd
Street

Email

Miami FL 33161
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Rising

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-3-26
Meeting Date

Community Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara Devane

Phone

Address 625 E. Brevard St
Street

Email

Tallahassee FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FL NOW

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26
Meeting Date

Com. Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address on file
Street

Email aarond@flfamily.org

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Family Voice

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Feb. 3, 2024
Meeting Date

Senate Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Erika Rembert Smith

Phone 407-697-0761

Address 2297 Lake Francis Drive
Street

Email reverembert@gmail.com

Apopka FL 32712
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26
Meeting Date

Community Affairs
Committee

SB 134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Derrick Scott

Phone (917) 334 1590

Address 9005 Fl Matador Place
Street

Pensacola FL 32506
City State Zip

Email dscott1590@outlook.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-3-26
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Devon Graham

Phone

Address
Street

Email

City State 32309 Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.
Volunteer of American Atheists.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Feb 3, 2026
Meeting Date

SB 1134
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Christopher McKee, J.S.

Phone (330) 647-0641

Address 55 Sanderson Drive
Street

Email

Saint Johns FL 32259
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2.3.26	SB 1134
Meeting Date	Bill Number or Topic
Community Affairs	
Committee	Amendment Barcode (if applicable)

Name Kara Gross

Phone 786-363-4436

Address 4343 West Flagler St.
Street

Email kgross@aclufl.org

Miami FL 32312
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
American Civil Liberties Union of Florida

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

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

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Comments Affairs

375

3:30-5:31

The Florida Senate

APPEARANCE RECORD

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2/3/26
Meeting Date

Community Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Anthony Verdugo - Christian Family Coalition

Phone 786-447-6431

Address 8567 SW 24th St.
Street

Email averdugo@cfcflorida.net

Miami FL 33155
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/2026
Meeting Date

Community affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colten Taylor

Phone

Address
Street

Email

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/2026
Meeting Date

1134
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Dianne Williams-Cox

Phone 850 556 0627

Address 2312 Mavis Circle
Street

Email dwms1@gmail.com

Tall FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26
Meeting Date

Community Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Rev Dr Russell Meyer Phone

Address Street

Email

Tampa FL 33607
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26
Meeting Date

Community Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address PO Box 650216
Street

Email JohnLabriola@cfcflorida.net

Miami FL 33265
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Christian Family Coalition Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

21/03/2026
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ailin Cano

Phone 786-333-2794

Address
Street

Email

Tallahassee FL 32304
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/2026
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jacquelyn C. Steele

Phone (850) 759-1343

Address 5024 Bradfordville Rd
Street

Email jacquelyn@equal-ground.com

Tallahassee FL 32309
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Feb. 2 2026
Meeting Date

Committee Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Od'Shan Whitfield Phone

Address Email

Street

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/26
Meeting Date

SB 1134
Bill Number or Topic

Community Affairs
Committee

Amendment Barcode (if applicable)

Name Larry Colleton

Phone 321-287-3507

Address 10648 Spring Buck Trail
Street

Email Lhcolleton222@gmail.com

Orlando FL 32825
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02.03.2026
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Derek Triplett

Phone 386-214-8474

Address 437 Mohawk Terrace
Street

Email triplett.derek@gmail.com

Lake Mary FL 32746
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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02/03/26
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allison Clark

Phone 217-493-8935

Address 475 Lake Shadow Circle #6207
Street

Email AMClark17@gmail.com

Maitland FL 32751
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/2026
Meeting Date

Senate Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kiaira Nixon

Phone 904-422-1005

Address 424 E. Central Blvd
Street

Email Kay.nixon13@gmail.com

Orlando, FL 32801
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Equal Ground.

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/26
Meeting Date

S. Cmty. Aff.
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Phone

Address 201 E. Park Ave.
Street

Email

TLH FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Equality Florida

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

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

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S-001 (08/10/2021)

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2/3/26
Meeting Date

Community Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ashe Bradley

Phone 850 320 7786

Address
Street

Email

Tampa FL 33615
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

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2/3/26
Meeting Date

Community Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dorinda Nance

Phone (773)504-5492

Address 2138 Stiles Pond Ct
Street

Email LLCamg1989@aol.com

Tallahassee FL 32303
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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2/3/26
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jonathan Webber

Phone 954-593-4449

Address P.O. Box 1018
Street

Email Jonathan.Webber@splcenter.org

Tallahassee FL 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
SPLC

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

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

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S-001 (08/10/2021)

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2/3/26
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Jaroch (Jarósh) Phone 202-716-8087

Address 214 Massachusetts Ave NE Email Karen.jaroch@heritageaction.com
Street

Washington DC 20002
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Heritage Action

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

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

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The Florida Senate

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Feb 3, 2026
Meeting Date

Community Affairs
Committee

SB 1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jihk Lewis

Phone 850-259-4735

Address 109 Cedar Ridge Way
Street
Niceville FL 32578
City State Zip

Email pats24u@icloud.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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Senate professional staff conducting the meeting

02/03/26
Meeting Date

SB 1134
Bill Number or Topic

Community Affairs
Committee

Amendment Barcode (if applicable)

Name Julius Rios

Phone 850 508 2904

Address 1028 San Luis Rd.
Street

Email riosfamily@usa.net

Tallahassee FL 32304
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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Senate professional staff conducting the meeting

2/3/26
Meeting Date

1134
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Isabella Rodriguez

Phone 305 300 5093

Address 12903 SW 60 LN
Street

Email IRodriguez@ccdf usa.com

Miami FL 33175
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26
Meeting Date

Community Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
National Latina Advocacy Institute for Reproductive Justice
FL Center for Fiscal & Economic Policy

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-3-26
Meeting Date

Community Affairs
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

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

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2-3-26
Meeting Date

Community Affair
Committee

1134
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jerry McIntosh

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

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 1320
INTRODUCER:	Senator Martin
SUBJECT:	Tax Referenda
DATE:	February 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Favorable**
2.			BI	
3.			RC	

I. Summary:

SB 1320 requires a local government spending analysis developed by the Department of Financial Services (department) to be included on a county referendum proposing an increase in taxes, if the department has created such an analysis.

"Local government spending analysis" is defined by the bill as a statement prepared by the department or one of its agencies analyzing the spending of a county government.

The bill grants the department rulemaking authority to implement the newly created section, including standards and requirements for the local government spending analysis.

The bill takes effect July 1, 2026.

II. Present Situation:

Department of Financial Services

The head of the Department of Financial Services is the Chief Financial Officer who may also be known as the Treasurer.[1] The department includes the following divisions and responsibilities[2]:

- The Division of Accounting and Auditing promotes financial accountability for public funds throughout state government, provides comprehensive information regarding how state funds are expended, and manages payroll services for state employees.
- The Division of Administration oversees administrative support for the department including human resources, purchasing and contracts, emergency management and safety, mail and printing services, and property and facility management.

[1] Section 20.121, F.S.

[2] *Id.*; Office of Program Policy Analysis and Government Accountability, *Department of Financial Services*, https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=4103 (last visited Feb. 2, 2026).

- The Division of Consumer Services provides education, information, and assistance to consumers for products or services regulated by the department, or the Financial Services Commission, and serves as a mediator between consumers and insurance companies.
- The Division of Criminal Investigations conducts investigations related to insurance, workers' compensation, and public assistance fraud; fire, arson, and explosives; and the theft or misuse of state funds.
- The Division of Funeral, Cemetery, and Consumer Services licenses individuals and entities in the death care industry, regulates the activities of licensees, and provides information regarding the death care industry.
- The Division of Insurance Agent and Agency Services licenses individuals and entities authorized to transact insurance in Florida and investigates alleged violations of the Florida Insurance Code.
- The Division of Rehabilitation and Liquidation acts as the court-appointed receiver for insurers placed in receivership, takes actions necessary to correct the conditions that necessitated the receivership, and maximizes the value of the assets of the liquidated company.
- The Division of Risk Management ensures that participating state agencies are provided quality workers' compensation, liability, federal civil rights, and property insurance coverage at reasonable rates, and provides loss prevention services to state agencies and universities for managing risk.
- The Division of State Fire Marshal protects life, property, and the environment from the devastation of fire, and approves Florida's firefighter training curricula, provides training to emergency services providers, and certifies fire service members.
- The Division of Treasury ensures that state and local funds, deferred compensation contributions, and cash and other assets held for safekeeping by the Chief Financial Officer are accurately accounted for, completely invested, and protected.
- The Division of Unclaimed Property protects the rights of property owners by taking custody of and safeguarding lost, abandoned, and unknown assets, and returning them to the rightful owners or heirs.
- The Division of Workers' Compensation assists injured workers, employers, health care providers, and insurers in following the Florida workers' compensation rules and laws, and ensures that businesses have coverage in place for employees.

Pursuant to the State Constitution, the Chief Financial Officer is the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.[3] The State Constitution also provides that the Chief Financial Officer shall exercise such powers and perform such duties as may be prescribed by law.[4]

Local Option Taxes

Pursuant to Article VII, s. 1 of the State Constitution, no tax shall be levied except in pursuance of law. Article VII, s. 9(a) provides that counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by

[3] Art. IV, s. 4(c), Fla. Const.
[4] Art. IV, s. 4(a), Fla. Const.

general law to levy other taxes. The Legislature has granted counties the authority to levy a variety of optional taxes conditioned upon approval of the electorate voting in a referendum.

Tourist Development Tax

The Local Option Tourist Development Act[5] authorizes counties to levy five separate taxes on transient rental[6] transactions (tourist development taxes or TDTs) for specified purposes, all of which are generally related to the tourism industry.

Depending on a county's eligibility to levy such taxes, the maximum potential tax rate varies:

- The original TDT may be levied at the rate of 1 or 2 percent.[7]
- An additional 1 percent tax may be levied by counties who have previously levied the original TDT at the 1 or 2 percent rate for at least 3 years.[8]
- A high tourism impact tax may be levied at an additional 1 percent.[9]
- A professional sports franchise facility tax may be levied up to an additional 1 percent.[10]
- An additional professional sports franchise facility tax no greater than 1 percent may be imposed by a county that has already levied the professional sports franchise facility tax.[11]

TDTs are levied in 62 of 67 counties, and total rates range from 2 percent to 6 percent.[12]

Prior to the authorization of a new TDT, the levy must be approved by a countywide referendum held at a general election and approved by a majority of the electors voting in the county.[13] TDTs have no maximum period for which they may be levied, and no currently adopted TDT has a scheduled expiration date.[14]

Each county proposing to levy the original 1- or 2-percent tax must adopt an ordinance for the levy and imposition of the tax, which must include a plan for tourist development prepared by the tourist development council.[15] The plan for tourist development must include the anticipated net tax revenue to be derived by the county for the two years following the tax levy, as well as a list of the proposed uses of the tax and the approximate cost for each project or use.[16] The plan

[5] Section 125.0104, F.S.
[6] Section 125.0104(3)(a)1., F.S. considers "transient rental" to be the rental or lease of any accommodation for a term of six months or less.
[7] Section 125.0104(3)(c), F.S.
[8] Section 125.0104(3)(d), F.S.
[9] Section 125.0104(3)(m), F.S.
[10] Section 125.0104(3)(l), F.S. Revenue can be used to pay debt service on bonds for the construction or renovation of professional sports franchise facilities, spring training facilities or professional sports franchises, and convention centers and to promote and advertise tourism.
[11] Section 125.0104(3)(n), F.S.
[12] Office of Economic and Demographic Research, *2026 Local Option Tourist/Food and Beverage / Tax Rates in Florida's Counties*, *available at* https://edr.state.fl.us/Content/local-government/data/data-a-to-z/LOTTrates.xlsx (last visited Feb. 2, 2026).
[13] Section 125.0104(6), F.S.
[14] Office of Economic and Demographic Research, *Local Option Tourist Taxes - Summary of Impositions, Expirations, and Rate Changes*, *available at* https://www.edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm (last visited Feb. 2, 2026).
[15] Section 125.0104(4), F.S.
[16] Section 125.0104(4)(c), F.S.

for tourist development may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the governing board.[17]

Tourist Impact Tax; Areas of Critical State Concern

Counties containing a designated area of critical state concern[18] are authorized to create land authorities by ordinance[19] to "equitably deal with the challenges of implementing comprehensive land use plans developed pursuant to the area of critical state concern program, which challenges are often complicated by the environmental sensitivity of such areas."[20]

Any county creating a land authority may levy a tourist impact tax within the area or areas designated as an area of critical state concern.[21] However, if the area or areas of critical state concern are greater than 50 percent of the land area of the county, the tax may be levied throughout the entire county.[22] The tax must be levied by ordinance and takes effect after land development regulations and a local comprehensive plan that meet the requirements of ch. 380, F.S., take effect and the tax is approved by referendum held at a general election.[23]

The county is authorized to levy a 1 percent tax on each dollar on transient rental facilities within the applicable area.[24] The funds are used to buy property in the area of critical state concern and to offset the loss of ad valorem (property) taxes due to those land acquisitions.[25] Designated areas of critical state concern include the Big Cypress Area (mainly in Collier County), the Green Swamp Area in central Florida, the Florida Keys Area in south Florida, the Brevard Barrier Island Area in south Brevard County, and the Apalachicola Bay Area in Franklin County.[26]

Property Tax; Children's Services Independent Special District

In 1986, the Legislature authorized Florida counties to create children's services councils as countywide special districts to fund children's services throughout the county.[27] The county governing body must obtain approval, by a majority vote of those electors voting on the

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[17] Section 125.0104(4)(d), F.S. The provisions found in s. 125.0104(4)(a)-(d), F.S., do not apply to the additional 1% tax, high tourism impact tax, the professional sports franchise facility tax, or the additional professional sports franchise facility tax.
[18] The Areas of Critical State Concern Program, which was created by the Florida Environmental Land and Water Management Act of 1972, 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, *Areas of Critical State Concern Program*, https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern (last visited Feb. 2, 2026).
[19] Section 380.0663(1), F.S.
[20] Section 380.0661(1), F.S.
[21] Section 125.0108, F.S.
[22] *Id*.
[23] *Id.*
[24] Section 125.0108(1)(d), F.S.
[25] Office of Economic and Demographic Research, 2024 Local Government Financial Information Handbook (May 2025) 271-72 *available at* https://edr.state.fl.us/Content/local-government/reports/lgfih24.pdf (last visited Feb. 2, 2026) [hereinafter 2024 LGFIH].
[26] *Id.*
[27] Chapter 86-197, Laws of Fla.; s. 125.901(1), F.S.

question, to levy ad valorem taxes to fund children's services.[28] The levy may not exceed 0.5 mills.[29]

Ten counties currently have children's services councils organized as independent special districts.[30]

Children's services councils may exercise the following powers and functions:
- Provide and maintain preventive, developmental, treatment, rehabilitative, and other services for children;
- Provide funds to other agencies that operate for the benefit of children, with the exception of the public school system;
- Collect data and conduct research to determine the needs of the children in the county;
- Coordinate with providers of children's services to prevent duplication of services;
- Lease or buy necessary real estate, equipment, and personal property; and
- Employ and provide benefits for needed personnel.[31]

Discretionary Sales Surtax

Counties have been granted limited authority to levy discretionary sales surtaxes for specific purposes on all transactions occurring in the county subject to the state sales tax in ch. 212, F.S., and on communications services as defined in ch. 202, F.S.[32] A discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered into, and is levied in addition to the state sales and use tax of 6 percent.[33] The surtax does not apply to the sales price above $5,000 on any item of tangible personal property.[34]

Approved purposes for levying a surtax include:
- Operating a transportation system;[35]
- Financing local government infrastructure projects;[36]
- Providing additional revenue for specified small counties;[37]
- Providing medical care for indigent persons;[38]
- Funding trauma centers;[39]

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[28] *Id.*
[29] Section 125.901(3)(b), F.S.
[30] Fla. Dep't of Commerce, *Official List of Special Districts,* https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts (last visited Feb. 2, 2026).
[31] Section 125.901(2), F.S.
[32] Section 212.054(2)(a), F.S. The tax rates, duration of the surtax, method of imposition, and proceed uses are individually specified in s. 212.055, F.S. General limitations, administration, and collection procedures are set forth in s. 212.054, F.S.
[33] Section 212.054(2)(a), F.S.
[34] Section 212.054(2)(b), F.S.
[35] Section 212.055(1), F.S.
[36] Section 212.055(2), F.S.
[37] Section 212.055(3), F.S. Note that the small county surtax may be levied by extraordinary vote of the county governing board if the proceeds are to be expended only for operating purposes.
[38] Section 212.055(4)(a), F.S. (for counties with more than 800,000 residents); Section 212.055(7), F.S. (for counties with fewer than 800,000 residents).
[39] Section 212.055(4)(b), F.S.

- Operating, maintaining, and administering a county public general hospital;[40]
- Constructing and renovating schools;[41]
- Providing emergency fire rescue services and facilities; and [42]
- Funding pension liability shortfalls.[43]

Current rates range from 0.5% to 2.0% in each of the 66 counties currently levying one or more surtaxes.[44] Many of the levies have restrictions on what combination of taxes can be levied by a single county at one time.[45]

Most local discretionary sales surtaxes may only be approved by referendum, while some may be approved by a vote of the county commission.[46] Some of the surtaxes have set periods of time that they can be enacted for before requiring reenactment, others have no such specified time limit. For example, the Trauma Center Sales Surtax that may be levied for counties with a population of fewer than 800,000 residents expires 4 years after the effective date of the surtax, unless reenacted through a referendum.[47] On the other hand, the Charter County and Regional Transportation System Surtax in s. 212.055(1), F.S. is currently limited to 30 years if adopted on or after July 1, 2020.

Chapter 2018-118, s. 35, Laws of Florida., required that for all discretionary sales surtax referenda held on or after March 23, 2018, a performance audit by an independent certified public accountant must be conducted. Section 212.055(11)(c), F.S., defines this audit as "an examination of the program conducted according to applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies." At a minimum, the audit must examine issues related to:

- The economy, efficiency, or effectiveness of the program.
- The structure or design of the program to accomplish its goals and objectives.
- Alternative methods of providing program services or products.
- Goals, objectives, and performance measures used by the program to monitor and report program accomplishments.
- The accuracy or adequacy of public documents, reports, and requests prepared by the county or school district which relate to the program.
- Compliance of the program with appropriate policies, rules, and laws.[48]

The county holding a referendum for a discretionary sales surtax must provide a copy of the final resolution or ordinance for the surtax to the Office of Program Policy Analysis and Government

[40] Section 212.055(5), F.S.
[41] Section 212.055(6), F.S.
[42] Section 212.055(8), F.S.
[43] Section 212.055(9), F.S.
[44] Fla. Dep't of Revenue, *Discretionary Sales Surtax Information for Calendar Year 2026, Form DR-15DSS*, *available at* https://floridarevenue.com/Forms_library/current/dr15dss_26.pdf (last visited Feb. 2, 2026).
[45] *See, e.g.*, ss. 212.055(4)(a)6., 212.055(5)(f), and s. 212.055(9)(g), F.S.
[46] *See generally* s. 212.055, F.S.; *but see* s. 212.055(3), F.S. (small county surtax may be approved by extraordinary vote of the county governing authority as long as surtax revenues are not used for servicing bond indebtedness), and s. 212.055(5), F.S. (county public hospital surtax may be approved by extraordinary vote of the county commission).
[47] Section 212.055(4)(b)4., F.S.
[48] Section 212.055(11)(c), F.S.

Accountability (OPPAGA) at least 180 days before the referendum. The OPPAGA must procure the certified public accountant to conduct the performance audit within 60 days after receiving the final resolution or ordinance.[49] The results of the performance audit, including any findings, recommendations, or other accompanying documents must be completed and made available on the website of the county at least 60 days before the referendum and must be maintained on the website for at least 2 years.[50]

Local Option Fuel Taxes

Counties may levy a ninth-cent fuel tax (1 cent on every net gallon of motor sold within a county) if approved by extraordinary vote of its governing board or by voter referendum.[51] Beginning January 1, 1994, and as required by law, each county has levied within its jurisdiction the ninth-cent fuel tax on diesel fuel.[52]

Counties also may levy local option fuel taxes which include a tax of 1 to 6 cents on every net gallon of motor and diesel fuel sold within a county, and a tax of 1 to 5 cents on every net gallon of motor fuel (excluding diesel) sold within a county.[53] The latter tax on motor fuel may be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.[54] Beginning September 1, 1992, and as required by law, each county has levied within its jurisdiction the maximum 6 cents local option tax on diesel fuel.[55]

All impositions of the ninth-cent fuel tax or the local option fuel tax must be levied before October 1 of each year to be effective January 1 of the following year.[56] The Department of Revenue administers, collects, enforces, and distributes local option fuel taxes.[57] The funds are used for transportation expenditures.[58]

Referendum Procedures

The Florida Election Code provides the general requirements for a referendum.[59] The question presented to voters must contain a ballot summary with clear and unambiguous language, such that a "yes" or "no" vote on the measure indicates approval or rejection, respectively.[60] The ballot summary should explain the chief purpose of the measure and may not exceed 75 words.[61] The ballot summary and title must be included in the resolution or ordinance calling for the

[49] Section 212.055(11)(b), F.S.
[50] *Id.*
[51] Section 336.021(1)(a), F.S.
[52] Chapter 90-351, Laws of Fla.
[53] Section 336.025, F.S.
[54] Section 336.025(1)(b), F.S.
[55] Chapter 90-351, Laws of Fla.
[56] Section 336.025(1)(a)-(b), F.S.
[57] 2024 LGFIH, s*upra,* n. 25 at 201-204.
[58] *Id.*
[59] Section 101.161, F.S.
[60] Section 101.161(1), F.S.
[61] *Id*.

referendum.[62] For some discretionary sales surtaxes, the form of the ballot question is specified by statute.[63]

III. Effect of Proposed Changes:

The bill creates a new section of law, s. 17.326, F.S., to require a local government spending analysis developed by the Department of Financial Services (department) to be included in a county referendum proposing an increase in taxes, if the department has created such an analysis.

"Local government spending analysis" is defined by the bill as a statement prepared by the department or one of its agencies analyzing the spending of a county government.

The bill grants the department rulemaking authority to implement the newly created section, including standards and requirements for the local government spending analysis.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. However, the mandates requirements do not apply to laws having an insignificant impact,[64,65] which is $2.4 million or less for Fiscal Year 2026-2027.[66]

The fiscal impact of this bill has not yet been determined. Because the bill does not specify the criteria or situations when a local government spending analysis is required to be prepared, the standards for the analysis, or what a county must include on a referendum proposing an increase in taxes, the fiscal impact of this bill is not clear, though it is likely to require counties in some instances to expend additional funds for ballot printing and mailing. If the expenditures are determined to be below the insignificant impact threshold, then the mandates requirements will not apply.

If the bill does qualify as a mandate not meeting an exemption or exception, in order to be binding upon cities and counties, the bill must include a finding of important state interest and be approved by a two-thirds vote of the membership of each house.[67]

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[62] *Id*.
[63] *See, e.g.,* s. 212.055(2)(b), F.S.
[64] FLA. CONST. art. VII, s. 18(d).
[65] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Feb. 2, 2026).
[66] Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf (last visited Feb. 2, 2026).
[67] FLA. CONST. art. VII, s. 18(a).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article II, s. 3 of the State Constitution sets forth the basic concept of separation of powers. The Florida Supreme Court has stated that Article II, s. 3, "encompasses two fundamental prohibitions. The first is that no branch may encroach upon the powers of another . . . The second is that no branch may delegate to another branch its constitutionally assigned power."[68]

The Florida Supreme Court has said that under the nondelegation doctrine, the legislature is not free to delegate as much of its law-making powers to an agency as it deems expedient.[69] Rather, primary policy decisions must be made by the legislature.[70] Article III, § 1 of the Florida Constitution states that "[t]he legislative power of the state shall be vested in a legislature of the State of Florida," meaning the legislative both enacts laws and declares what the law shall be.[71] Any attempted redelegation violates the Constitution.[72]

A delegation of authority is constitutional as long as the enabling statute establishes guidelines adequately limiting the scope of authority that may be exercised and does not involve another branch's core power.[73] In particular, these guidelines must be specific enough to enable a court to determine if the agency is carrying out the legislature's intent: "When legislation is so lacking in guidelines that neither the agency nor the courts can determine whether the agency is carrying out the intent of the legislature in its conduct, then, in fact, the agency becomes the lawgiver rather than the administrator of the law."[74]

In *State v. Atlantic Coast Line R. Co.*, the Florida Supreme Court stated that the core functions that cannot be shared or delegated "are those so defined by the Constitution, or such as are inherent or so recognized by immemorial governmental usage, and [that] involve the exercise of primary and independent will, discretion, and judgment, subject

[68] *Chiles v. Children A, B, C, D, E, & F*, 589 So. 2d 260, 264 (Fla. 1991).
[69] *Askew v. Cross Key Waterways*, 372 So. 2d 913 (Fla. 1978).
[70] *Id.*
[71] *B.H. v. State*, 645 So. 2d 987 (Fla. 1994).
[72] *Id.*
[73] *See Askew v. Cross Key Waterways*, 372 So. 2d 913 (Fla. 1978).
[74] *Id.* at 918-919.

not to the control of another department, but only to the limitations imposed by the state and federal Constitutions."[75]

SB 1320 arguably does not meet the requirements for a constitutional delegation of authority because it does not provide adequate guidelines and because it grants the exercise of a core power of the Legislature to the Executive Branch.

SB 1320 provides a definition of a local government spending analysis, but otherwise provides no guidelines for the contents, length of the analysis, process for developing one, deadlines for preparing one, or the instances requiring the Department of Financial Services to prepare one. The department is allowed to choose when it will prepare one (Line 18: "If a local government spending analysis has been prepared . . ."), and is delegated the authority to adopt rules specifying the standards for one.

Additionally, no guidelines are provided for timeframes for providing the analysis to counties such that they can prepare to place it on a referendum. It is unknown whether the analysis will be a 75-word ballot statement or a multi-page report, so a county will face challenges in preparing to place the analysis on ballots for referenda. This lack of guidelines would not allow the department or a court to determine if the department is carrying out the intent of the Legislature expressed in SB 1320.

Further, Article VII of the State Constitution has vested the Legislature with the power to specify requirements for counties related to taxation, which makes it a core power. The department does not have the power to regulate county tax levies, including those levied pursuant to referendum. SB 1320 would allow the department to specify requirements in rule for what must be included in county tax referenda, despite the Legislature having articulated the standards for tax referenda in statute. This would arguably be another way that SB 1320 could be determined to be an unconstitutional delegation of power.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Counties may have additional costs for tax referenda, such as ballot printing costs, depending on if they are required to place a local government spending analysis on their referenda, and the standards that are developed by the department by rule for implementation of the bill.

[75] *State v. Atlantic Coast Line R. Co.*, 56 Fla. 617, 47 So. 969, 974 (Fla. 1908).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 17.326 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 Martin

33-00842B-26 20261320__

A bill to be entitled

An act relating to tax referenda; creating s. 17.326, F.S.; defining the term "local government spending analysis"; requiring a local government spending analysis be included on certain referenda; authorizing the Department of Financial Services to adopt rules; providing an effective date.

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

Section 1. Section 17.326, Florida Statutes, is created to read:

17.326 Local government spending analysis.—

(1) As used in this section, the term "local government spending analysis" means a statement prepared by the department, or an agency thereof, analyzing the spending of a county government.

(2) If a local government spending analysis has been prepared, such analysis must be included on any referendum proposing an increase in taxes levied by a county.

(3) The department may adopt rules to implement this section, including standards and requirements for a local government spending analysis.

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

The Florida Senate

APPEARANCE RECORD

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

2/3/26
Meeting Date

Community Affairs
Committee

SB 1320
Bill Number or Topic

Amendment Barcode (if applicable)

Name JEFF SCALA

Phone (727)637-4081

Address 100 S Monroe
Street

Email jscala@fl-counties.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Association of Counties

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

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

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

S-001 (08/10/2021)

02/03/26
Meeting Date

Community Affairs
Committee

The Florida Senate

APPEARANCE RECORD

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

1320
Bill Number or Topic

Amendment Barcode (if applicable)

Name HANNAH CHRISTIAN

Phone (850) 413-4938

Address 200 E GAINES ST
Street

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TALLAHASSEE FL 32399
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
CFO BLAISE INGOGLIA

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	CS/SB 1342
INTRODUCER:	Community Affairs Committee and Senator Rouson
SUBJECT:	Transportation Infrastructure Land Development Regulations
DATE:	February 4, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1342 creates the "Transit-Oriented Development Act," a framework for preempting how local governments approach zoning in the vicinity of transit stops.

Under the bill, a local government must adopt new zoning for all lots partly within one-half mile of a permanent transportation stop, authorizing mixed use residential and commercial development. For affected lots, a local government may not impose any limitation, restriction, or prohibition regarding any type of single-family or multifamily use, including maximum density or minimum dwelling unit size, and the bill provides limits on local land use regulations such as height, setbacks, and parking.

The bill contemplates standards for judicial proceedings under the bill, and entitles a prevailing plaintiff to attorney fees and costs. The bill also provides legislative intent and a framework for public investment in transit-oriented development zones.

The bill takes effect July 1, 2026.

II. Present Situation:

The Community Planning Act

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,[1] also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.[2] The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.[3] A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address "the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction."[4]

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within three years after the date of incorporation.[5] The county comprehensive plan controls until a municipal comprehensive plan is adopted.[6]

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.[7]

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[8]

Each county and municipality must adopt and enforce land development regulations which are consistent with and implement their adopted comprehensive plan.[9] Local governments are encouraged to use innovative land development regulations[10] and may adopt measures for the

[1] *See* ch. 85-55, s. 1, Laws of Fla.
[2] *See* ch. 2011-139, s. 17, Laws of Fla.
[3] Section 163.3161(4), F.S.
[4] Section 163.3177(6)(f)1.g., F.S.
[5] Section 163.3167(3), F.S.
[6] *Id*.
[7] Section 163.3202, F.S.
[8] Section 163.3164, F.S.
[9] Section 163.3202, F.S.
[10] Section 163.3202(3), F.S.

purpose of increasing affordable housing using land-use mechanisms.[11] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[12]

Sovereign Immunity

Sovereign immunity is "[a] government's immunity from being sued in its own courts without its consent."[13] The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows: A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.[14]

Article X, s. 13 of the Florida Constitution authorizes the Legislature to enact laws that permit suits against the State and its subdivisions, thereby waiving sovereign immunity. Currently, Florida law allows tort lawsuits against the State and its subdivisions[15] for damages that result from the negligence of government employees acting in the scope of their employment, but limits payment of judgments to $200,000 per person and $300,000 per incident.[16] This liability exists only where a private person would be liable for the same conduct.[17] Harmed persons who seek to recover amounts in excess of these limits may request that the Legislature enact a claim bill to appropriate the remainder of their court-awarded judgment.[18] Article VII, s. 1(c) of the Florida Constitution prohibits funds from being drawn from the State Treasury except in pursuance of an appropriation made by law. However, local governments and municipalities are not subject to this provision, and therefore may appropriate their local funds according to their processes.

III. Effect of Proposed Changes:

The bill creates s. 163.32035, F.S., the "Transit-Oriented Development Act." The bill presents a wide-ranging zoning preemption requiring a framework of special zoning areas encouraging development surrounding transit infrastructure.

The bill requires that by December 1, 2026, counties and municipalities adopt an ordinance establishing two tiers of transit-oriented development (TOD) zones, each with specific requirements and limitations on regulation. This area encompasses any lot partly within one-half

[11] Sections 125.01055 and 166.04151, F.S.
[12] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[13] BLACK'S LAW DICTIONARY (11th ed. 2019).
[14] *Cauley v. City of Jacksonville,* 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawananakoa v. Polyblank*, 205 U.S. 349, 353 (1907).
[15] Section 768.28(2), F.S., defines "state agencies or subdivisions" to include "executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority."
[16] Section 768.28, F.S.
[17] Section 768.28(1), F.S.
[18] Section 768.28(5)(a), F.S. *See also*, s. 11.066, F.S., which states that state agencies are not required to pay monetary damaged under a court's judgment except pursuant to an appropriation made by law.

mile of a permanent transportation stop.[19] Once TOD zones are established, they may not be reduced or eliminated, including following the closure of the permanent public transit stop which created the zone.

The local government must zone all lots within any of the zones for mixed use. For affected lots, a local government may not impose any limitation, restriction, or prohibition regarding any type of single-family or multifamily use, including maximum density or minimum dwelling unit size beyond those required by the Florida Building Code.

Additionally, a local government may not impose a regulation that prohibits, limits, or otherwise restricts residential or commercial development on any lot that contains historic property except regulations related to building design elements otherwise permitted by law, or regulations to restrict demolition or alteration of a structure or building that is individually listed in the National Register of Historic Places, or a contributing structure within a historic district listed before January 1, 2000.

Any lot partly or wholly within a one-quarter mile radius of a permanent public transit stop is included in the "Tier 1 TOD zone." For any lot within such a zone, a local government may not impose any of the following land use regulations:

- A maximum building height of less than 8 stories or 85 feet, or less than 4 stories or 45 feet for lots adjacent to a single-family home.
- A maximum floor area ratio for residential use of less than 6.0, or less than 3.0 for lots adjacent to a single-family home.
- A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for lots adjacent to a single-family home.
- Any minimum setback requirement for the side, front, and rear property lines.
- A requirement that greater than 10 percent of the lot area be reserved for open space or permeable surface.
- A required minimum number of parking spaces.

Maximum building heights and floor area ratios specified above are doubled for a lot located at least partly within a county with a population exceeding 800,000, or within a municipality with a population exceeding 75,000.

Any lot partly or wholly within a one-half mile radius of a permanent public transit stop and not included in Tier 1 is included in the "Tier 2 TOD zone." For any lot within such a zone, a local government may not impose any of the following:

- A maximum building height of less than 4 stories or 45 feet, or less than 3 stories or 35 feet for lots adjacent to a single-family home.
- A maximum floor area ratio for residential use of less than 3.0, or less than 2.0 for lots adjacent to a single-family home.
- A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for lots adjacent to a single-family home.
- Any minimum setback requirement for the side, front, and rear property lines.

[19] To include a stop or station for a bus rapid transit service, a rail service, a commuter rail service, an intercity rail, or a fixed-guideway transportation system.

- A requirement that greater than 20 percent of the lot area be reserved for open space or permeable surface.
- A required minimum number of parking spaces.

Maximum building heights and floor area ratios specified above are doubled for a lot located at least partly within a county with a population exceeding 800,000, or within a municipality with a population exceeding 75,000.

A property owner or housing association may maintain a cause of action for damages for regulations adopted in violation of the bill. In such a proceeding the bill provides that a court may intervene to prevent a violation of the bill, and entitles a prevailing plaintiff to recover reasonable attorney fees and costs.

The bill provides that a public transit provider[20] is encouraged to develop land within Tier 1 and Tier 2 TOD zones. Net proceeds from such development shall be kept in the public transit agency's fund for operations, maintenance, and capital improvements. Public agencies such as local governments are also encouraged to develop such land, and to transfer a portion of net proceeds to the public transit agency's fund for operations, maintenance, and capital improvements.

The bill also amends s. 163.3164(49), F.S., to revise the community planning act's definition of "transit-oriented development.[21]" The current definition includes projects in areas identified in a local government comprehensive plan served by existing or planned transit service, which shall be compact, moderate to high density developments of mixed-use character designed to support certain transit options. The bill revises this to remove the requirement that such areas be identified in a comprehensive plan (as the bill requires them to be recognized via ordinance), notes that they may be high intensity as well as density in character, and expounds upon applicable transit systems to specify rail includes both commuter and intercity.

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.

[20] The bill refers to s. 341.031(1), F.S., defining the term as a public agency providing public transit service, including rail authorities.

[21] The term "transit-oriented development" is not actually utilized within the community planning act, though the concept may be utilized by local governments' comprehensive plans.

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, negative fiscal impact as local governments reconfigure their entire framework of zoning and land use regulations. This includes the requirement that each local governments adopt ordinances, policies, and potentially conforming comprehensive plan amendments, as well as long-term reaction in terms of infrastructure to areas made accessible to far greater development than prior to the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 163.3164 of the Florida Statutes.
This bill creates section 163.32035 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.)

Committee Substitute by Community Affairs on February 3, 2026:
The committee substitute:

- Refines the definition of "transit-oriented development" within the Community Planning Act to comport with the Transit-Oriented Development Act;
- Amends various definitions used in the bill;

- Expounds on allowable commercial uses in mixed use TOD zones;
- Deletes provisions regarding rural transit zones, simplifying the framework to TOD zones only;
- Includes an exception to preemption related to historic properties to allow regulations related to building design elements; and
- Removes provisions creating judicial standards for proceedings under the bill, and waiving sovereign immunity.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (49) of section 163.3164, Florida Statutes, is amended to read:

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

(49) "Transit-oriented development" or "TOD" means a project or projects~~,~~ in areas ~~identified in a local government~~

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~~comprehensive plan,~~ that are ~~is~~ or will be served by existing or planned transit service. These ~~designated~~ areas must allow ~~shall be~~ compact, moderate to high density or intensity developments~~,~~ of mixed-use character which are~~, interconnected with other land uses,~~ bicycle and pedestrian friendly~~,~~ and designed to support or allow the use ~~frequent transit service operating through~~, collectively or separately, of any of the following:

(a) A bus rapid transit service as defined in s. 163.32035(3)(d).

(b) A commuter rail service as defined in s. 341.301.

(c) An intercity rail transportation system as defined in s. 341.301.

(d) A fixed-guideway transportation system as defined in s. 341.031(2).

(e) A streetcar system.

(f) A bus system ~~rail, fixed guideway, streetcar, or bus systems~~ on dedicated facilities or available roadway connections.

Section 2. Section 163.32035, Florida Statutes, is created to read:

163.32035 Transit-Oriented Development Act.—The Transit-Oriented Development Act is created to make homeownership, renting, and leasing more affordable for the residents of this state and reduce chronic traffic congestion for the residents of this state, by increasing the supply of housing and allowing more residential and commercial development near transit infrastructure.

(1) This section may be cited as the "Transit-Oriented Development Act" or the "TOD Act."

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(2) The Legislature finds that:

(a) The median price of homes in this state increased steadily in the decade preceding 2026, rising at a greater rate of increase than the median income in this state.

(b) There is a housing shortage in this state which has caused the costs of homeownership, renting, and leasing to often exceed an amount that is affordable for residents of this state.

(c) There is chronic traffic congestion on roadways in this state which constrains economic activity across this state.

(d) The housing shortage and chronic traffic congestion constitute threats to the health, safety, and welfare of the residents of this state and are caused, to a significant extent, by regulations imposed by local governments without a compelling governmental interest relating to transit-oriented development.

(e) Such regulations substantially burden the basic rights under the State Constitution to acquire, possess, and protect property and inhibit the construction of transit-oriented development.

(f) Constructing housing near transit infrastructure, such as rail systems and rapid transit systems, will minimize the traffic congestion caused by new residents and maximize state and local government investments in transit infrastructure.

(g) The important public purpose sought to be achieved by allowing an increase in residential and commercial development near transit infrastructure is to increase the supply of housing near transit infrastructure and reduce chronic traffic congestion, which will make homeownership, renting, and leasing more affordable for residents of this state, increase economic activity across this state, and maximize state and local

government investments in transit infrastructure.

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

(a) "Adjacent" means that two lots share more than one point of a property line. Lots are not adjacent if separated by a body of water, including manmade lakes or ponds, or by a public easement or other right-of-way, including roads, railroads, or canals.

(b) "Adjacent to a single-family home" means adjacent to a lot that is one of at least 25 contiguous residential lots, all of which contain single-family detached homes on the date a development application is submitted.

(c) "Building height" means the number of stories or the number of feet measured above grade or, if applicable, above the base flood elevation established by the Federal Emergency Management Agency.

(d) "Bus rapid transit service" means a bus service with headways of 15 minutes or less during peak periods which operates in business access and transit lanes or in a right-of-way or lanes dedicated for public transit. If a bus service meets the criteria of this paragraph for one or more parts, but not all, of its route, the term includes only the parts of the route which meet the criteria. As used in this paragraph, the term "dedicated for public transit" means dedicated for at least 4 hours per business day. The term "business day" means all calendar days except Saturdays, Sundays, and holidays under s. 110.117(1).

(e) "By right" means administrative approval by a local government of a development application that objectively complies with applicable zoning regulations and for which the

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local government may not impose a public hearing; any action by a governing body, reviewing body, or quasi-judicial body; a variance; a conditional use permit, special permit, or special exception; or any other discretionary regulation.

(f) "Compelling governmental interest" means a governmental interest of the highest order which cannot be achieved through less restrictive means. A compelling governmental interest must have a real and substantial connection to protecting public safety, health, or reasonable enjoyments and expectations of property, such as requiring structural integrity, safe plumbing, or safe electricity of buildings, or preventing and abating nuisances.

(g) "Development" has the same meaning as in s. 380.04(1) and includes the division of a parent parcel into two or more lots.

(h) "Development application" means an application for approval of any of the following:

1. A lot split or subdivision.

2. A plat or replat.

3. A development bonus for additional height, density, or floor area ratio.

4. The demolition of an existing structure, if the demolition objectively complies with applicable regulations.

5. Any other development order or development permit as those terms are defined in s. 163.3164, except for building permits.

(i) "Eligible lot" means a lot that is:

1. Zoned for residential, commercial, industrial, or mixed use; or

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2. Partly or wholly located within a flexibly zoned area where development is permitted for a use thereof,

and is not located within an area of critical state concern designated pursuant to s. 380.05.

(j) "Impose" means request or adopt, enact, establish, maintain, enforce, mandate, compel, force, or otherwise require.

(k) "Local government" means a county, municipality, or special district.

(l) "Lot" means a parcel, tract, tier, block, site, unit, or any other division of land.

(m) "Nuisance" means persistent activity that injures the physical condition or interferes with the use of adjacent land, is injurious to health or safety, or objectively offends the senses.

(n) "Objectively" means in a way that involves no personal or subjective judgment by a public official and that is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the local government and the development applicant, development proponent, or property owner, as applicable.

(o) "Parent parcel" means the original lot from which subsequent lots are created.

(p) "Permanent public transit stop" means a stop or station for passenger use of a bus rapid transit service, a commuter rail service as defined in s. 341.301, an intercity rail transportation system as defined in s. 341.301, a fixed-guideway transportation system as defined in s. 341.031(2), or a streetcar system. The term does not include any of the

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following:

1. A stop or station for a people-mover system in a public-use airport as defined in s. 332.004.

2. A stop or station that is used exclusively for a freight rail service as defined in s. 343.545(1).

3. A stop or station in a rural community as defined in s. 288.0656(2) for an intercity rail transportation system.

(q) "Population" means, for a county or municipality, the highest of the following population estimates:

1. The most recent decennial United States Census.

2. The most recent United States Census Bureau American Community Survey 5-year estimate.

3. The most recent United States Census Bureau American Community Survey 1-year estimate.

(r) "Regulation" means a comprehensive plan, a development order, or a land development regulation as those terms are defined in s. 163.3164 or any other local government ordinance, resolution, policy, action, procedure, condition, guideline, development agreement, or land development code.

(s) "Tier 1 TOD zone" means the area of all eligible lots partly or wholly within a one-quarter mile radius of a permanent public transit stop.

(t) "Tier 2 TOD zone" means the area of all eligible lots partly or wholly within a one-quarter mile to one-half mile radius of a permanent public transit stop, excluding any eligible lot within a Tier 1 TOD zone.

(u) "Transit-oriented development" or "TOD" has the same meaning as in s. 163.3164.

(4)(a)1. By December 1, 2026, the governing body of each

county or municipality shall adopt an ordinance, and the governing body of each special district shall adopt a resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones for each permanent public transit stop that was open for public use within the local government's jurisdiction during at least one day between January 1, 2026, and July 1, 2026, or that received a notice to proceed for construction within the local government's jurisdiction before July 1, 2026. By December 1, 2026, the local government shall incorporate TOD zones into its comprehensive plan, notwithstanding s. 163.3184, land development regulations, and any other applicable regulations.

2. After December 1, 2026, the governing body of each county or municipality shall adopt an ordinance, and the governing body of each special district shall adopt a resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones for each permanent public transit stop that opens for public use within the local government's jurisdiction after July 1, 2026, or that receives a notice to proceed for construction within the local government's jurisdiction after July 1, 2026. The local government shall establish such TOD zones within 6 months after the permanent public transit stop opens for public use or receives a notice to proceed for construction, whichever occurs first.

(b)1. In addition to other existing and lawful uses, the local government shall zone all eligible lots located within a Tier 1 TOD zone or a Tier 2 TOD zone for mixed use. For purposes of this subparagraph, the term "mixed use" means that single-family and multifamily residential use, commercial use, and a combination thereof are allowable uses by right, and the term

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"commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto, including, but not limited to, retail sales and services; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; hotels as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. The term "commercial use" does not include:

a. Home-based businesses or cottage food operations undertaken on residential property, vacation rentals as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis; or

b. Farms or farm operations as those terms are defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises.

2. In Tier 1 TOD zones, a local government may not impose regulations that require any of the following:

a. A maximum building height of less than 8 stories or 85 feet, or less than 4 stories or 45 feet for eligible lots adjacent to a single-family home.

b. A maximum floor area ratio for residential use of less than 6.0, or less than 3.0 for eligible lots adjacent to a single-family home.

c. A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

d. Any minimum setback requirement for the side, front, and rear property lines.

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e. A requirement that greater than 10 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces.

The maximum building heights and floor area ratios specified in this subparagraph are doubled for any eligible lot located partly or wholly within a county with a population that exceeds 800,000 or within a municipality with a population that exceeds 75,000.

3. In Tier 2 TOD zones, a local government may not impose regulations that require any of the following:

a. A maximum building height of less than 4 stories or 45 feet, or less than 3 stories or 35 feet for eligible lots adjacent to a single-family home.

b. A maximum floor area ratio for residential use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

c. A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

d. Any minimum setback requirement for the side, front, or rear property lines.

e. A requirement that greater than 20 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces.

The maximum building heights and floor area ratios specified in this subparagraph are doubled for any eligible lot located partly or wholly within a county with a population that exceeds

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800,000 or within a municipality with a population that exceeds 75,000.

4. For an eligible lot within a Tier 1 TOD zone or Tier 2 TOD zone, a local government may not impose any of the following:

a. Any limitation, restriction, or prohibition on single-family or multifamily dwellings.

b. A maximum density, including, but not limited to, a maximum number of dwelling units per lot or per acre.

c. A minimum size for dwellings or dwelling units greater than that required by the Florida Building Code.

(c) A TOD zone established pursuant to this subsection may not be reduced or eliminated thereafter, including for the closure of a permanent public transit stop after the TOD zone is established.

(5) A local government may not impose a regulation that prohibits, limits, or otherwise restricts residential or commercial development authorized within a TOD zone under this section for any eligible lot that contains historic property as defined in s. 267.021, except:

(a) Regulations relating to building design elements which may be applied pursuant to s. 163.3202(5)(a)1.; or

(b) Regulations that prohibit, limit, or otherwise restrict demolition or alteration of a structure or building that is individually listed in the National Register of Historic Places or that is a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

(6)(a) A property owner or housing organization that is

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aggrieved or adversely affected by a regulation imposed by a local government in violation of this section may maintain a cause of action for damages in the county in which the property is located. As used in this paragraph, the term "housing organization" means a trade or industry group that constructs or manages housing units, a nonprofit organization that provides or advocates for increased access or reduced barriers to housing, or a nonprofit organization that is engaged in public policy research, education, or outreach that includes housing-policy-related issues.

(b)1. In a proceeding under this subsection, an aggrieved or adversely affected party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar. The court shall review the evidence de novo and enter written findings of fact based on the preponderance of the evidence that a local government has imposed a regulation in violation of this section.

2. An aggrieved or adversely affected party shall prevail in an action filed under this subsection unless the local government demonstrates to the court by clear and convincing evidence that the regulation is:

a. In furtherance of a compelling governmental interest; and

b. The least restrictive means of furthering the compelling governmental interest.

(c) The court may do any of the following:

1. Enter a declaratory judgment as provided by chapter 86.

2. Issue a writ of mandamus.

3. Issue an injunction to prevent a violation of this

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section.

4. Remand the matter to the land development regulation commission for action consistent with the judgment.

(d) A prevailing plaintiff is entitled to recover reasonable attorney fees and costs, including reasonable appellate attorney fees and costs.

(7) Sovereign immunity is waived for local governments to the extent that liability is created under this section.

(8) A public transit provider as defined in s. 341.031(1) is encouraged to develop land within Tier 1 and Tier 2 TOD zones in accordance with this section. Any net proceeds from such development shall be kept in the public transit agency's fund for operations, maintenance, and capital improvements. Public agencies, such as the Department of Transportation and local governments, are also encouraged to develop the land within Tier 1 and Tier 2 TOD zones in accordance with this section and to transfer a portion of the net proceeds to the public transit agency's fund for operations, maintenance, and capital improvements.

(9) The intent of this section is set forth in subsection (2). This section applies retroactively to any local government regulation that is contrary to this section or its intent. This section is remedial and shall be liberally construed to effectuate its intent. Any local government regulation contrary to this section is void and unenforceable to the extent that it conflicts with this section or its intent.

(10) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect any other provisions or applications of this section

219360

which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Section 3. 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 transportation infrastructure land development regulations; amending s. 163.3164, F.S.; revising the definition of the term "transit-oriented development"; creating s. 163.32035, F.S.; creating the "Transit-Oriented Development Act" for a specified purpose; providing a short title; providing legislative findings; defining terms; requiring the governing body of a county or municipality to adopt an ordinance, and the governing body of a special district to adopt a resolution, establishing specified transit-oriented development (TOD) zones by a certain date; requiring that such TOD zones be incorporated into the local government comprehensive plan and land development regulations; requiring the governing body of a county or municipality to adopt ordinances, and the governing body of a special district to adopt resolutions, establishing specified TOD zones for permanent public transit stops that open for public use or receive notices to proceed for construction

219360

after a specified date; requiring a local government to zone eligible lots within TOD zones for mixed use; defining the terms "mixed use" and "commercial use"; prohibiting a local government from imposing certain regulations in specified TOD zones; prohibiting the reduction or elimination of TOD zones after establishment; prohibiting a local government from imposing certain regulations for eligible lots that contain historic property; providing exceptions; providing a private cause of action for certain property owners and housing organizations; defining the term "housing organization"; specifying the procedure for such actions; authorizing the award of specified relief; providing that a prevailing plaintiff is entitled to attorney fees and costs; providing a waiver of sovereign immunity; encouraging public transit providers and public agencies to develop land within specified TOD zones; requiring that net proceeds from such development be kept in a specified fund for certain purposes; providing retroactive application; providing for liberal construction; preempting certain local government regulations; providing severability; providing an effective date.

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

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

Senate Amendment to Amendment (219360) (with title amendment)

Delete lines 49 - 356
and insert:

(d) Constructing housing near transit infrastructure, such as rail systems and rapid transit systems, will minimize the traffic congestion caused by new residents and maximize state and local government investments in transit infrastructure.

(e) The important public purpose sought to be achieved by

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allowing an increase in residential and commercial development near transit infrastructure is to increase the supply of housing near transit infrastructure and reduce chronic traffic congestion, which will make homeownership, renting, and leasing more affordable for residents of this state, increase economic activity across this state, and maximize state and local government investments in transit infrastructure.

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

(a) "Adjacent" means that two lots share more than one point of a property line. Lots are not adjacent if separated by a body of water, including manmade lakes or ponds, or by a public easement or other right-of-way, including roads, railroads, or canals.

(b) "Adjacent to a single-family home" means adjacent to a lot that is one of at least 25 contiguous residential lots, all of which contain single-family detached homes on the date a development application is submitted.

(c) "Building height" means the number of stories or the number of feet measured above grade or, if applicable, above the base flood elevation established by the Federal Emergency Management Agency.

(d) "Bus rapid transit service" means a bus service with headways of 15 minutes or less during peak periods which operates in business access and transit lanes or in a right-of-way or lanes dedicated for public transit. If a bus service meets the criteria of this paragraph for one or more parts, but not all, of its route, the term includes only the parts of the route which meet the criteria. As used in this paragraph, the term "dedicated for public transit" means dedicated for at least

4 hours per business day. The term "business day" means all calendar days except Saturdays, Sundays, and holidays under s. 110.117(1).

(e) "By right" means administrative approval by a local government of a development application that objectively complies with applicable zoning regulations and for which the local government may not impose a public hearing; any action by a governing body, reviewing body, or quasi-judicial body; a variance; a conditional use permit, special permit, or special exception; or any other discretionary regulation.

(f) "Development" has the same meaning as in s. 380.04(1) and includes the division of a parent parcel into two or more lots.

(g) "Development application" means an application for approval of any of the following:

1. A lot split or subdivision.

2. A plat or replat.

3. A development bonus for additional height, density, or floor area ratio.

4. The demolition of an existing structure, if the demolition objectively complies with applicable regulations.

5. Any other development order or development permit as those terms are defined in s. 163.3164, except for building permits.

(h) "Eligible lot" means a lot that is:

1. Zoned for residential, commercial, industrial, or mixed use; or

2. Partly or wholly located within a flexibly zoned area where development is permitted for a use thereof,

and is not located within an area of critical state concern designated pursuant to s. 380.05.

(i) "Impose" means request or adopt, enact, establish, maintain, enforce, mandate, compel, force, or otherwise require.

(j) "Local government" means a county, municipality, or special district.

(k) "Lot" means a parcel, tract, tier, block, site, unit, or any other division of land.

(l) "Objectively" means in a way that involves no personal or subjective judgment by a public official and that is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the local government and the development applicant, development proponent, or property owner, as applicable.

(m) "Parent parcel" means the original lot from which subsequent lots are created.

(n) "Permanent public transit stop" means a stop or station for passenger use of a bus rapid transit service, a commuter rail service as defined in s. 341.301, an intercity rail transportation system as defined in s. 341.301, a fixed-guideway transportation system as defined in s. 341.031(2), or a streetcar system. The term does not include any of the following:

1. A stop or station for a people-mover system in a public-use airport as defined in s. 332.004.

2. A stop or station that is used exclusively for a freight rail service as defined in s. 343.545(1).

3. A stop or station in a rural community as defined in s.

288.0656(2) for an intercity rail transportation system.

(o) "Population" means, for a county or municipality, the highest of the following population estimates:

1. The most recent decennial United States Census.

2. The most recent United States Census Bureau American Community Survey 5-year estimate.

3. The most recent United States Census Bureau American Community Survey 1-year estimate.

(p) "Regulation" means a comprehensive plan, a development order, or a land development regulation as those terms are defined in s. 163.3164 or any other local government ordinance, resolution, policy, action, procedure, condition, guideline, development agreement, or land development code.

(q) "Tier 1 TOD zone" means the area of all eligible lots partly or wholly within a one-quarter mile radius of a permanent public transit stop.

(r) "Tier 2 TOD zone" means the area of all eligible lots partly or wholly within a one-quarter mile to one-half mile radius of a permanent public transit stop, excluding any eligible lot within a Tier 1 TOD zone.

(s) "Transit-oriented development" or "TOD" has the same meaning as in s. 163.3164.

(4)(a)1. By December 1, 2026, the governing body of each county or municipality shall adopt an ordinance, and the governing body of each special district shall adopt a resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones for each permanent public transit stop that was open for public use within the local government's jurisdiction during at least one day between January 1, 2026, and July 1, 2026, or that

received a notice to proceed for construction within the local government's jurisdiction before July 1, 2026. By December 1, 2026, the local government shall incorporate TOD zones into its comprehensive plan, notwithstanding s. 163.3184, land development regulations, and any other applicable regulations.

2. After December 1, 2026, the governing body of each county or municipality shall adopt an ordinance, and the governing body of each special district shall adopt a resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones for each permanent public transit stop that opens for public use within the local government's jurisdiction after July 1, 2026, or that receives a notice to proceed for construction within the local government's jurisdiction after July 1, 2026. The local government shall establish such TOD zones within 6 months after the permanent public transit stop opens for public use or receives a notice to proceed for construction, whichever occurs first.

(b)1. In addition to other existing and lawful uses, the local government shall zone all eligible lots located within a Tier 1 TOD zone or a Tier 2 TOD zone for mixed use. For purposes of this subparagraph, the term "mixed use" means that single-family and multifamily residential use, commercial use, and a combination thereof are allowable uses by right, and the term "commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto, including, but not limited to, retail sales and services; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; hotels as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters;

tourist attractions; and other for-profit business activities. The term "commercial use" does not include:

a. Home-based businesses or cottage food operations undertaken on residential property, vacation rentals as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis; or

b. Farms or farm operations as those terms are defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises.

2. In Tier 1 TOD zones, a local government may not impose regulations that require any of the following:

a. A maximum building height of less than 8 stories or 85 feet, or less than 4 stories or 45 feet for eligible lots adjacent to a single-family home.

b. A maximum floor area ratio for residential use of less than 6.0, or less than 3.0 for eligible lots adjacent to a single-family home.

c. A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

d. Any minimum setback requirement for the side, front, and rear property lines.

e. A requirement that greater than 10 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces.

The maximum building heights and floor area ratios specified in this subparagraph are doubled for any eligible lot located

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partly or wholly within a county with a population that exceeds 800,000 or within a municipality with a population that exceeds 75,000.

3. In Tier 2 TOD zones, a local government may not impose regulations that require any of the following:

a. A maximum building height of less than 4 stories or 45 feet, or less than 3 stories or 35 feet for eligible lots adjacent to a single-family home.

b. A maximum floor area ratio for residential use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

c. A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

d. Any minimum setback requirement for the side, front, or rear property lines.

e. A requirement that greater than 20 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces.

The maximum building heights and floor area ratios specified in this subparagraph are doubled for any eligible lot located partly or wholly within a county with a population that exceeds 800,000 or within a municipality with a population that exceeds 75,000.

4. For an eligible lot within a Tier 1 TOD zone or Tier 2 TOD zone, a local government may not impose any of the following:

a. Any limitation, restriction, or prohibition on single-

family or multifamily dwellings.

b. A maximum density, including, but not limited to, a maximum number of dwelling units per lot or per acre.

c. A minimum size for dwellings or dwelling units greater than that required by the Florida Building Code.

(c) A TOD zone established pursuant to this subsection may not be reduced or eliminated thereafter, including for the closure of a permanent public transit stop after the TOD zone is established.

(5) A local government may not impose a regulation that prohibits, limits, or otherwise restricts residential or commercial development authorized within a TOD zone under this section for any eligible lot that contains historic property as defined in s. 267.021, except:

(a) Regulations relating to building design elements which may be applied pursuant to s. 163.3202(5)(a)1.; or

(b) Regulations that prohibit, limit, or otherwise restrict demolition or alteration of a structure or building that is individually listed in the National Register of Historic Places or that is a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

(6)(a) A property owner or housing organization that is aggrieved or adversely affected by a regulation imposed by a local government in violation of this section may maintain a cause of action for damages in the county in which the property is located. As used in this paragraph, the term “housing organization” means a trade or industry group that constructs or manages housing units, a nonprofit organization that provides or

advocates for increased access or reduced barriers to housing, or a nonprofit organization that is engaged in public policy research, education, or outreach that includes housing-policy-related issues.

(b) In a proceeding under this subsection, an aggrieved or adversely affected party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar. The court shall review the evidence de novo and enter written findings of fact based on the preponderance of the evidence that a local government has imposed a regulation in violation of this section.

(c) The court may do any of the following:

1. Enter a declaratory judgment as provided by chapter 86.

2. Issue a writ of mandamus.

3. Issue an injunction to prevent a violation of this section.

4. Remand the matter to the land development regulation commission for action consistent with the judgment.

(d) A prevailing plaintiff is entitled to recover reasonable attorney fees and costs, including reasonable appellate attorney fees and costs.

(7) A public transit provider as defined in s. 341.031(1) is encouraged to develop land within Tier 1 and Tier 2 TOD zones in accordance with this section. Any net proceeds from such development shall be kept in the public transit agency's fund for operations, maintenance, and capital improvements. Public agencies, such as the Department of Transportation and local governments, are also encouraged to develop the land within Tier 1 and Tier 2 TOD zones in accordance with this section and to

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transfer a portion of the net proceeds to the public transit agency's fund for operations, maintenance, and capital improvements.

(8) If any provision of this section or its application to

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

And the title is amended as follows:

Delete lines 403 - 410

and insert:

encouraging public transit providers and public agencies to develop land within specified TOD zones; requiring that net proceeds from such development be kept in a specified fund for certain purposes; providing severability; providing an

By Senator Rouson

16-01072A-26 20261342__

A bill to be entitled

An act relating to transportation infrastructure land development regulations; providing a short title; creating s. 163.32035, F.S.; providing legislative findings; defining terms; requiring the governing body of a county or municipality to adopt an ordinance, and the governing body of a special district to adopt a resolution, establishing specified transit-oriented development (TOD) zones and rural livable urban village (LUV) areas by a certain date; requiring a local government to zone for mixed use, and authorize certain commercial uses for, lots within TOD zones and rural LUV areas; defining the term "mixed use"; prohibiting a local government from imposing certain building regulations in specified TOD zones and rural LUV areas; prohibiting the reduction or elimination of TOD zones after establishment; prohibiting a local government from imposing certain regulations for lots that contain historic property; providing an exception; providing a private cause of action for certain real property owners and housing organizations; defining the term "housing organization"; specifying the procedure for such actions; authorizing the award of specified relief; providing that a prevailing plaintiff is entitled to attorney fees and costs; providing a waiver of sovereign immunity; encouraging public transit providers, public agencies, and local governments to develop land within specified TOD zones; requiring

16-01072A-26 20261342__

that net proceeds from such development be kept in a specified fund for certain purposes; providing an effective date.

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

Section 1. This act may be cited as the "Transit-Oriented Development Act" or the "TOD Act."

Section 2. Section 163.32035, Florida Statutes, is created to read:

163.32035 Land development regulations; regulation of housing near transportation infrastructure.—

(1) The Legislature finds that:

(a) The median price of homes in this state increased steadily in the decade preceding 2026, rising at a greater rate of increase than the median income in this state.

(b) There is a housing shortage in this state which has caused the costs of home ownership and renting to often exceed an amount that is affordable for residents of this state.

(c) There is chronic traffic congestion on roadways in this state which constrains economic activity across this state.

(d) The housing shortage and chronic traffic congestion constitute threats to the health, safety, and welfare of the residents of this state and are caused, to a significant extent, by land use and development regulations imposed by local governments without a compelling governmental interest relating to transit-oriented development.

(e) Such regulations substantially burden the basic rights under the State Constitution to acquire, possess, and protect

property and inhibit the construction of transit-oriented development and livable urban villages.

(f) The optimal location to construct housing is near transit infrastructure, such as rail systems and rapid transit systems, to minimize the traffic congestion of new residents and to maximize state investments in transportation.

(g) The public purpose sought to be achieved by allowing housing and commercial development near transit infrastructure and in livable urban villages is to increase the supply of housing near transit infrastructure and reduce chronic traffic congestion, thereby making homeownership and renting more affordable, increasing economic activity across this state, and maximizing state investments in transportation.

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

(a) "Adjacent" means that two lots share more than one point of a property line. Lots are not adjacent if separated by a body of water, including manmade lakes or ponds, or by a public easement or other right-of-way, including roads, railroads, or canals.

(b) "Adjacent to a single-family home" means adjacent to a lot that is one of at least 25 contiguous residential lots, all of which contain single-family detached homes on the date a development application is submitted.

(c) "Building height" means the number of stories or the number of feet measured above grade or, if applicable, above the base flood elevation established by the Federal Emergency Management Agency.

(d) "Compelling governmental interest" means a governmental interest of the highest order that cannot be achieved through

less restrictive means. A compelling governmental interest must have a real and substantial connection to protecting public safety, health, or reasonable enjoyments and expectations of property, such as requiring structural integrity, safe plumbing, or safe electricity of buildings, or preventing and abating nuisances.

(e) "Livable urban village" or "LUV" means an area where residential development is allowed on lots that are zoned for commercial, industrial, and mixed use, so that housing may be constructed near amenities and jobs.

(f) "Local government" means a county, municipality, or special district.

(g) "Lot" means a parcel, tract, tier, block, site, unit, or any other division of land that is:

1. Zoned for residential, commercial, industrial, or mixed use; or

2. Partly or wholly located within a flexibly zoned area where development is permitted for a use thereof,

and is not located within an area of critical state concern designated pursuant to s. 380.05.

(h) "Nuisance" means persistent activity that injures the physical condition or interferes with the use of adjacent land, is injurious to health or safety, or objectively offends the senses.

(i) "Permanent public transit stop" means a stop or station for a bus rapid transit service, a rail service, a commuter rail service as defined in s. 341.301, an intercity rail transportation system as defined in s. 341.301, or a fixed-

guideway transportation system as defined in 341.031(2). The term does not include a stop or station for a people-mover system in a public-use airport as defined in s. 332.004 or an intercity rail transportation system in a rural community as defined in s. 288.0656(2).

(j) "Population" means, for a county or municipality, the highest of the following population estimates:

1. The most recent decennial United States Census.

2. The most recent United States Census Bureau American Community Survey 5-year estimate.

3. The most recent United States Census Bureau American Community Survey 1-year estimate.

(k) "Rural LUV area" means an area composed of lots that are located in the county seat, or the largest municipality by population, of a county that is a rural community as defined in s. 288.0656(2), which lots are zoned for commercial, industrial, or mixed use or are partly or wholly within a flexibly zoned area where development is permitted for commercial, industrial, or mixed use.

(l) "Tier 1 TOD zone" means the area of all lots partly or wholly within a one-quarter mile radius of a permanent public transit stop that is open for use on or after January 1, 2026.

(m) "Tier 2 TOD zone" means the area of all lots partly or wholly within a one-quarter mile to one-half mile radius of a permanent public transit stop that is open for use on or after January 1, 2026, excluding any lot within a Tier 1 TOD zone.

(n) "Transit-oriented development" or "TOD" means a mixed-use development that is all of the following:

1. High density or high intensity.

2. Located near a permanent public transit stop.

3. Intended to promote transportation by walking, bicycling, or public transit.

(3)(a) By December 1, 2026, the governing body of a county or municipality shall adopt an ordinance, and the governing body of a special district shall adopt a resolution, establishing Tier 1 TOD zones, Tier 2 TOD zones, and rural LUV areas.

1. For all lots located within a Tier 1 TOD zone, a Tier 2 TOD zone, or a rural LUV area, a local government shall do all of the following:

a. Zone the lots for mixed use. For purposes of this sub-subparagraph, the term "mixed use" means that residential use, commercial use, and a combination thereof are allowable uses, in addition to any existing industrial use, if applicable.

b. Authorize commercial uses that include, but are not limited to, hotels; restaurants; offices, including medical and dental offices; financial services, including banks and credit unions; and retail sales and services, including grocery stores and pharmacies.

2. In Tier 1 TOD zones, a local government may not impose any of the following:

a. A maximum building height of less than 8 stories or 85 feet, or less than 4 stories or 45 feet for lots adjacent to a single-family home.

b. A maximum floor area ratio for residential use of less than 6.0, or less than 3.0 for lots adjacent to a single-family home.

c. A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for lots adjacent to a single-family

home.

d. Any minimum setback requirement for the side, front, and rear property lines.

e. A requirement that greater than 10 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces.

The maximum building heights and floor area ratios specified in this subparagraph are doubled for any lot located partly or wholly within a county with a population that exceeds 800,000 or within a municipality with a population that exceeds 75,000.

3. In Tier 2 TOD zones, a local government may not impose any of the following:

a. A maximum building height of less than 4 stories or 45 feet, or less than 3 stories or 35 feet for lots adjacent to a single-family home.

b. A maximum floor area ratio for residential use of less than 3.0, or less than 2.0 for lots adjacent to a single-family home.

c. A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for lots adjacent to a single-family home.

d. Any minimum setback requirement for the side, front, or rear property lines.

e. A requirement that greater than 20 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces.

The maximum building heights and floor area ratios specified in

this subparagraph are doubled for any lot located partly or wholly within a county with a population that exceeds 800,000 or within a municipality with a population that exceeds 75,000.

4. In rural LUV areas, a local government may not impose any of the following:

a. A maximum building height of less than 4 stories or 45 feet.

b. A maximum floor area ratio for residential use of less than 3.0.

c. A maximum floor area ratio for commercial use of less than 2.0.

d. A minimum setback requirement of greater than 0 feet from the side property lines, 10 feet from the rear property line, or 20 feet from the front property line.

e. A requirement that greater than 30 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces greater than 1 per residential dwelling unit.

5. For a lot within a TOD zone or rural LUV area, a local government may not impose any of the following:

a. Any limitation, restriction, or prohibition regarding any type of single-family or multifamily use.

b. A maximum density, such as a maximum number of dwelling units per acre.

c. A minimum size for dwellings or dwelling units greater than that required by the Florida Building Code.

(b) A TOD zone established pursuant to this subsection may not be reduced or eliminated thereafter, including for the closure of a permanent public transit stop after the TOD zone is

established.

(4) A local government may not impose a regulation that prohibits, limits, or otherwise restricts residential or commercial development authorized within a TOD zone under this section for any lot that contains historic property as defined in s. 267.021, except for any regulation that prohibits, limits, or otherwise restricts demolition or alteration of a structure or building that is individually listed in the National Register of Historic Places or that is a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

(5)(a) A real property owner or housing organization that is aggrieved or adversely affected by a regulation imposed by a local government in violation of this section may maintain a cause of action for damages in the county in which the real property is located. As used in this paragraph, the term "housing organization" means a trade or industry group that constructs or manages housing units, a nonprofit organization that provides or advocates for increased access or reduced barriers to housing, or a nonprofit organization that is engaged in public policy research, education, or outreach that includes housing-policy-related issues.

(b)1. In a proceeding under this subsection, an aggrieved or adversely affected party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar. The court shall review the evidence de novo and enter written findings of fact based on the preponderance of the evidence that a local government has imposed a regulation in violation of this section.

2. An aggrieved or adversely affected party shall prevail in an action filed under this subsection unless the local government demonstrates to the court by clear and convincing evidence that the regulation is:

a. In furtherance of a compelling governmental interest; and

b. The least restrictive means of furthering the compelling governmental interest.

(c) The court may do any of the following:

1. Enter a declaratory judgment as provided by chapter 86.

2. Issue a writ of mandamus.

3. Issue an injunction to prevent a violation of this section.

4. Remand the matter to the land development regulation commission for action consistent with the judgment.

(d) The prevailing plaintiff is entitled to recover reasonable attorney fees and costs, including reasonable appellate attorney fees and costs.

(6) Sovereign immunity is waived for local governments to the extent that liability is created under this section.

(7) A public transit provider as defined in s. 341.031(1) is encouraged to develop land within Tier 1 and Tier 2 TOD zones in accordance with this section. Any net proceeds from such development shall be kept in the public transit agency's fund for operations, maintenance, and capital improvements. Public agencies, such as the Department of Transportation and local governments, are also encouraged to develop the land within Tier 1 and Tier 2 TOD zones in accordance with this section and to transfer a portion of the net proceeds to the public transit

agency's fund for operations, maintenance, and capital improvements.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON
16th District

January 20, 2026

Senator Stan McClain
Chair, Committee on Community Affairs
315 Knot Building
404 S Monroe St
Tallahassee, FL 32399

Dear Chair McClain,

I am respectfully requesting SB 1342, Transportation Infrastructure Land Development Regulations, be added to the agenda of a forthcoming meeting of the Committee on Community Affairs for consideration.

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

Sincerely –

Senator Darryl E. Rouson
Florida Senate District 16

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

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

2 Feb
Meeting Date

Community Affairs
Committee

1342
Bill Number or Topic

Amendment Barcode (if applicable)

Name LEN RACIPPI

Phone 908 403 3140

Address 5288 SW 85TH ST
Street

Email LMRWV4@outlook.com
LMRWV4@

OCALA FL 34476
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-3-26
Meeting Date

Community Aff
Committee

1342
Bill Number or Topic

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Phone 850 222 9684

Address PO Box 1757
Street

Email rohara@flcities.com

Tallahassee FL 32302-1757
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Fla. League of Cities

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26
Meeting Date

Community Affairs
Committee

1342
Bill Number or Topic

Amendment Barcode (if applicable)

Name George Kruse

Phone 941-321-6393

Address 12806 Dairy Place
Street

Bradenton, FL 34212
City State Zip

Email george.kruse@mymanatee.org

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/2026
Meeting Date

Community Affairs
Committee

SB 1342
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone (305) 240-2917

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Street

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Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Americans for prosperity

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

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S-001 (08/10/2021)

DUPLICATE

The Florida Senate

APPEARANCE RECORD

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02/03/2026	1342
Meeting Date	Bill Number or Topic
Community Affairs	
Committee	Amendment Barcode (if applicable)

Name Ivonne Fernandez - AARP Phone 954-850-7262

Address 215 S Monroe Street / Suite 603 Email ifernandez@aarp.org

Street

Tallahassee FL 32301

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:

AARP

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

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 1548
INTRODUCER:	Senator Calatayud
SUBJECT:	Affordable Housing
DATE:	February 2, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.			FP	
3.			RC	

I. Summary:

SB 1548 makes a variety of changes regarding the Live Local Act, passed during the 2023 Regular Session to require the authorization of certain affordable housing developments by local governments under certain conditions. The bill:

- Provides that the preemptions of the Live Local Act permitting the development of affordable housing apply on any property owned by a county, municipality, or school district;
- Provides that a local government may not utilize other dimensional means such as setbacks to constructively restrict the height of a project authorized by the Live Local Act;
- Provides that farming and farm operations, including the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed-use zoning which would require the local government to approve affordable housing developments;
- Permits the utilization of the Live Local Act in the vicinity of airports when approved by the airport's governing body; and
- Clarifies language around the prohibition against discriminating against affordable housing development in land use decisions by a local government, and waives sovereign immunity in cases based on such discrimination.

The bill takes effect July 1, 2026.

II. Present Situation:

Zoning and Land Use Preemption for Affordable Developments

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.[1] All development, both public and private, and

[1] Section 163.3167(2), F.S.

all development orders[2] approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.[3] The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels[4] within that range are decided by a more detailed, implementing zoning map.[5]

The Live Local Act (act)[6] preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential[7] rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.[8] To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% AMI, for a period of at least 30 years.

Additionally, the local government may not restrict the density or floor area ratio of qualifying developments below the highest allowed density, or below 150 percent of the highest allowed floor area ratio, on land within its jurisdiction where residential development is allowed, and may not restrict the height below the highest currently allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. Further height restrictions apply where a proposed development is adjacent to single family residential development.

An application for a development must be administratively approved, and no further action is required from the governing body of the local government if the development satisfies the local government's land development regulations for multifamily in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan.

These zoning and land use provisions do not apply to recreational and commercial working waterfronts in industrial areas, and only mixed-use residential developments must be authorized under these provisions in areas where commercial or industrial capacity is exceptionally limited.

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[2] "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

[3] Section 163.3194(3), F.S.

[4] When local governments make changes to their zoning regulations or comprehensive plans some structures may no longer be in compliance with the newly approved zoning and may be deemed a "nonconforming use." A nonconforming use or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.

[5] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).

[6] The "Live Local Act", Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.

[7] For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes.

[8] *See* ss. 125.01055(7) and 166.04151(7), F.S., this analysis section.

Commercial, Industrial, and Mixed Use[9]

For the purposes of the Live Local Act, "commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. It includes, but is not limited to:

- Retail sales; wholesale sales; rentals of equipment, goods, or products;
- Offices; restaurants;
- Food service vendors; sports arenas; theaters; and tourist attractions; and
- Other for-profit business activities

A parcel that is zoned to permit these uses by right (without a variance or waiver) is considered commercial use for this statute, regardless of its local land development category or title. Excluded from commercial use are:

- Home-based businesses and cottage food operations on residential property;
- Certain public lodging establishments;
- Accessory, ancillary, incidental, or temporary uses; and
- Recreational uses (e.g., golf courses, tennis courts, swimming pools, clubhouses) when located within an area designated for residential use.

For the purposes of the Live Local Act, "industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. It includes, but is not limited to:

- Automobile manufacturing or repair; boat manufacturing or repair;
- Junk yards; meat packing facilities; citrus or produce processing and packing;
- Electrical generating plants; water treatment plants; sewage treatment plants; and
- Solid waste disposal sites.

A parcel zoned to permit these uses by right is considered industrial use for the statute. The term does not include accessory, ancillary, incidental, or temporary uses, or the same set of recreational uses as above.

For the purposes of the Live Local Act, "mixed use" refers to any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories.[10] The commercial and industrial exclusions for accessory, ancillary, incidental, temporary, and recreational uses apply to mixed use as well.

Fair Housing

The Florida Fair Housing Act[11] prohibits discrimination in housing-related activities, including the sale, rental, and financing of housing. The law protects individuals from discrimination based on race, color, national origin, sex, disability, familial status, or religion. The law also specifically prohibits local governments from discriminatory practices in land use decisions and development permitting, including discrimination based on the source of financing of a

[9] *See* s. 125.01055(7)(n), F.S.
[10] Section 125.01055(n)3., F.S.
[11] Sections 760.20-760.37, F.S.

development, except as otherwise provided by law.[12] The Act is enforced by the Florida Commission on Human Relations, which investigates complaints and can seek legal remedies for violations.

Sovereign Immunity

Sovereign immunity is "[a] government's immunity from being sued in its own courts without its consent."[13] The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows: A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.[14]

Article X, s. 13 of the Florida Constitution authorizes the Legislature to enact laws that permit suits against the State and its subdivisions, thereby waiving sovereign immunity. Currently, Florida law allows tort lawsuits against the State and its subdivisions[15] for damages that result from the negligence of government employees acting in the scope of their employment, but limits payment of judgments to $200,000 per person and $300,000 per incident.[16] This liability exists only where a private person would be liable for the same conduct.[17] Harmed persons who seek to recover amounts in excess of these limits may request that the Legislature enact a claim bill to appropriate the remainder of their court-awarded judgment.[18] Article VII, s. 1(c) of the Florida Constitution prohibits funds from being drawn from the State Treasury except in pursuance of an appropriation made by law. However, local governments and municipalities are not subject to this provision, and therefore may appropriate their local funds according to their processes.

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 125.01055 and 166.04151, F.S., related to the administrative approval of certain affordable housing developments under the Live Local Act. The amendments are organized below.

[12] Section 760.26, F.S.
[13] BLACK'S LAW DICTIONARY (11th ed. 2019).
[14] *Cauley v. City of Jacksonville,* 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawananakoa v. Polyblank*, 205 U.S. 349, 353 (1907).
[15] Section 768.28(2), F.S., defines "state agencies or subdivisions" to include "executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority."
[16] Section 768.28, F.S.
[17] Section 768.28(1), F.S.
[18] Section 768.28(5)(a), F.S. *See also*, s. 11.066, F.S., which states that state agencies are not required to pay monetary damaged under a court's judgment except pursuant to an appropriation made by law.

Land Owned by a County, City, or School District

The bill provides that the preemptions requiring approval of certain affordable housing developments applies to any property owned by a county, municipality, or school district. This provision enables local governments, working in conjunction with affordable housing developers, to bypass processes otherwise required for developing affordable housing.

Setbacks and Stepbacks

The bill provides that a local government may not restrict height of a proposed development utilizing the Live Local Act constructively through other dimensional means, such as height determined by setbacks[19] or stepbacks,[20] or require setbacks or stepbacks that are more restrictive than the minimums of the underlying zoning applicable to the proposed development.

Commercial, Industrial, and Mixed-Use Definitions

The bill provides that for the purposes of the Live Local Act farms or farm operations, or uses associated therewith, to include the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed use.

The bill refers to s. 823.14(3), F.S., which provides that:

- "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products; and
- "Farm operation" means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities.

The referenced statute includes examples such as roadside stands, agritourism, and the use of certain farm-related machinery.

With this change, counties and municipalities are not required to authorize multifamily and mixed-use residential uses for an area if the area is also a farm or farm operation, or utilized for uses associated therewith.

Section 3 provides that that an applicant for a proposed development authorized under ss. 125.01055(7) or 166.04151(7), F.S., who submitted documentation before July 1, 2026, may proceed under the provisions of law as they existed at the time of submission, or notify the local government of their intent to revise their submission to account for the changes made by the bill.

Proposed Developments Near Airports

The preemptions of the Live Local Act do not apply to a proposed development near a runway, within an airport noise zone, or exceeding maximum height restrictions identified in an airport

[19] The distance a building must be from the street as required by zoning laws.
[20] A zoning or design requirement that requires upper floors of a building to be recessed farther from property lines than lower floors.

zoning regulation.[21] **Section 5** amends s. 333.03, F.S., to provide that the Live Local Act may apply if the development application is approved by the governing body of the relevant airport.

Discrimination in Regulatory Decisions

Section 6 amends s. 760.26, F.S., to provide that it is unlawful to discriminate in land use decisions or in the permitting of development based on the nature of a development or proposed development's financing as affordable housing.

Section 7 amends s. 760.35, F.S., to waive sovereign immunity for a cause of action based on a violation of the Florida Fair Housing Act.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

[21] Section 333.03(5), F.S.

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: 125.01055, 166.04151, 333.03, 760.22, 760.26, and 760.35.

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

38-01065A-26 20261548__

A bill to be entitled

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; requiring counties and municipalities, respectively, to authorize certain residential use on property owned by a county, municipality, or school district under certain circumstances; providing requirements for certain proposed developments; prohibiting counties and municipalities, respectively, from restricting the height of certain proposed developments through other dimensional means and from requiring certain setbacks or stepbacks; revising the definitions of the terms "commercial use" and "industrial use"; authorizing applicants for certain proposed developments to notify the county or municipality, as applicable, by a specified date of intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit revised applications, written requests, and notices of intent to account for changes made by the act; amending s. 333.03, F.S.; providing an exception authorizing the applicability of certain provisions to certain proposed developments, if approved by the governing body of an airport; amending s. 760.22, F.S.; revising the definition of the term "person"; amending s. 760.26, F.S.; revising a prohibition on discriminatory practices in land use decisions and in permitting of development to include housing that is affordable; amending s. 760.35, F.S.; waiving the state's

38-01065A-26 20261548__

sovereign immunity for certain causes of action based upon housing discrimination; providing applicability; providing an effective date.

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

Section 1. Paragraphs (a), (d), and (n) of subsection (7) of section 125.01055, Florida Statutes, are amended to read:

125.01055 Affordable housing.—

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, ~~and~~ in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, and on property owned by a county, municipality, or school district, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The county may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential

purposes. A proposed development on property owned by a county, municipality, or school district must be within the geographic boundaries of the respective county, municipality, or school district, and the respective county, municipality, or school district must be a party to the application for the proposed development.

(d)1. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or three stories, whichever is higher. A county may not restrict height below the height authorized under this paragraph through other dimensional means, such as height determined by setbacks or stepbacks, or vice versa, or require setbacks or stepbacks that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed

development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or three stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the county may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or three stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel

zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not commercial use.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable

uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not industrial use.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 2. Paragraphs (a), (d), and (n) of subsection (7) of section 166.04151, Florida Statutes, are amended to read:

166.04151 Affordable housing.—

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, ~~and~~ in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, and on property owned by a county, municipality, or school district, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding

any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, amendment to a municipal charter, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes. A proposed development on property owned by a county, municipality, or school district must be within the geographic boundaries of the respective county, municipality, or school district, and the respective county, municipality, or school district must be a party to the application for the proposed development.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or three stories, whichever is higher. A municipality may not restrict height below the height authorized under this paragraph through other dimensional means, such as height determined by setbacks or stepbacks, or vice versa, or require setbacks or stepbacks that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development.

For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the municipality's land development regulations, or three stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including manmade lakes or ponds. For a proposed development located within a municipality within an area of critical state concern as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space above the base flood elevation as designated by the Federal Emergency Management Agency in the most current Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the municipality may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or three stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that

are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not commercial use.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not industrial use.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 3. An applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submitted an application, a written request, or a notice of intent to use such provisions to the county or municipality and which application, written request, or notice of intent has been received by the county or municipality, as applicable, before July 1, 2026, may notify the county or municipality by July 1, 2026, of its intent to proceed under the provisions of s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as they existed at the time of submittal. A county or municipality, as applicable, shall allow an applicant who submitted such an application, written request, or notice of intent before July 1, 2026, the opportunity to submit a revised application, written request, or notice of intent to account for the changes made by this act.

Section 4. Subsection (5) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to

any of the following, unless the respective application is approved by the governing body of the airport:

(a) A proposed development near a runway within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any existing airport runway or planned airport runway identified in the local government's airport master plan.

(b) A proposed development within any airport noise zone identified in the federal land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government.

(c) A proposed development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation adopted pursuant to this section.

Section 5. Subsection (8) of section 760.22, Florida Statutes, is amended to read:

760.22 Definitions.—As used in ss. 760.20-760.37, the term:

(8) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, ~~and~~ fiduciaries, agencies, governmental entities, and other legal or commercial entities.

Section 6. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—It is unlawful to discriminate in land use decisions or in the permitting of development based on

race, color, national origin, sex, disability, familial status, or religion, or, except as otherwise provided by law, based on the source of financing of a development or proposed development, including, but not limited to, financing of a development or on a proposed development for housing that is affordable as defined in s. 420.0004.

Section 7. Subsection (4) of section 760.35, Florida Statutes, is amended to read:

760.35 Civil actions and relief; administrative procedures.—

(4) If the court finds that a person has engaged in a discriminatory housing practice ~~has occurred~~, it must ~~shall~~ issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for a cause of action based upon the application of this section. Such waiver is limited only to actions brought under this section.

Section 8. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 20, 2026

I respectfully request that **Senate Bill #1548**, relating to Affordable Housing, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/3/26
Meeting Date

SB 1545
Bill Number or Topic

COMMUNITY AFFAIRS
Committee

Amendment Barcode (if applicable)

Name JEFF SHARKEY Phone 850 224 1000

Address 106 E COLLEGE AVE # 1110 Email JEFFREYSHARK@gmail.com
Street

TLH FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: WENDOVER HOUSING PARTNERS

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/2026
Meeting Date

Community Affairs
Committee

1548
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ken Pruitt

Phone 850-671-5601

Address 1404 Alban Ave
Street

Email FLAlhfa@aol.com

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Association of Local Finance Authorities

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	CS/SB 1614
INTRODUCER:	Community Affairs Committee and Senator Leek
SUBJECT:	Florida Building Code
DATE:	February 4, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tolmich	Fleming	CA	**Fav/CS**
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1614 provides that a local government may not receive state funds through a local funding initiative request if the local government has been subject to a legislative committee's audit within one year after such request, or if the local government does not submit an affirmation with its local funding initiative request to its legislative delegation stating that it is no longer the subject of a state audit. Each appropriate legislative committee must report a list of all local governments that have been subject to an audit or which have not submitted an affirmation to the presiding officers of both chambers and the chairs of the legislative appropriations committees.

The bill also removes a current law provision that authorizes a local government to use excess funds received from enforcing the Florida Building Code for the construction of a building or structure that houses a local government's building code enforcement agency.

The bill takes effect July 1, 2026.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local

governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[1]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[2] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[3]

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[4]

Local Government Enforcement of the Florida Building Code

Current law permits local governing bodies to provide a schedule of reasonable fees in order to enforce the Florida Building Code.[5] Such fees, fines, or investment earnings related to the fees may only be used for carrying out the local government's responsibilities in enforcing the building code, including, but not limited to, any process or enforcement related to obtaining or finalizing a building permit.[6] When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total annual costs of allowable activities.[7] Any unexpected balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government.[8]

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[1] The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at: http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Feb. 2, 2026).
[2] *Id*.
[3] Florida Building Commission Homepage, available at: https://floridabuilding.org/c/default.aspx (last visited Feb. 2, 2026).
[4] Section 553.72(1), F.S.
[5] Section 553.80(7)(a), F.S. Such enforcement of the Florida Building Code includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. It also may include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees. Section 553.80(7)(a)1., F.S.
[6] *Id*.
[7] *Id*.
[8] *Id*.

A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous four fiscal years.[9] Any amount exceeding this limit must be used for the following purposes:[10]

- Rebating and reducing fees;
- Upgrading technology hardware and software systems to enhance service delivery;
- Paying for the construction of a building or structure that houses a local government's building code enforcement agency;[11] or
- Providing training programs for building officials, inspectors, or plans examiners associated with the Florida Building Code.[12]

Legislative Appropriations Projects

Joint Rule 2.2(4)(a) of the Florida Legislature provides for legislative appropriations projects. An appropriations project is a specific appropriation, proviso, or item on a conference committee spreadsheet agreed to by House and Senate conferees providing funding for specified purposes.[13] One such purpose of an appropriations project is to provide funding to a local government, private entity, or privately operated program.[14] Funding requests are submitted by a member of the legislature via specified appropriations request forms, which require the requester to provide information such as the title of the project, the total cost of the project, and if the project requires funding over multiple years.[15]

III. Effect of Proposed Changes:

CS/SB 1614 amends s. 553.80, F.S., to provide that a local government may not receive state funds through a local funding initiative request if the local government has been subject to a legislative committee's audit within one year after such request, or if the local government does not submit an affirmation with its local funding initiative request to its legislative delegation stating that it is no longer the subject of a state audit. Each appropriate legislative committee must report a list of all local governments that have been subject to an audit, or which have not submitted an affirmation to the presiding officers of both chambers and the chairs of the legislative appropriations committees.

The bill also removes a current law provision that authorizes a local government to use excess funds received from enforcing the Florida Building Code for the construction of a building or structure that houses a local government's building code enforcement agency.

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[9] *Id*. The term "operating budget" does not include reserve amounts.
[10] However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpected balance in excess of the average of its operating budget for the previous four fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. Section 553.80(7)(a), F.S.
[11] Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than four consecutive years. Section 553.80(7)(a)2., F.S.
[12] Section 553.80(7)(a)2., F.S.
[13] Joint Rule 2.2(4)(a), Florida Legislature (2024-2026).
[14] *Id*.
[15] *See* Florida House of Representatives Appropriations Project Request FY 26-27, available at: https://www.flhouse.gov/FileStores/Web/HouseContent/Approved/Web%20Site/projects_items/APR%20Fillable%20Form%20FY%202026-27.pdf (last visited Feb. 2, 2026).

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The general rule of law[16] is that one legislature cannot bind to limit or enlarge the powers of a subsequent legislature or inhibit it from amending or repealing any legislation so long as it does not act contrary to or inconsistently with any constitutional limitations on the legislative power in any given case.[17] The bill provides that a local government may not receive state funds through requests under certain conditions, and requires future legislative committees to produce certain reports. As legislative appropriations are conducted and committees are formed each year by a new legislature with equal stature to the previous, these provisions may not bind future legislatures beyond the requirements of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

[16] See *Nue v. Miami Herald Publishing Co.*, 462 So. 2d 821 (Fla. 1985); *Internal Improvement Fund v. St. Johns River Co.*, 16 Fla. 531 (Fla. 1878); *Gonzales v. Sullivan*, 16 Fla. 791 (Fla. 1878).
[17] State of Florida's Office of the Attorney General, *Postaudit Expenditures, Counties, available at* https://www.myfloridalegal.com/ag-opinions/postaudit-expenditures-counties (last visited Feb. 2, 2026).

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that a local government may not receive state funds through a "local funding initiative request" if it has been subject to a legislative committee's audit within one year after such request. The term "local funding initiative request" is not defined in the Florida Statutes, but appears to correspond to an "appropriations project," as defined in Joint Rule 2.2(4)(a) of the Florida Legislature. Additionally, the bill does not specify that the audit must relate to excess Florida Building Code enforcement funds, which could result in funding restrictions based on unrelated audit matters.

VIII. Statutes Affected:

This bill substantially amends section 553.80 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 Community Affairs on February 3, 2026:
The committee substitute:

- Removes the provision of the bill that authorizes the expenditure of excess funds received from enforcing the Florida Building Code on the performance of necessary services or repairs to a stormwater management system.
- Removes a current law provision that authorizes a local government to use such excess funds for the construction of a building or structure that houses a local government's building code enforcement agency.
- Clarifies that a local government may not receive state funds through a local funding initiative request if the local government has been subject to a legislative committee's audit within one year after such request, or if the local government does not submit an affirmation with its local funding initiative request to its legislative delegation stating that it is no longer the subject of a state audit.

B. Amendments:

None.

709702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 64 - 86

and insert:

prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, ~~to pay for the construction of a building or structure that houses a local government's building code enforcement agency,~~ or for training programs for building officials, inspectors, or plans examiners associated with the

709702

enforcement of the Florida Building Code~~. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years~~. A local government is not eligible to receive state funds through a local funding initiative request if the local government has been subject to a legislative committee's audit within 1 year after the local government's request, or if the local government does not submit in its local funding initiative request to its legislative delegation an affirmation stating that it is no longer the subject of a state audit.

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

And the title is amended as follows:

Delete lines 3 - 9

and insert:

s. 553.80, F.S.; revising how a local government is authorized to spend excess funds; providing that a local government is not eligible to receive state funds through a local funding initiative request if it has

By Senator Leek

7-00341C-26 20261614__

A bill to be entitled

An act relating to the Florida Building Code; amending s. 553.80, F.S.; prohibiting a local government from receiving state funds through a local funding initiative request to its legislative designation unless it has expended all funds through enforcing the Florida Building Code on authorized uses and does not have excess funds; providing that a local government is not eligible for additional state funds if it has been subject to a legislative committee's audit within a specified timeframe or if it fails to submit an affirmation to its legislative delegation; requiring each appropriate legislative committee to report such local governments to the presiding officers and the appropriations chairs; providing an effective date.

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

Section 1. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may only be used for carrying out the local government's responsibilities in enforcing the Florida Building Code, including, but not limited to, any process or enforcement related to obtaining or finalizing a building permit. When

7-00341C-26 20261614__

providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections

associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to perform necessary services or repairs to its stormwater management system as defined in s. 403.031, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. A local government may not receive state funds through a local funding initiative request to its legislative designation unless it has expended all funds on the authorized uses in this paragraph and does not have excess funds. Notwithstanding this subparagraph, a local government is not eligible for additional state funds if the local government has been subject to a legislative committee's audit within 1 year after the local government's request or if the local government does not submit in its local funding initiative request to its legislative delegation an affirmation stating that it has expended all funds and does not have excess funds for services or repairs to its stormwater management system. Each appropriate legislative committee shall report a list of

all local governments that have been subject to an audit or which have not submitted an affirmation to the presiding officers and the chairs of the legislative appropriations committees. An owner or a builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in this ~~the~~ state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

a. Planning and zoning or other general government activities not related to obtaining a building permit.

b. Inspections of public buildings for a reduced fee or no fee.

c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or

special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

a. Providing proof of licensure under chapter 489;

b. Recording or filing a license issued under this chapter;

c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or

d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

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

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 21, 2026

I respectfully request that **Senate Bill #1614,** relating to Florida Building Code, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

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

Feb 3, 2026
Meeting Date

Community Affairs
Committee

1614
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 7275122469

Address Hermitage Blvd
Street

Email bburke@fhba.com

Tally FL 32309
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Home Builders Assc.

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37 **Case No.:** **Type:**
Caption: Senate Community Affairs Committee **Judge:**

Started: 2/3/2026 3:32:08 PM
Ends: 2/3/2026 6:03:35 PM Length: 02:31:27

3:32:13 PM Chair McClain calls the meeting to order
3:32:14 PM Roll Call
3:33:06 PM Pledge of Allegiance
3:33:13 PM Chair McClain makes opening remarks
3:33:16 PM Tab 9; SB 1342 by Senator Rouson; Transportation Infrastructure Land Development Regulations
3:33:42 PM Senator Rouson explains the bill
3:34:46 PM Amendment #219360
3:34:54 PM Senator Rouson explains the amendment
3:35:00 PM Amendment to the Amendment #251288
3:35:07 PM Senator Rouson explains the amendment to the amendment
3:35:59 PM Senator Rouson waives close on the amendment to the amendment
3:36:02 PM Chair McClain reports the amendment to the amendment
3:36:04 PM Back on Amendment #219360
3:36:17 PM Senator Rouson waives close on the amendment
3:36:22 PM Back on the bill as amended
3:36:39 PM Chair McClain recognizes public testimony
3:36:40 PM Speaking:
3:36:46 PM Len Racippi
3:38:57 PM Rebecca O'Hara
3:42:38 PM George Kruse
3:45:27 PM Senator Rouson makes closing remarks and waives close on the bill
3:45:34 PM Roll Call
3:46:12 PM Tab 11; SB 1614 by Senator Leek; Florida Building Code
3:46:18 PM Senator Leek explains the bill
3:47:16 PM Amendment #709702
3:47:22 PM Senator Leek explains the amendment
3:47:54 PM Senator Leek waives close on the amendment
3:47:59 PM Back on the bill as amended
3:48:17 PM Chair McClain recognizes public testimony
3:48:23 PM Senator Leek waives close on the bill
3:48:25 PM Roll Call
3:48:52 PM Tab 10; SB 1548 by Senator Calatayud; Affordable Housing
3:49:00 PM Senator Calayatud explains the amendment
3:50:16 PM Chair McClain recognizes public testimony
3:50:24 PM Senator Calatayud waives close on the bill
3:50:28 PM Roll Call
3:50:54 PM Chair McClain passes the gavel to Chair Passidomo
3:51:02 PM Tab 4; SB 968 by Senator McClain; Home Backup Power Systems
3:51:10 PM Senator McClain explains the bill
3:52:24 PM Chair Passidomo recognizes public testimony
3:53:25 PM Senator McClain makes closing remarks and waives close on the bill
3:55:02 PM Roll Call
3:55:22 PM Chair Passidomo passes the gavel back to Chair McClain
3:55:24 PM Chair McClain calls for recess
3:55:34 PM Recording Paused
3:59:09 PM Recording Resumed
3:59:14 PM Chair McClain calls the meeting back to order
3:59:21 PM Tab 2; SB 698 by Senator Martin; Onsite Sewage Treatment and Disposal System Permits
3:59:30 PM Senator Martin explains the bill
4:00:33 PM Chair McClain recognizes public testimony
4:00:55 PM Speaking:
4:02:07 PM John Riddle

4:02:14 PM Stephen Miller
4:04:18 PM Debate:
4:04:21 PM Senator Jones
4:04:39 PM Senator Pizzo
4:05:07 PM Senator McClain waives close on the bill
4:05:09 PM Roll Call
4:05:46 PM Tab 8; SB 1320 by Senator Martin; Tax Referenda
4:05:52 PM Senator Martin explains the bill
4:06:25 PM Questions:
4:06:28 PM Senator Pizzo
4:06:55 PM Senator Martin
4:07:34 PM Chair McClain recognizes public testimony
4:07:36 PM Speaking:
4:07:42 PM Jeff Scala
4:08:20 PM Questions:
4:08:23 PM Senator Pizzo
4:08:31 PM Jeff Scala
4:08:58 PM Debate:
4:09:02 PM Senator Pizzo
4:10:06 PM Senator Martin makes closing remarks and waives close on the bill
4:10:10 PM Roll Call
4:10:46 PM Tab 1; SB 484 by Senator Avila; Data Centers
4:10:57 PM Senator Avila explains the bill
4:13:33 PM Chair McClain passes the gavel to Chair Massullo
4:13:45 PM Amendment #781774
4:13:52 PM Senator Avila explains the amendment
4:14:39 PM Back on the bill as amended
4:14:49 PM Chair Massullo recognizes public testimony
4:14:52 PM Speaking:
4:15:05 PM Turner Loesel
4:15:54 PM Adam Basford
4:17:49 PM Questions:
4:17:53 PM Senator Pizzo
4:19:18 PM Debate:
4:19:23 PM Chair Massullo
4:20:18 PM Senator Avila makes closing remarks and waives close on the amendment
4:22:03 PM Roll Call
4:22:34 PM Tab 5; SB 11 by Senator Avila; Public Records/Data Centers
4:22:41 PM Senator Avila explains the bill
4:23:16 PM Questions:
4:23:19 PM Senator Pizzo
4:23:35 PM Senator Avila
4:24:27 PM Senator Pizzo
4:24:46 PM Senator Avila
4:25:38 PM Amendment #399840
4:25:44 PM Senator Avila explains the amendment
4:26:08 PM Back on the bill as amended
4:26:16 PM Debate:
4:26:20 PM Senator Pizzo
4:28:06 PM Chair Massullo
4:29:23 PM Senator Avila makes closing remarks and waives close on the bill
4:31:50 PM Roll Call
4:32:27 PM Tab 3; SB 706 by Senator Mayfield; Commercial Service Airports
4:32:36 PM Senator Mayfield explains the bill
4:34:05 PM Questions:
4:34:10 PM Senator Jones
4:34:50 PM Senator Sharief
4:35:08 PM Senator Mayfield
4:35:16 PM Senator Sharief
4:35:51 PM Senator Mayfield
4:37:01 PM Debate:
4:37:04 PM Senator Jones

4:37:49 PM Senator Mayfield
4:38:25 PM Chair Massullo
4:38:57 PM Senator Mayfield waives close on the bill
4:38:58 PM Roll Call
4:39:29 PM Tab 7; SB 1134 by Senator Yarborough; Official Actions of Local Governments
4:39:49 PM Senator Yarborough explains the bill
4:43:27 PM Chair Massullo passes the gavel back to Chair McClain
4:43:31 PM Questions:
4:43:34 PM Senator Jones
4:44:06 PM Senator Yarborough
4:46:29 PM Senator Jones
4:47:06 PM Senator Yarborough
4:55:19 PM Senator Jones
4:55:25 PM Senator Yarborough
4:56:06 PM Senator Sharief
4:58:35 PM Senator Yarborough
4:59:04 PM Vice Chair Massullo
4:59:31 PM Senator Yarborough
4:59:36 PM Vice Chair Massullo
4:59:42 PM Senator Yarborough
5:00:05 PM Vice Chair Massullo
5:00:11 PM Senator Yarborough
5:00:19 PM Vice Chair Massullo
5:00:58 PM Chair McClain recognizes public testimony:
5:01:12 PM Jon Harris Maurer, Equality Florida
5:02:16 PM Ashe Bradley
5:03:35 PM Dorinda Nance
5:04:47 PM Jonathan Webber, SPLC
5:05:56 PM Karen Jaroch, Heritage Action
5:07:09 PM Jill Lewis
5:08:31 PM Julius Rios
5:10:05 PM Yerimiah Evans
5:11:35 PM Kiaira Nixon, Equal Ground
5:12:10 PM Allison Clark, Equal Ground Action Fund
5:13:20 PM Derek Triplett
5:14:38 PM Jerry McIntosh
5:17:00 PM Ailin Cano
5:18:12 PM Senator Pizzo
5:18:28 PM Ailin Cano
5:18:41 PM Senator Pizzo
5:18:55 PM Ailin Cano
5:19:01 PM John Labriola
5:20:13 PM Reverend Dr Russell Meyer
5:21:24 PM Vice Chair Massullo
5:21:58 PM Reverend Dr Russell Meyer
5:23:12 PM Vice Chair Massullo
5:23:38 PM Rule 2.10 the President extends the meeting until completion
5:23:43 PM Dianne Williams-Cox
5:24:53 PM Colton Taylor
5:25:27 PM Anthony Verdugo
5:26:20 PM Senator Pizzo
5:26:36 PM Anthony Verdugo
5:27:24 PM Senator Jones
5:27:50 PM Anthony Verdugo
5:28:24 PM Senator Jones
5:28:44 PM Anthony Verdugo
5:29:31 PM Senator Jones
5:29:53 PM Anthony Verdugo
5:30:27 PM Senator Pizzo
5:31:06 PM Anthony Verdugo
5:31:19 PM Senator Pizzo
5:31:38 PM Anthony Verdugo

5:31:52 PM Senator Pizzo
5:32:15 PM Anthony Verdugo
5:32:50 PM Senator Pizzo
5:34:24 PM Anthony Verdugo
5:34:38 PM Senator Pizzo
5:34:55 PM Anthony Verdugo
5:35:53 PM Senator Jones
5:37:17 PM Debate:
5:37:19 PM Senator Sharief
5:40:22 PM Senator Jones
5:45:59 PM Senator Pizzo
5:49:14 PM Vice Chair Massullo
5:52:08 PM Senator Leek
5:54:37 PM Senator Yarborough closes on the bill
6:02:16 PM Roll Call
6:02:51 PM Senator Leek moves to record missed votes
6:02:56 PM Senator Sharief moves to record missed votes
6:03:12 PM Vice Chair Massullo moves to record missed votes
6:03:21 PM Chair McClain moves to record missed votes
6:03:27 PM Senator Sharief moves to adjourn
6:03:30 PM Meeting adjourned