Tab 1	**CS/SB 18** by **JU, Martin;** Identical to CS/H 06531 Relief of the Estate of M.N. by the Broward County Sheriff's Office

Tab 2	**SB 28** by **Rouson;** Identical to H 06525 Relief of Reginald Jackson by the City of Lakeland

Tab 3	**CS/SB 260** by **TR, Burgess;** Similar to H 00037 Removal, Storage, and Cleanup of Electric Vehicles

406908	A	S	L	CA, Burgess	Delete L.33 - 81:	02/09 05:09 PM

Tab 4	**CS/SB 658** by **RI, Burgess, Smith;** Compare to CS/H 00079 Water Safety Requirements for the Rental of Residential and Vacation Properties

372408	A	S		CA, Burgess	Delete L.42:	02/09 10:19 AM
455636	A	S	L	CA, Smith	Delete L.82 - 107:	02/09 03:29 PM

Tab 5	**CS/SB 848** by **EN, Truenow;** Similar to H 01457 Stormwater Treatment

Tab 6	**SB 934** by **Rodriguez;** Similar to CS/H 00755 Areas of Critical State Concern

678604	A	S	CA, Rodriguez	Delete L.17 - 46.	02/06 03:17 PM

Tab 7	**CS/SB 1014** by **RI, Mayfield;** Compare to H 01075 Provision of Municipal Utility Service to Owners Outside the Municipal Limits

442508	A	S	CA, Mayfield	Delete L.42 - 67:	02/09 10:00 AM

Tab 8	**SB 1102** by **Massullo;** Similar to CS/H 01077 Funding for Body Cameras

961614	A	S	CA, Massullo	btw L.154 - 155:	02/06 08:16 AM

Tab 9	**SB 1264** by **Calatayud;** Similar to CS/H 00833 Private Schools

Tab 10	**SB 1566** by **DiCeglie;** Similar to CS/H 01329 Local Government Spending

148420	D	S	CA, DiCeglie	Delete everything after	02/09 02:26 PM

Tab 11	**SB 1622** by **Rodriguez;** Identical to H 01369 Penalties for Late-filed Disclosures or Statements of Financial Interests

Tab 12	**CS/SB 1724** by **RI, Martin;** Similar to CS/H 01451 Utility Services

626458	A	S	CA, McClain	Delete L.46 - 143:	02/09 10:53 AM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator McClain, Chair
Senator Massullo, Vice Chair

MEETING DATE: Tuesday, February 10, 2026
TIME: 3:00—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	**CS/SB 18** Judiciary / Martin (Identical CS/H 6531)	Relief of the Estate of M.N. by the Broward County Sheriff's Office; Providing for the relief of the Estate of M.N. by the Broward County Sheriff's Office; providing an appropriation to compensate the estate for injuries sustained by M.N. and her subsequent death as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on compensation and the payment of attorney fees, etc. SM JU 02/03/2026 Fav/CS CA 02/10/2026 RC	
2	**SB 28** Rouson (Identical H 6525)	Relief of Reginald Jackson by the City of Lakeland; Providing for the relief of Reginald Jackson by the City of Lakeland; providing an appropriation to compensate Mr. Jackson for injuries and damages sustained as a result of the negligence of Mike Cochran, a police officer with the Lakeland Police Department; providing a limitation on the payment of compensation and attorney fees, etc. SM JU 02/03/2026 Favorable CA 02/10/2026 RC	
3	**CS/SB 260** Transportation / Burgess (Similar H 37)	Removal, Storage, and Cleanup of Electric Vehicles; Requiring counties to establish a daily administration fee for the proper storage of certain electric vehicles; providing a maximum amount for such fees; providing applicability; defining the terms "daily administration fee" and "proper storage"; providing that motor vehicle insurers are not required to pay certain costs, etc. TR 02/03/2026 Fav/CS CA 02/10/2026 RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**CS/SB's 658 & 608** Regulated Industries / Burgess / Smith (Compare CS/H 79)	Water Safety Requirements for the Rental of Residential and Vacation Properties; (THIS BILL COMBINES SB's 658 & 608) Requiring a landlord to equip certain rental properties with specified water safety features; providing criminal penalties; requiring a public lodging establishment licensed as a vacation rental to equip certain rental units with specified water safety features; providing criminal penalties; providing an exception, etc. RI 01/27/2026 Fav/CS Combined - Lead CA 02/10/2026 RC	
5	**CS/SB 848** Environment and Natural Resources / Truenow (Similar H 1457)	Stormwater Treatment; Defining the terms “compensating stormwater treatment” and “total land area”; requiring compensating stormwater treatment to comply with certain provisions unless certain circumstances exist; authorizing entities to apply for a water quality enhancement area provisional permit under certain circumstances; authorizing mitigation measures or enhancement credits intended to address certain impacts to be generated by third parties and sold and transferred to environmental resource permit applicants pursuant to specified provisions, etc. EN 01/13/2026 Fav/CS CA 02/10/2026 RC	
6	**SB 934** Rodriguez (Similar CS/H 755)	Areas of Critical State Concern; Revising criteria for certain portions of property used to provide affordable housing to be eligible for an ad valorem tax exemption; providing an exemption from specified payment and performance bond requirements for specified entities under specified conditions; extending the time period specific Florida Forever appropriations must be spent on land acquisition in the Florida Keys Area of Critical State Concern, etc. CA 02/10/2026 FT RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**CS/SB 1014** Regulated Industries / Mayfield (Compare H 1075)	Provision of Municipal Utility Service to Owners Outside the Municipal Limits; Prohibiting a municipal utility from declining to extend service to properties outside its corporate limits under certain circumstances; requiring a municipal utility to expand its service to an owner who makes such a request under certain circumstances; requiring the municipal utility to make a determination within a specified timeframe and provide such determination to the owner in writing; requiring the municipal utility to provide the owner with specified information and to connect properties in a timely manner; authorizing a municipal utility to establish minimum application filing requirements, etc. RI 02/03/2026 Fav/CS CA 02/10/2026 RC	
8	**SB 1102** Massullo (Similar CS/H 1077)	Funding for Body Cameras; Revising the definition of the term “infrastructure” to include body cameras in certain circumstances, etc. CA 02/10/2026 FT AP	
9	**SB 1264** Calatayud (Similar H 833)	Private Schools; Requiring a private school that enrolls a certain number of students to be considered a permitted use for zoning purposes; providing that certain private schools may not be subject to additional building codes; requiring a fire official to use specified firesafety evaluation systems for existing private school facilities; providing that certain private schools are subject to specified fire code requirements, etc. CA 02/10/2026 ED RC	
10	**SB 1566** DiCeglie (Similar H 1329, Compare H 1001, S 1134)	Local Government Spending; Citing this act as the “Local Government Financial Transparency and Accountability Act”; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on county websites; revising the timeframe during which a public hearing for an amendment to a county budget must be advertised; prohibiting a local government from expending public funds for the purpose of diversity, equity, and inclusion; requiring the Chief Financial Officer to conduct a specified evaluation, etc. CA 02/10/2026 AEG RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	**SB 1622** Rodriguez (Identical H 1369)	Penalties for Late-filed Disclosures or Statements of Financial Interests; Prohibiting the assessment of a fine for a reporting person's first late filing of a disclosure or statement of financial interests if certain conditions are met, etc. EE 01/28/2026 Favorable CA 02/10/2026 RC	
12	**CS/SB 1724** Regulated Industries / Martin (Similar CS/H 1451, Compare H 225, S 940, S 1188)	Utility Services; Requiring that a new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide certain utility services at retail be in writing; requiring that certain public meetings be held as a condition precedent to the effectiveness of a new or extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities on consumers located outside the municipal boundaries; requiring municipalities that provide specified utility services to report certain information by a specified date, and annually thereafter, to the Florida Public Service Commission, etc. RI 02/03/2026 Fav/CS CA 02/10/2026 RC	
	Other Related Meeting Documents		

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

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

DATE	COMM	ACTION
1/29/26	SM	Favorable
2/3/26	JU	Fav/CS
2/10/26	CA	Pre-meeting
	RC	

February 3, 2026

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

Re: **CS/SB 18** – Committee on Judiciary and Senator Martin
HB 6531 – Representative LaMarca
Relief of Estate of M.N. by the Broward County Sheriff's Office

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED CLAIM FOR LOCAL FUNDS IN THE AMOUNT OF $2,588,258.50 PAYABLE BY THE BROWARD SHERIFF'S OFFICE TO THE ESTATE OF M.N. THIS AMOUNT IS THE REMAINING UNPAID BALANCE OF A JURY AWARD AND ASSOCIATED AWARDED COSTS THAT AROSE FROM A LAWSUIT ALLEGING THAT THE NEGLIGENCE OF THE BROWARD SHERIFF'S OFFICE, ITS EMPLOYEES, AND OTHER DEFENDANTS RESULTED IN THE DEATH OF M.N.

UPDATE TO PRIOR REPORT: On February 3, 2025, House and Senate special masters held a de novo hearing on a previous version of this bill, SB 30 (2025). After the hearing, I, serving as the Senate special master, issued a report containing findings of fact and conclusions of law and found the requested amount of $2,588,258.50 was reasonable. That report is attached as an addendum to this report.

Since the filing of my original report and recommendation, SB 18 has been filed for consideration during the 2026 Legislative Session. I have been assigned as Senate special master to review the records and determine whether any changes have

occurred since the hearing that, if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

Claimants have submitted a copy of the settlement executed with Ms. Keisha Walsh in the amount of $30,000, in exchange for which, Ms. Walsh is precluded from any claim to an award made pursuant to this claim bill (or any related claim).

RECOMMENDATIONS: I recommend that section 3 of SB 18 (2026) be amended to read instead: The governmental entity responsible for payment of the warrant shall pay to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to disbursing any funds to the claimant. The amount due the agency shall be equal to all unreimbursed medical payments paid by Medicaid up to the date upon which this bill becomes a law.

Respectfully submitted,

Jessie Harmsen
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary
The committee substitute does not include provision from the original bill which would have required the state to waive and pay all government liens resulting from the treatment and care of M.N.

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

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

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

March 20, 2025

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

Re: **SB 30** – Senator Martin
HB 6533 – Representative LaMarca
Relief of Estate of M.N. by the Broward County Sheriff's Office

SPECIAL MASTER'S FINAL REPORT

FINDINGS OF FACT:

M.N. was the daughter of Keshia Walsh and Christopher Nevarez. She was born on April 20, 2016[1] and died on October 28, 2016.[2] Ms. Walsh and Mr. Nevarez are also parents to D.N., born February 2, 2012.[3]

From approximately January to September 14, 2016, Ms. Walsh lived in the home of Ann McClain, Mr. Nevarez's mother. D.N., and, after her birth, M.N., also lived with Ms. McClain during this timeframe.[4] Mr. Nevarez lived separately at his girlfriend's house.

Mr. Nevarez and Ms. Walsh split care for M.N. while the other worked. Generally, Mr. Nevarez cared for M.N. at Ms. McClain's home on certain days, and Ms. Walsh cared for M.N. on other days. If one could not provide care for M.N. on their assigned day, it fell to that person to find alternate care.[5]

[1] Claimant's Exhibit 49, M.N. Birth Certificate.
[2] Claimant's Exhibit 32, M.N. Death Certificate.
[3] Claimant's Exhibit 1 at 1, Intake Report.
[4] Claimant Exhibit 87 at 159-161, Christopher Nevarez Testimony at TPR Hearing.
[5] Claimant Exhibit 87 at 159, Christopher Nevarez Testimony at TPR Hearing.

On August 19, 2016, Ms. Walsh brought M.N. to Broward Health hospital. She reported that M.N. had fallen from a couch at Juan Santos' dwelling and received a black eye. The hospital x-rayed M.N., and did not find any fractures.

Mr. Nevarez and Ms. Walsh brought M.N. to a follow up medical appointment at Personal Care Pediatrics pursuant to follow up care instructions from Broward Health hospital.[6] At that visit, Mr. Nevarez questioned the doctor whether it was likely that M.N. had borne her injuries as the result of a fall, and the doctor responded that it was possible.

On September 14, 2016, Ms. Walsh and Mr. Nevarez had a conflict. Ms. Walsh, abruptly moved herself, D.N., and M.N. out of Ms. McClain's home and into the home of Ms. Walsh's co-worker, Juan Santos, and his daughter K.S.

Mr. Nevarez did not attempt to contact Ms. Walsh for approximately 2 weeks after the confrontation in order to "let her cool off." He further testified that this sort of behavior had happened before, and that he expected Ms. Walsh to return to Ms. McClain's home eventually. Ms. McClain maintained intermittent contact via text messages with Ms. Walsh, but could not discover where Ms. Walsh and the children (D.N. and M.N.) were living.

Mr. Nevarez and Ms. McClain both testified that they thereafter attempted to see M.N. and D.N. by:[7]

- Texting Ms. Walsh at the number previously used to contact her, although it is unclear whether the messages went through to Ms. Walsh's phone;[8]
- Asking for Ms. Walsh at her place of employment;
- Attempting to visit D.N. at his school;
- Having Ms. McClain and other friends attempt to follow Ms. Walsh's car home from her place of employment.

[6] Mr. Nevarez Claim Bill 30 hearing testimony. *See also*, Claimant Exhibit 56 at 6, Personal Care Pediatrics File for M.N.
[7] Mr. Nevarez, Claim Bill 30 hearing testimony.
[8] Mr. Nevarez testifies that he believes his phone number had been blocked by Ms. Walsh, and therefore she did not receive his messages. See also, Claimant Exhibit 87 at 171 and 192, Christopher Nevarez Testimony at TPR Hearing.

Some of Mr. Nevarez's text messages did inquire when he would next see his children. Other text messages were profane and threatening to Ms. Walsh.[9]

October 13, 2016 Medical Diagnosis and Treatment

On October 13, 2016, Ms. Walsh brought M.N. to Northwest Medical Center with complaints of a fever and leg pain. M.N. was admitted as a patient of Dr. Font in the ER at 3:23 pm.[10] When questioned about the possible cause of M.N.'s leg pain, Ms. Walsh reported that there was no recent trauma and could not provide an explanation.[11]

Between 3:45 and 5:00 p.m., M.N. was x-rayed and diagnosed with subacute fractures in her left proximal tibia and fibula.[12]

Dr. Font then initiated a call to the child abuse hotline to report M.N.'s injuries as the result of suspected abuse.[13] At 5:45 pm, the treating nurse entered into M.N.'s chart that the first DCF notification had been made.[14]

Dr. Font then disclosed the diagnosed fractures to Ms. Walsh; at this time, Ms. Walsh reported that M.N. "had a fall from a couch about 2 months ago. She was seen at North Broward Hospital and had a CAT scan off the brain and some other x-rays."[15] Dr. Font noted that her continued conversations with Ms. Walsh about the source of the injury were not satisfactory, and that Ms. Walsh "couldn't give [us] really good information […] I felt like mom the whole time was trying to say something happened at the baby-sitter."[16]

Dr. Font reviewed M.N.'s records from her August North Broward Hospital visit and noted an x-ray was completed at that time, and no fractures were found.[17] She further noted

[9] Claimant Exhibit 30, Text Messages between Chris Nevarez and Keshia Walsh.
[10] Claimant Exhibit 55 at 1, *Northwest Medical Center Coding Summary for M.N.'s Oct. 13, 2016 visit*.
[11] Claimant Exhibit 68 at 33-36, Deposition of Dr. Font (May 16, 2022); and Claimant Exhibit 55 at 1, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit* ("Mom denied any recent trauma.")
[12] Claimant Exhibit 55 at 6-7, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit*.
[13] Claimant Exhibit 68 at 24-35, Deposition of Dr. Font (May 16, 2022).
[14] Claimant Exhibit 55 at 7, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit*.
[15] Claimant Exhibit 55 at 7, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit*.
[16] Claimant Exhibit 68 at 39-40, Deposition of Dr. Font (May 16, 2022).
[17] Claimant Exhibit 55 at 9, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit*.

that the August hospital chart had noted "facial contusion/bruising."[18]

At approximately 5:00 p.m., Dr. Font contacted M.N.'s pediatric office to discuss M.N.'s medical history.

At 5:20 p.m., Dr. Font consulted with an orthopedic specialist, Mark Fortney. He stated that he did not feel that the October 13th tibia fracture was related to the fall from the couch 2 months ago. Mr. Fortney stated that he suspected M.N.'s fractures to be about 3-4 weeks old, and "could be nonaccidental" and recommended reporting the injury.[19]

At 5:45 p.m., Dr. Matthew Buckler conducted a bone osseus survey of M.N.'s x-rays. Dr. Buckler telephonically disclosed his findings of a "partially healed left proximal tibial and fibular metaphyseal fracture with periostitis" and "additional distal left radial metaphyseal fracture" to Dr. Font at approximately 6:02 pm.[20]

Dr. Font's shift ended at 7:00 p.m.; she waited an additional hour to attempt to meet with the DCF investigator but left Northwest Medical Center at 8:00 p.m. Dr. Font testifies that no child protective investigator contacted her about M.N. at any point.[21]

At 9:25 p.m., the treating nurse noted in M.N.'s medical file that a status update call was made to DCF.[22] It was subsequently determined (at 10:13 p.m.) that the "hot line keyed it in wrong earlier, and the investigator would arrive at the hospital to initiate the investigation in about three hours.

October 13, 2016 Investigation by BSO

At about 10:15 p.m., BSO dispatched child protective investigator (CPI) Henry to Northwest Medical Center to investigate Dr. Font's report. CPI Henry's handwritten notes detail her next investigative step as a face-to-face with M.N. and Ms. Walsh at 10:54 p.m.. CPI Henry's chronological notes, entered at a computer the next afternoon, detail an

[18] *Id*. at 8.
[19] *Id*. at 8-9.
[20] Claimant Exhibit 11, Northwest Medical Center Diagnostic Imaging Reports (October 13, 20216).
[21] Claimant Exhibit 68 at 64, 69-70, Deposition of Dr. Font (May 16, 2022).
[22] Claimant Exhibit 55 at 4, *Northwest Medical Center EDM Live Emergency Patient Record for M.N.*(Oct. 13, 2016).

intervening contact with the reporter—however, this is disputed by Dr. Font's testimony, which states that she never spoke to a CPI about M.N.

CPI Henry conducted a "face-to-face" meeting with M.N. and Ms. Walsh at 10:54 pm. During her meeting with Ms. Walsh, CPI Henry learned that:

- M.N. had been taken to North Broward Hospital in August of 2016 as a result of a fall from the couch.
- Ms. Walsh brought M.N. to the hospital on this day as a result of a fever and stiff legs.
- Ms. Walsh used several babysitters to care for M.N., including a friend named Valerie and a "Portuguese lady." Ms. Walsh provided CPI Henry with a business card that provided a phone number and that advertised "babysitting services", but did not provide a business or personal name for the "Portuguese lady."
- Ms. Walsh lived with a roommate, Juan Santos.[23]

CPI Henry next met with nurse Margaret Vincent at 11:05 p.m.[24] This implies that the face-to-face meeting with Ms. Walsh and M.N. lasted no more than 10 minutes.

CPI Henry's notes of her investigation noted M.N.'s three diagnosed fractures, her own observations of a mark under M.N.'s eye,[25] and of discoloration on M.N.'s left wrist.[26]

M.N. was discharged from Northwest Medical Center at 11:38 p.m.[27]

Immediately after M.N.'s discharge from Northwest Medical Center, CPI Henry visited Ms. Walsh at Mr. Santos' home. She was met there by the Broward County Sheriff's Office Law Enforcement.

Law enforcement reported in their investigation report that M.N. had "swelling and discoloration to her left eye [which] appeared to be an injury that was sustained recently." Additionally, law enforcement asked Ms. Walsh how M.N.'s

[23] Claimant Exhibit 3, CPI Henry Handwritten Case Notes for Case 2016-287154.
[24] *Id*.
[25] Toniele Henry Deposition, p. 103, line 15-21, stating that, "It wasn't a black eye […] It was just like a faint little puffy thing under her eye."
[26] Claimant Exhibit 2 at 5, Child Protective Investigation Chronological Record of CPI Henry on 10/13/2016.
[27] Claimant Exhibit 12, Northwest Medical Center Discharge Summary (Oct. 13, 2016).

fractures were sustained, to which she responded that she had no idea, but that she wouldn't be bringing her to the babysitter who she had been using any more.[28]

CPI Henry conducted a Child Present Danger Assessment on October 13. The report found that there was no present danger threat to M.N., and that "*[t]he mother took the victim to Northwest medical center because the child was exhibiting some stiffness in her leg and she has a fever. The fever could be from the child teething. There was a[n] x-ray completed in which revealed the injuries occurred about two to three weeks ago. The mother advises the victim child fell off the couch in August and was seen at North Broward hospital. The mother advised the child goes to private babysitter when she goes to work. The mother has completed a follow up appointment with the pediatrician. CPT was contacted.*"[29]

Of relevant note, CPI Henry's Present Danger Assessment indicated "No" to the question presented: "Child has a serious illness or injury (indicative of child abuse) that is unexplained, or the Parent/Legal Guardian/Caregiver explanations are inconsistent with the illness or injury."

While still at Mr. Santos' home, CPI Henry developed an impending safety plan that Ms. Walsh signed. The safety plan required that Ms. Walsh would: not leave the child on the couch or bed, and would place M.N. in the pack and play when she falls asleep; enroll M.N. in a licensed daycare; not leave the children in the care of the babysitter or home where the incident occurred; notify CPI of the identity of who will be providing care to the children while she [Ms. Walsh] works.[30]

CPI Henry took the following actions in furtherance of the abuse investigation regarding M.N.:[31]

- Called the Child Protective Team to refer M.N.'s case on October 14, 2016. She was told that they would conduct a review of M.N.'s medical files.[32]

[28] Claimant Exhibit 40, *BSO Investigative File for Case 2016-287154*.
[29] Claimant Exhibit 6, *Florida Safety Decision Making Methodology Child Present Danger Assessment, FSFN Case ID 101483774* (Oct. 14, 2016).
[30] Claimant Exhibit 7, *Child Safety Plan* (October 14, 2016). Notably, Ms. Walsh placed M.N. in the care of babysitters beginning on October 15th, 2 days after signing the safety plan, and failed to communicate this to the CPI. See Claimant Exhibit 41, *Walsh Babysitting Timeline* (Oct. 27, 2016).
[31] Claimant Exhibit 2, *T. Henry Chronological Notes for M.N.'s abuse investigation* (Oct. 13-Oct. 24, 2016).
[32] Claimant Exhibit 53 at 1, Broward *County Child Protection Team Final Case Summary Report* (Dec. 13, 2016).

- Received and uploaded M.N.'s medical files from Northwest Medical Center on October 15, 2016. CPI Henry does not remember reviewing these files.
- Attempted to call the 'Portuguese Babysitter' once on October 17, 2016. No contact was made, however.

CPI Henry did not attempt to contact Juan Santos, nor refer him to the BSO Analytical team for a background and related issues check.

CPI Henry did not attempt to contact Mr. Nevarez at any point from October 15 to October 24, 2016.

CPI Henry's investigation was subject to a supervisory review on October 18, 2016, wherein supervisor Bossous recommended that CPI Henry obtain medical file from M.N.'s August hospital visit, obtain collateral contact from neighbors, interview the [Portuguese] babysitters, and offer daycare services.[33] CPI Henry's chronological case notes do not reflect any activity on M.N.'s investigation after receipt of these recommendations.

October 24th, 2016 Injuries

On October 24, 2016, M.N. was brought to North Broward Medical Center in an unresponsive state and transferred via air ambulance to Broward General Medical Center. It was later determined that Juan Santos had beaten M.N. and caused significant injuries to her skull.

On October 28, 2016, M.N. died as a result of her injuries.[34]

On October 24, 2016, BSO placed D.N. in the care of Christopher Nevarez and implemented a safety plan preventing Ms. Walsh from having contact with D.N. Ms. Walsh's parental rights to D.N. were terminated on June 20, 2018.

LITIGATION HISTORY:

A jury trial was conducted in August 2023, wherein the claimant alleged that BSO negligently failed to protect M.N. from abuse, thereby causing her death.[35] On August 16, 2023,

[33] Claimant Exhibit 25, *Supervisor Consultation* (Oct. 18, 2016).
[34] Claimant Exhibit 32, *M.N. Death Certificate* (Oct. 28, 2016).
[35] *Ann McClain v. Sheriff of Broward County*, CACE 18-025385(02) (Fla. 17th Cir. Ct. 2025).

the jury rendered a verdict in favor of the estate of M.N., with 36.6 percent of the fault apportioned to Christopher Nevarez, 2.7 percent of the fault apportioned to Ann McClain, and 58 percent of the fault apportioned to the BSO.[36] An additional cost judgment of $88,258.50 was entered on July 16, 2024. The claimants executed two settlement agreements before the matter went to trial—the first with M.N.'s pediatricians for the payment of $100,000, and the second with Broward County for $90,000 payment made to the estate of M.N.

CONCLUSIONS OF LAW:

The claim bill hearing held on February 3, 2025, was a *de novo* proceeding to determine whether BSO is liable in negligence for damages suffered by the claimant's estate, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by jury verdicts when considering a claim bill, the passage of which would be an act of legislative grace.

In this matter, the claimant alleges negligence on behalf of an employee of the BSO. The State is liable for a negligent act committed by an employee acting within the scope of his or her employment.[37]

Negligence

Negligence is "the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances;"[38] and "a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred."[39]

In a negligence action, "a plaintiff must establish the four elements of duty, breach, proximate causation, and damages."[40]

BSO's Duty of Care

[36] Claimant's Exhibit 94, *Ann McClain v. Sheriff of Broward County*, CACE 18-025385(02) (Fla. 17th Cir. Ct. 2025).
[37] *Iglesia Cristiana La Casa Del Senor, Inc. v. L.M.*, 783 So. 2d 353 (Fla. 3d DCA 2001).
[38] Florida Civil Jury Instructions 401.4 – Negligence.
[39] Florida Civil Jury Instructions 401.12(a) – Legal Cause, Generally.
[40] *Limones v. School Dist. of Lee County*, 161 So. 3d 384, 389 (Fla. 2015).

Whether a duty of care exists is a question of law.[41] Statute, case law, and agency policy describe the duty of care owed by a CPI during the course of an investigation of abuse. At the time of its involvement with M.N., the BSO was the contracted provider of child protective investigations for Broward County.[42] The BSO has a duty to reasonably investigate complaints of child abuse and neglect.[43]

However, where the "express intention of the legislature is to protect a class of individuals from a particularized harm, the governmental entity entrusted with the protection owes a duty to individuals within the class."[44] It has been found that "HRS is not a mere police agency and its relationship with an abused child is far more than that of a police agency to the victim of a crime … the primary duty of HRS is to immediately prevent any further harm to the child…[.]"[45]

Broward County, separately, was the contracted authority to perform child protective team services in Broward County, including completing medical examinations, nursing assessments, specialized and forensic interviews, providing expertise in evaluating alleged maltreatments of child abuse and neglect.

BSO's Policies and Procedures Regarding Investigation

The BSO is required to commence an investigation immediately if it appears that the immediate safety or well-being of a child is endangered, […] or that the facts otherwise so warrant.[46]

BSO Must Interview and Contact Relevant Individuals

If an abuse investigation is initiated at a hospital emergency room, the CPI must consult with the attending physician to determine whether the injury is the result of maltreatment. If the physician who examined the child is not associated with

[41] *McCain v. Fla. Power Corp.*, 593 So. 2d 500, 502 (Fla. 1992).
[42] Section 39.3065, F.S.
[43] *Dept. of Health and Rehabilitative Svcs. v. Yamuni*, 498 So. 2d 441, 442-43 (Fla. 3d DCA 1986) (stating that the Dept. of Health and Rehabilitative Services, a precursor to the Dept. of Children and Families, has a statutory duty of care to prevent further harm to children when reports of child abuse are received); *Dept. of Children and Family Svcs. v. Amora*, 944 So. 2d 431 (Fla. 4th DCA 2006).
[44] *Id.* (noting that the child was a member of the class protected under a specific statute and the [Department of Health and Rehabilitative Services] owed a statutory duty to protect him from abuse and neglect).
[45] *Dept. of Health and Rehabilitative Svcs. v. Yamuni*, 529 So. 2d 258, at 261 (Fla. 1988).
[46] Section 39.201(5), F.S. (2016).

Child Protective Team (CPT), the investigator must immediately contact the local CPT office to share the examining physician's impressions and contact information with a case coordinator. CPT will determine whether or not to respond on-site to conduct additional medical evaluation of the child and/or determine the need for follow-up CPT services.[47]

The BSO is separately required to contact a CPT in person or by phone to discuss all reports of fractures in a child of any age.

During an investigation, BSO's assessment of the safety and perceived needs for the child and family "must include a face-to-face interview with the child, other siblings, parents, and *other adults in the household* and an onsite assessment of the child's residence."[48]

The BSO must review prior criminal history of parents and caretakers. If a CPI discovers the presence of an additional adult household member who was not screened by the Florida Abuse Hotline at the time of an initial report, then the CPI must, within 24 hours of such discovery, request:

- An abuse history from the Hotline. The Hotline must endeavor to produce this history within 24 hours of the CPI's request; and
- A criminal records check, including all call-out history, from the local criminal agency. The criminal record check must be initiated within 24 hours of the individual's identity and presence in the home becoming known to the investigator.[49]

CPI must attempt to contact the non-offending parent, and if unsuccessful, must make daily attempts thereafter.[50]

Present and Impending Danger Assessments

The BSO must conduct a present danger assessment during its investigation of reported maltreatment. A discovered bone fracture is considered maltreatment pursuant to DCF/BSO

[47] Claimant Exhibit 4, *CFOP 170-5, 9-8, Child Protective Team Consultations* (April 4, 2016). Claimant Exhibit 65, Deposition of Chantale Bossous at 96-97.
[48] Section 39.301(7), F.S.. *Emphasis added*.
[49] Rule 65C-29.003, Florida Administrative Code (June 5, 2016). Rule 65C-29.009, Florida Administrative Code (2014).
[50] Claimant Exhibit 65, Deposition of Chantale Bossous at 54-55.

policy, but "accidental bone fractures that are not alleged to be inflicted or the result of inadequate supervision do not constitute "Bone Fracture" as maltreatment."[51]

Present danger which occurs during ongoing services may involve the parent or legal guardian in an in-home case, a relative or non-relative caregiver. The CPI should find a threatening family condition where there is a serious injury to an infant with no plausible explanation, and/or the perpetrator is unknown.[52]

In conducting the maltreatment index assessment, the CPI must verify his or her findings to establish by a preponderance of credible evidence that the broken bone was or was not the result of a willful act by a parent or caregiver. Such evidence can be documented through:[53]

- Interview of the Parents/Legal Guardians/Alleged Perpetrator
- Interview of Household Members/Witnesses/Collaterals (which include nonmaltreating parent)
- Analysis of reports and interviews from law enforcement.
- Assessment of the CPT.
- Obtaining and analyzing any medical reports to assess for prior injuries, location of the fracture, the number of fractures and the aging of fractures.

The CPI is required to conduct a separate Focus of Family Assessment of each family that reside together and share caregiving responsibilities, regardless of the household that is responsible for the maltreatment.[54]

<u>BSO's Breach of Duty</u>

Once a duty is found to exist, whether a defendant was negligent in fulfilling that duty is a question for the finder of fact.[55] A fact finder must decide whether a defendant exercised the degree of care that an ordinarily prudent

[51] CFOP-4: Bone Fracture.
[52] CFOP 170-1, 2-2
[53] CFOP-4: Bone Fracture.
[54] CFOP 170-1, 2-3(4). (May 2016).
[55] *Yamuni, 529 So. 2d* at 262.

person, or child protective investigator in this instance, would have under the same or similar circumstances.[56]

The BSO failed to take the following steps, that a reasonable and prudent person would have:

- Contact CPT immediately (while at the hospital for M.N.'s investigation). Rather, CPI Henry contacted the CPT the next afternoon.
- Conduct a face-to-face interview with Mr. Santos, a known adult housemate. Additionally. CPI Henry did not seek to obtain Mr. Santos' abuse or criminal history.
- Contact or interview Mr. Nevarez.
- Interview any third-party witnesses, including Mr. Santos, any of the babysitters whose names Ms. Walsh provided, any of Ms. Walsh's friends or neighbors, or Ms. McClain.
- Speak directly with the reporting physician, Dr. Font. In particular, the BSO CPI was required to provide her name and contact information to the professionally mandated reporter within 24 hours of being assigned to the investigation.[57]
- Review M.N.'s medical file.

It would have been prudent, and in fact was required by Departmental policy and regulation, for the CPI to follow-up on these steps to shed more light on the incident and gather more information about the unexplained injuries to M.N. Instead, CPI Henry appears to have accepted Ms. Walsh's explanation of the significant injuries that the "Portuguese babysitters" were the perpetrators of the injury without attempting to verify that finding through additional investigation.

Even though DCF has up to 60 days to complete an investigation,[58] the DCF failed to take precursory and required steps that an ordinary prudent CPI would have taken in this instance. For these reasons, I find that the DCF breached its duty of care.

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[56] *Russel v. Jacksonville Gas Corp.*, 117 So. 2d 29, 32 (Fla 1st DCA 1960) (defining negligence as, "the doing of something that a reasonable and prudent person would not ordinarily have done under the same or similar circumstances, or the failure to do that which a reasonable and prudent person would have done under the same or similar circumstances").
[57] CFOP 170-5, Chapter 18-2, *Interviewing Collateral Contacts: Procedures*.
[58] Section 39.301(17), F.S. (2010).

Ms. Walsh contributed to this breach by failing to give Mr. Nevarez's contact information to CPI Henry. Additionally, Ms. Walsh contributed to this breach by failing to give a full accounting of who she left M.N. with for babysitting, specifically by failing to name Mr. Santos as one of M.N.'s caretakers.

Proximate Cause

In order to prove negligence, the claimant must show that the breach of duty caused the specific injury or damage to the plaintiff.[59] Proximate cause is generally concerned with "whether and to what extent the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred."[60] To prove proximate cause, the plaintiff generally must submit evidence that "there is a natural, direct, and continuous sequence between BSO's negligence and [M.N.'s] death such that it can be reasonably said that but for BSO's negligence, the abuse to and death of [M.N.] would not have occurred."[61]

The undersigned finds that Ms. Walsh contributed to the BSO's negligent investigation of M.N.'s abuse by failing to be upfront with the CPI about (1) her children's relationship with their father; (2) her knowledge of Mr. Nevarez's contact information; and (3) her reliance on Mr. Santos for childcare. However, this misinformation could, and should have been overcome by adherence to the required investigative policies and procedures.

There is competent substantial evidence in the record to support a finding that BSO had a duty to reasonably investigate the complaint of child abuse. The BSO owed this duty to M.N. Specifically, BSO failed to appropriately identify the present danger to M.N. in home situation by failing to have a criminal background check run on Mr. Santos within 24 hours of the CPI's knowledge of his presence in M.N.'s household. If CPI Henry had , then the CPI would have been legally required to remove M.N. from Ms. Walsh and Mr. Santos' home, and Mr. Santos would not have had opportunity to inflict the injuries that ultimately caused M.N.'s death.

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[59] *Stahl v. Metro Dade Cnty.*, 438 So. 2d 14 (Fla. 3rd DCA 1983).
[60] *Amora*, 944 So. 2d at 431.
[61] *Id.*

This failure foreseeably and substantially caused the injuries that resulted in M.N.'s death. The claimants presented evidence that there is a natural, direct, and continuous sequence between BSO's negligence and M.N.'s death such that it can reasonably be said that but for BSO's negligence, the injuries that resulted in M.N.'s death would not have occurred.

In the civil matter filed in the interest of M.N.'s estate, a jury found that BSO's inactions proximately caused M.N.'s death. "[T]he issue of proximate cause is generally a question of fact concerned with 'whether and to what extent the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred.'"[62] In cases against the Department of Children and Families (DCF) having some similarities to this matter, the appellate court determined that "[t]he plaintiffs presented evidence that there is a natural, direct, and continuous sequence between DCF's negligence and [a child's] injuries such that it can be reasonably said that but for DCF's negligence, the abuse to [the child] would not have occurred."[63]

Damages

Finally, M.N.'s surviving parent suffered damages because of the BSO's negligence. Through the provision of personal testimony by Mr. Nevarez and Ms. McClain, supporting evidence and similar case law, claimants established that the jury verdict and final judgment of $2.61 million, and awarded costs of $88,258.50 for the Mr. Nevarez's mental pain and suffering,[64] as the father of M.N., is reasonable.

The jury award and cost judgment awarding taxable costs in this matter is not excessive compared to jury verdicts in similar cases.

Sovereign Immunity

Although it appears that the BSO had insurance coverage at the time of the event, it is alleged by the BSO that their insurance coverage for this event has been denied, but no formal communication of the denial has been received from the insurance company. According to testimony provided at

[62] *Amora*, 944 So. 2d at 431.
[63] *Id.*
[64] Section 768.21, F.S., authorizes damages for wrongful death.

the hearing, the BSO has offered payment of $110,000 of the jury award to the claimant, but claimant had not received said payment as of the date of the hearing. Broward County has paid its share, $90,000 of the $2.61 million jury award. Therefore, if this bill passes, the BSO owes the claimant a total of $2,608,258.50.

Settlement with Personal Care Pediatrics
The claimants settled their claim against the doctors of Personal Care Pediatrics through a confidential settlement made before the trial. During the special master hearing, claimant's counsel testified that the settlement was for $100,000, which is being held in the claimant's trust account and has not been released to the claimants.

Settlement with Keisha Walsh
At the hearing conducted, the undersigned asked claimant's attorneys to detail the legal issues relating to Ms. Walsh's right to a portion of M.N.'s estate. The claimant's attorneys represented that the probate matter was ongoing, but that they would provide their pleadings as evidence of their position in the matter. Claimant provided the pleadings on February 14, 2025. The undersigned subsequently discovered that claimant's attorneys had entered into a settlement with Ms. Walsh, and asked that claimant's attorneys provide a copy of the settlement and any related documents. Claimant's attorneys responded with a narrative detailing that the party had settled with Ms. Walsh in the probate matter to pay Ms. Walsh $30,000, but no copy of the settlement agreement.

ATTORNEY FEES:

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

The claimant's attorneys have submitted an affidavit to limit attorney fees to 20 percent of the total amount awarded under the claim bill and lobbying fees to 5 percent of the total amount awarded under the claim bill.[65]

[65] Claimant Exhibit 97, Sworn Affidavit of Stacie Schmerling.

RECOMMENDATIONS: Based upon the foregoing, the undersigned recommends that SB 30 be reported FAVORABLY.

Respectfully submitted,

Jessie Harmsen
Senate Special Master

cc: Secretary of the Senate

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil Justice, *Vice Chair*
Appropriations
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN
33rd District

February 4th, 2026

RE: SB 18: Relief of the Estate of M.N.

Dear Chair McClain,

Please allow this letter to serve as my respectful request to place SB 18 on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Our stakeholders and I would be happy to answer any potential questions.

Sincerely,

Jonathan Martin
Senate District 33

REPLY TO:
❒ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
❒ 315 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

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

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
1/29/26	SM	Favorable
2/3/26	JU	Favorable
2/10/26	CA	Pre-meeting
	RC	

January 29, 2026

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

Re: **SB 28** – Senator Rouson
Relief of Reginald Jackson by the City of Lakeland
HB 6525 – Representative Franklin

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR $312,500 BASED ON A JURY AWARD FOR THE CLAIMANT REGINALD JACKSON AND AGAINST THE CITY OF LAKELAND FOR INJURIES SUSTAINED BY THE CLAIMANT WHEN HE WAS SHOT IN THE NECK BY A LAKELAND POLICY OFFICER AFTER A TRAFFIC STOP.

CURRENT STATUS:

This claim bill was previously filed with the Legislature for the 2010 Legislative Session. At the time, it was heard by Bram D.E. Canter, an administrative law judge from the Division of Administrative Hearings, serving as a Senate Special Master. After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported FAVORABLY.

This claim bill was also previously filed with the Legislature for the 2017 Legislative Session. At the time, Senate Special Master Thomas C. Cibula issued a report that attached and relied on Judge Canter's report from SB 66 (2010). Judge Canter's and Mr. Cibula's special master reports from SB 66 (2010) and SB 298 (2017), respectively, are attached.

RECOMMENDATION: I concur with the findings made in SB 298 (2017) and recommend that SB 28 (2026) be reported FAVORABLY.

Respectfully submitted,

Jacqueline M. Moody
Senate Special Master

cc: Secretary of the Senate

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
302 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
1/29/17	SM	Favorable
03/22/17	JU	**Fav/CS**
	CA	
	RC	

March 16, 2017

The Honorable Joe Negron
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 298** – Judiciary Committee and Senator Darryl Rouson
HB 6517 – Representative Ramon Alexander
Relief of Reginald Jackson

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR $312,500 BASED ON A JURY AWARD FOR THE CLAIMANT REGINALD JACKSON AND AGAINST THE CITY OF LAKELAND FOR INJURIES SUSTAINED BY THE CLAIMANT WHEN HE WAS SHOT IN THE NECK BY A LAKELAND POLICE OFFICER AFTER A TRAFFIC STOP.

CURRENT STATUS:

This claim bill was previously filed with the Legislature for the 2010 Legislative Session. At that time, it was heard by Bram D. E. Canter, an administrative law judge from the Division of Administrative Hearings, serving as a Senate Special Master. After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported FAVORABLY. Judge Canter's special master report from SB 66 (2010), the latest report available, is attached.

Respectfully submitted,

Thomas C. Cibula
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary:
The committee substitute, in conformity with a recent opinion of the Florida Supreme Court, does not include limits on the amount of lobbying fees, costs, and similar expenses that may be paid from the proceeds of the bill.

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
402 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/04/09	SM	Favorable

December 4, 2009

The Honorable Jeff Atwater
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 66 (2010)** – Senator Chris Smith
Relief of Reginald Jackson

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR $312,500 BASED ON A JURY AWARD FOR THE CLAIMANT REGINALD JACKSON AND AGAINST THE CITY OF LAKELAND FOR INJURIES SUSTAINED BY THE CLAIMANT WHEN HE WAS SHOT IN THE NECK BY A LAKELAND POLICE OFFICER AFTER A TRAFFIC STOP.

FINDINGS OF FACT:

On October 18, 2001, around midnight, Reginald Jackson, then 24 years old, was driving home on Memorial Boulevard in Lakeland after picking up his girlfriend's 18-month-old brother from a relative's house. Officer Michael Cochran of the Lakeland Police Department was behind Jackson in a marked patrol car. Officer Cochran entered Jackson's tag number in his computer which indicated that there was a discrepancy. Officer Cochran turned on his flashing lights and pulled Jackson over. Officer Cochran asked Jackson for his license and vehicle registration. When Jackson's registration looked in order, Officer Cochran returned to his patrol car and ran the tag number again. There was no problem with Jackson's vehicle tag. Officer Cochran realized that he had initially entered the wrong tag number.

However, Officer Cochran had observed that Jackson had a child in the front passenger seat who was not in a child car seat. Officer Cochran proceeded to write Jackson a citation for transporting a child without a car seat. He told Jackson that Jackson could not drive home without a car seat and would have to get someone to bring a car seat for the child. Jackson asked Officer Cochran if he could follow the officer to Jackson's home, which was nearby, but Officer Cochran declined. Officer Cochran then drove away.

Jackson tried to use a pay phone close to where his car had been pulled over, but the phone was not working. Jackson saw another pay phone in the parking lot of a lounge a block away, so he got back into his car and drove to the lounge. Meanwhile, Officer Cochran had lingered nearby in an alleyway, apparently to observe Jackson because Officer Cochran suspected that Jackson would not obey the instruction not to drive anywhere unless the child was in a car seat. When Officer Cochran saw Jackson drive away, he immediately followed Jackson and pulled into the parking lot of the lounge with the intent to arrest Jackson.

Officer Cochran exited his patrol car and approached Jackson, who was at or near the pay phone, telling Jackson that he was under arrest. Jackson replied that he was just using the pay phone and he walked quickly to his car, got in, started it up, backed up a short distance, and then put the vehicle in "drive" with the intent to drive away. Jackson explained his reaction as caused by his being startled and confused. It was also asserted by his attorneys that, because Jackson is an African American and Officer Cochran is white, Jackson believed that Officer Cochran was acting out of racism. Jackson did not say that he feared he would be physically harmed by Officer Cochran.

Officer Cochran drew his handgun and positioned himself in front of Jackson's car, on the driver's side, with his body to the side of the front right tire and his left hand on the fender of the car. As Jackson slowly moved the car forward, Officer Cochran was yelling for Jackson to "stop or I'll shoot." Officer Cochran then shot through the windshield, striking Jackson in the neck. The bullet passed through Jackson's neck and came out of his back. The shot fired by Officer Cochran was reasonably calculated to kill Jackson. Jackson momentarily lost consciousness and his car continued forward and crossed

all lanes of Memorial Boulevard. Jackson regained consciousness in time to apply the brakes and prevent the car from crashing into a storefront.

The written policies of the Lakeland Police Department regarding the use of firearms by police officers state that their use "shall be limited to those situations in which lethal defensive action is warranted," and firearms are not to be drawn or displayed unless there is a "reasonable suspicion of a threat of death or great bodily harm to an officer or another person."

Officer Cochran claimed that he feared for his life because he believed Jackson was attempting to run him over with the car. The more persuasive evidence indicates that, if Officer Cochran feared for his life, it was an unreasonable fear. The car was rolling forward slowly. The evidence is ambiguous as to whether Officer Cochran was positioned to the side of the car or slightly in front of the car. However, even if he was positioned slightly in front of the car, the more persuasive evidence indicates he could have side-stepped or dodged the car by moving to his right. His decision to end the "threat" by shooting to kill Jackson was not a reasonable act. Although Jackson's actions in returning to his car and beginning to drive away indicated that he was going to resist arrest and flee, his actions did not give rise to a reasonable belief that he intended to kill or cause serious bodily harm to Officer Cochran.

The gunshot wound left Jackson with a permanent brachial plexus injury which is an injury to nerves that control shoulder, arm, and hand movements. There is no surgery or treatment that can repair the damage. As a result of the injury, Jackson has intermittent pain, numbness, or tingling in his right arm and hand. His right arm is also weaker.

LITIGATION HISTORY:

Jackson filed a lawsuit in 2005 against the City in the circuit court for Polk County. Following a three-day trial, the jury determined that the City was 75 percent at fault and Jackson was 25 percent at fault. The jury verdict was $550,000. Applying the 75/25 split, the circuit court issued a final judgment against the City for $412,500. The City paid the sovereign immunity limit of $100,000, leaving a balance of $312,500 to seek through a claim bill.

CLAIMANT'S POSITION: Officer Cochran was negligent in the use of his firearm and the jury award is fair and reasonable.

THE CITY'S POSITION: Officer Cochran's actions were reasonable under the circumstances. Jackson is solely responsible for his injury.

CONCLUSIONS OF LAW: The claim bill hearing was a *de novo* proceeding for the purpose of determining, based on the evidence presented to the Special Master, whether the City is liable in negligence for the injuries suffered by Jackson and, if so, whether the amount of the claim is reasonable.

It was claimed that Officer Cochran violated Police Department policy when he first drew his firearm. However, because Jackson quickly returned to his car when he was told he was under arrest, Jackson created a reasonable suspicion in the mind of Officer Cochran that Jackson might be going to get a weapon. Therefore, Officer Cochran did not violate Police Department policy when he drew his firearm. Thereafter, however, it was apparent to Officer Cochran that Jackson had not returned to the car to get a weapon and that Jackson did not have a weapon. Officer Cochran was not justified in shooting Jackson for resisting and fleeing from an attempted arrest for transporting a child without a car seat. See Light v. State, 796 So. 2d 610 (Fla. 2d DCA 2001)(police officers had no authority to use deadly force to arrest a person who had committed only a misdemeanor).

To state a claim for negligence under Florida law, a plaintiff must allege that the defendant owed the plaintiff a duty of care, that the defendant breached the duty, and that the breach caused the plaintiff to suffer damages. Paterson v. Deeb, 472 So. 2d 1210, 1214 (Fla. 1985).

Although the decision to make an arrest is a discretionary governmental function which does not give rise to a duty of care that can be breached, the actions of law enforcement officers in conducting an arrest can create a duty to exercise reasonable care. See, generally, Wallace v. Dean, 3 So. 3d 1035 (Fla. 2009). In Lewis v. City of St. Petersburg, 260 F. 3d 1260 (11th Cir. 2001), it was held that when a police officer draws his or her firearm, the officer owes a duty to act with reasonable care to all persons that are within the zone of risk associated with the discharge of the firearm. The court stated that Florida law clearly recognizes a cause of action for the

negligent handling of a firearm and the negligent decision to use a firearm.

In City of Miami v. Sanders, 672 So. 2d 46 (Fla. 3d DCA 1996), the appellate court reversed the trial court's judgment for the plaintiff for negligent use of excessive force by a police officer during an arrest, stating that "there is no such thing as a negligent commission of an intentional tort." The court stated that the proper action would be for the intentional tort of battery in which the analysis would focus on whether the force used was reasonable under the circumstances. The court went on to say that there can be a distinct cause of action for negligence brought against a police officer separate from the claim of excessive force, but "the negligence component must pertain to something other than the actual application of force during the course of the arrest." Id., at 48.

Ansley v. Heinrich, 925 F. 2d 1339 (11th Cir. 1991) involved several claims against two deputy sheriffs for shooting a man who was carrying a handgun, but had not been observed to have committed a crime. The appellate court did not address the negligence claim, but mentioned that the trial court entered a judgment against the Hillsborough County Sheriff for negligence. Mazzilli v. Doud, 485 So. 2d 477 (Fla. 3d DCA 1986) involved the review of a trial court's judgment against the City of Hialeah for assault and battery and negligence by a Hialeah police officer who shot a federal drug enforcement officer, believing that the federal officer was a felon. The appellate court found "ample evidence" to support the jury's conclusion that the police officer was negligent. These cases do not remove all doubt about the proper application of the law of negligence to a law enforcement officer's use of his or her firearm, but these cases along with the Jackson case make three known cases where a judgment of negligence was entered. Accordingly, my recommendation is based on the premise that negligence is a proper cause of action.

Jackson was within the zone of risk created when Officer Cochran drew his weapon and, therefore, Officer Cochran owed Jackson a duty to act with reasonable care. Officer Cochran did not act with reasonable care when he fired his weapon. Contributing to the finding that Officer Cochran did not act with reasonable care is the fact that the discharge of his firearm endangered the life of the child sitting next to Jackson. Officer Cochran breached his duty to Jackson and

the breach was the proximate cause of Jackson's injuries. Officer Cochran was acting within the course and scope of his employment at the time of the incident. Therefore, the City, as his employer, is be liable for Officer Cochran's negligence and the damages that resulted.

The jury award is reasonable for the injuries that Jackson suffered.

ATTORNEY'S FEES AND LOBBYIST'S FEES: In compliance with s. 768.28(8), F.S. Jackson's attorneys agreed to limit their fees to 25 percent of any amount awarded by the Legislature. They have not acknowledged the requirement of the claim bill that costs and lobbyist's fees be included in the 25 percent figure.

LEGISLATIVE HISTORY: This is the first claim bill filed for Reginald Jackson.

RECOMMENDATION: For the reasons set forth above, I recommend that Senate Bill 66 (2010) be reported FAVORABLY.

Respectfully submitted,

Bram D. E. Canter
Senate Special Master

cc: Senator Chris Smith
R. Philip Twogood, Secretary of the Senate
Counsel of Record

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

February 3, 2026

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

Dear Chairman McClain,

I am respectfully requesting SB 28, Relief of Reginald Jackson by the City of Lakeland, be added to the agenda of a forthcoming meeting of the Committee on Community Affairs for consideration.

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

Sincerely –

Darryl E Rouson

Senator Darryl E. Rouson
Florida Senate District 16

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

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

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 260
INTRODUCER:	Transportation Committee and Senator Burgess
SUBJECT:	Removal, Storage, and Cleanup of Electric Vehicles
DATE:	February 9, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	**Fav/CS**
2.	Tolmich	Fleming	CA	**Pre-meeting**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 260 requires counties, and authorizes municipalities, to establish a daily administration fee for the proper storage of electric vehicles which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water. The daily administration fee for the storage of electric vehicles may be up to three times the maximum standard storage rates already established by counties and municipalities. The daily administration fee shall be applied in the event that the electric vehicle owner or operator is incapacitated, is unavailable, or leaves the procurement of wrecker service to the law enforcement officer at the scene or otherwise does not consent to the removal of the electric vehicle. The daily administration fee may not be applied unless the electric vehicle is properly stored as defined.

The bill provides definitions for the terms "daily administration fee" and "proper storage." The bill also stipulates that the storage requirements relating to electric vehicles do not require a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

The bill may have an indeterminate negative fiscal impact on owners of electric vehicles and an indeterminate positive fiscal impact on towing-storage operators. See Section V. Fiscal Impact Statement for details.

The bill takes effect July 1, 2026.

II. Present Situation:

Wrecker Operators

A wrecker operator is any person or firm regularly engaged for hire in the business of towing or removing vehicles,[1] while a towing-storage operator refers to a person who engages in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier or who engages in storing towed vehicles or vessels.[2]

Current law allows counties and municipalities to establish wrecker operator systems similar to that of the Florida Highway Patrol as authorized in s. 321.051(2), F.S.[3] Under this system, a county or municipality may contract with one or more wrecker operators for towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways.

Towing and Storage Fees

A county, municipality, or other entity of local government may not adopt an ordinance or a rule that imposes price controls upon lawful business activities that are not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.[4]

Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property or which may be charged for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.[5] Municipalities may elect to establish maximum rates for towing and storage.[6] However, if a municipality chooses to enact such ordinance, the county's ordinance established under s. 125.0103, F.S., does not apply within such municipality.[7]

A county or municipality that has established maximum towing and storage rates must publish such rates on its website and establish a process for investigating and resolving complaints regarding fees charged in excess of such rates.[8] The daily rates for storage adopted by local governments are based on a variety of factors and vary considerably across the state. For example, the daily rate for the outdoor storage for vehicles 25 feet or less in Palm Beach County

[1] Section 1.01(15), F.S.
[2] Section 713.78(1)(f), F.S.
[3] Section 323.002(1)(c), F.S.
[4] Sections 125.0103(1)(a) and 166.043(1)(a), F.S.
[5] Section 125.0103(1)(c), F.S.
[6] Section 166.043(1)(c), F.S.
[7] Section 125.0103(1)(c), F.S.
[8] Sections 125.0103(1)(d) and 166.043(1)(d), F.S.

is $31,[9] while the daily storage rate in Leon County for a vehicle weighing less than 10,000 pounds is $55.[10]

Once a vehicle or vessel is towed or stored, the towing-storage operator has a lien on the vehicle or vessel for fees related to recovery, removal, or storage.[11] These fees may include any reasonable towing fees, administrative fees, or storage fees.[12] However, a storage fee may not be charged if the vehicle is stored for less than six hours.[13] In addition to the amount due for the towing and storage of the vehicle, a towing company may charge an administrative fee of up to $250 for releasing the claim of lien.[14]

Handling of Damaged Electric Vehicles

In 2012, the National Highway Traffic Safety Administration (NHTSA) issued guidance for the handling of electric and hybrid-electric vehicles equipped with high-voltage batteries in certain situations.[15] The guidance provides that in the event of damage, fire, or flooding involving an electric vehicle or hybrid-electric vehicle:

- Assume that the high-voltage battery and the associated components are energized and fully charged;
- Exposed electrical components, wires, and high-voltage batteries present potential high voltage shock hazards;
- Venting/off-gassing high-voltage battery vapors are potentially flammable;
- Physical damage to vehicle or high-voltage battery may result in immediate or delayed release of toxic and/or flammable gases and fire; and
- A high-voltage battery in a flooded vehicle may have high-voltage and short circuits that can shock and cause fires.[16]

In a post-incident situation, the NHTSA guidance recommends not storing a severely damaged vehicle with a lithium-ion battery inside a structure or within 50 feet of any structure, vehicle, or combustible, and to ensure that the vehicle compartments remain well ventilated.[17]

In 2020, the National Transportation Safety Board (NTSB) issued a report entitled "Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles" which included

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[9] Palm Beach County, *Maximum Non-Consent Towing and Immobilization Rates*, available at: https://discover.pbc.gov/publicsafety/consumeraffairs/CA_PDFs/MaxTowingImmobilizationRates.pdf (last visited Feb. 9, 2026).
[10] Leon County, *Resolution No. 25-17*, available at: https://cvimage.clerk.leon.fl.us/finance/Resolutions/2025/R25-17.pdf (last visited Feb. 9, 2026).
[11] Section 713.78(2)(b), F.S.
[12] Section 713.78(2), F.S.
[13] Section 713.78(2)(b), F.S.
[14] Section 713.78(15)(a), F.S.
[15] U.S. Department of Transportation, National Highway Traffic Safety Administration, *Interim Guidance for Electric and Hybrid-Electric Vehicles*, available at: https://www.nhtsa.gov/sites/nhtsa.gov/files/interimguide_electrichybridvehicles_012012_v3.pdf (last visited February 6, 2026).
[16] *Id*. at 4.
[17] *Id.* at 7.

various findings and recommendations relating to the handling of damaged electric vehicles.[18] Notable findings in the report included:

- Thermal runaway and multiple battery reignitions after initial fire suppression are safety risks in high-voltage lithium-ion battery fires.
- The energy remaining in a damaged high-voltage lithium-ion battery, known as stranded energy, poses a risk of electric shock and creates the potential for thermal runaway that can result in battery reignition and fire.
- High-voltage lithium-ion batteries in electric vehicles, when damaged by crash forces or internal battery failure, present special challenges to first and second responders because of insufficient information from manufacturers on procedures for mitigating the risks of stranded energy.
- Storing an electric vehicle with a damaged high-voltage lithium-ion battery inside the recommended 50-foot-radius clear area may be infeasible at towing or storage yards.[19]

The report recommended that certain associations representing emergency responders (including the Towing and Recovery Association of America) inform their members about the circumstances of the fire risks described in the report and the guidance available to emergency personnel who respond to high-voltage lithium-ion battery fires in electric vehicles.[20]

The Florida State Fire Marshall has adopted R. 69A-73.005, F.A.C., related to storage of damaged electric vehicles. Specifically, electric vehicles with damaged, burned, or potentially damaged or burned batteries may not be stored or parked within 50 feet of a structure until the battery can be safely discharged by trained and qualified staff in accordance with the vehicle manufacture's procedures. The rule does not apply to electric vehicles stored for under 30 days for insurance claim adjudication, to a licensed motor vehicle auction that sells junk or salvage motor vehicles, or for the disassembly or repair of a damaged electric vehicle.[21]

Motor Vehicle Insurers

Chapter 324, F.S., sets forth the financial responsibility laws for owners or operators of motor vehicles in Florida. Generally, a motor vehicle owner or operator is required to insure against losses from liability for bodily injury, death, and property damage by either:

- Purchasing auto insurance from an insurance carrier authorized by the Office of Insurance Regulation to do business in Florida;[22] or
- Obtaining a certificate of self-insurance from the Department of Highway Safety and Motor Vehicles after demonstrating the ability to cover potential losses arising out of the ownership, maintenance, or use of a motor vehicle.[23]

[18] National Transportation Safety Board, *Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles*, available at: https://www.ntsb.gov/safety/safety-studies/Documents/SR2001.pdf (last visited Feb. 9, 2026).
[19] *Id*. at 63.
[20] *Id*. at 64.
[21] State Fire Marshall, *Uniform Fire Safety Standards for Energy Storage Systems*, available at: uniform-firesafety-standards-for-energy-storage-systems-draft-language-10-2-2024.pdf (last visited Feb. 9, 2026).
[22] Section 324.021(8), F.S.
[23] Sections 324.161 and 324.171, F.S.

In addition to the mandatory types of coverage, drivers may acquire additional types of coverage, such as collision, comprehensive, roadside assistance, and liability.[24] Insurance may cover towing and storage fees after an accident, depending on the type and level of coverage and circumstances of the accident.[25] Additionally, insurance companies must provide notice before termination of payment for previously authorized storage charges and must provide 72 hours' notice to remove the vehicle from storage.[26]

III. Effect of Proposed Changes:

The bill amends ss. 125.0103,and 166.043, F.S., to require counties, and allow municipalities, to establish a daily administration fee for the proper storage of electric vehicles which may have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment has been submerged, for any length of time, in salt water. The daily administration fee for proper storage of an electric vehicle may be up to three times the standard maximum amount established for those that run on gasoline or diesel fuels. The administration fee shall apply in the event the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of the wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. The daily administration fee may not be charged unless the electric vehicle is properly stored as defined.

The bill defines the following terms:

- "Daily Administration Fee" - A fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle after the cleanup of the accident scene and debris removal in order to provide proper storage of the damaged or submerged electric vehicle.
- "Proper Storage" - The damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concreate, or solid masonry.

The bill creates s. 324.0222, F.S., to provide that nothing related to ordinances and rules imposing price controls in ss. 125.0103 and 166.043, F.S., relating to the storage of electric vehicles, requires a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

The bill amends s. 713.78, F.S., to provide that a towing-storage operator may charge the daily administration fee authorized by the bill.

The bill takes effect July 1, 2026.

[24] Experian, *Does Car Insurance Cover Towing After an Accident?*, available at: https://www.experian.com/blogs/ask-experian/does-car-insurance-cover-towing-after-accident/ (last visited Feb. 9, 2026).
[25] *Id*.
[26] Section 626.9743(8), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that counties and municipalities elect to establish the increased administration fee for storage of electric vehicles, electric vehicle owners could experience an indeterminate negative fiscal impact, and towing-storage operators could experience an indeterminate positive fiscal impact.

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: 125.0103, 166.043, and 713.78.

The bill creates section 324.0222 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 February 3, 2026:

The committee substitute:

- Clarifies in order for an electric vehicle to be charged three times the daily administration fee for storage, there must be visible damage to the batteries or battery compartment, or the batteries or battery compartment has been submerged, for any length of time, in salt water.
- Clarifies that the bill is specific to storage only and does not include towing.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment

Delete lines 33 - 81

and insert:

any length of time, in salt water, and until the appropriate local agency has inspected and verifies that the damaged battery is safe and not in danger of starting a fire. The daily administration fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and applies in the event that the electric vehicle owner or

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operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph.

2. For purposes of this paragraph, the term:

a. "Daily administration fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle in order to provide proper storage of the damaged or submerged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

Section 2. Present paragraph (d) of subsection (1) of section 166.043, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

166.043 Ordinances and rules imposing price controls.—

(1)

(d)1. Municipalities may establish a daily administration fee for the proper storage of electric vehicles, as defined in s. 320.01(36), which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water, and until the appropriate local agency has inspected and verifies that the damaged battery

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is safe and not in danger of starting a fire. The daily administration fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and applies in the event that the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph. If a municipality enacts an ordinance establishing a daily administration fee as defined in this paragraph, a county's ordinance establishing a daily administration fee under s. 125.0103(1)(d) does not apply within such municipality.

2. For purposes of this paragraph, the term:

a. "Daily administration fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle

By the Committee on Transportation; and Senator Burgess

596-02455-26 2026260c1

A bill to be entitled

An act relating to the removal, storage, and cleanup of electric vehicles; amending s. 125.0103, F.S.; requiring counties to establish a daily administration fee for the proper storage of certain electric vehicles; providing a maximum amount for such fees; providing applicability; defining the terms "daily administration fee" and "proper storage"; amending s. 166.043, F.S.; authorizing municipalities to establish a daily administration fee for the proper storage of certain electric vehicles; providing a maximum amount for such fees; providing applicability; defining the terms "daily administration fee" and "proper storage"; creating s. 324.0222, F.S.; providing that motor vehicle insurers are not required to pay certain costs; amending s. 713.78, F.S.; providing that a reasonable fee for service includes any daily administration fee; providing an effective date.

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

Section 1. Present paragraph (d) of subsection (1) of section 125.0103, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

125.0103 Ordinances and rules imposing price controls.—

(1)

(d)1. Counties shall establish a daily administration fee for the proper storage of electric vehicles, as defined in s.

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320.01(36), which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water. The daily administration fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and shall apply in the event the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph.

2. For purposes of this paragraph, the term:

a. "Daily administration fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle after the cleanup of the crash scene and debris removal in order to provide proper storage of the damaged or submerged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

Section 2. Present paragraph (d) of subsection (1) of section 166.043, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

166.043 Ordinances and rules imposing price controls.—

(1)

(d)1. Municipalities may establish a daily administration fee for the proper storage of electric vehicles, as defined in s. 320.01(36), which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water. The daily administration fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and shall apply in the event the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph. If a municipality enacts an ordinance establishing a daily administration fee as defined in this paragraph, a county's ordinance establishing a daily administration fee under s. 125.0103(1)(d) does not apply within such municipality.

2. For purposes of this paragraph, the term:

a. "Daily administration fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle after the cleanup of the crash scene and debris removal in order to provide proper storage of the damaged or submerged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

Section 3. Section 324.0222, Florida Statutes, is created to read:

324.0222 Storage of electric vehicles; coverage.—Nothing in s. 125.0103 or s. 166.043 relating to the storage of electric vehicles requires a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

Section 4. Paragraph (a) of subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2)(a) A towing-storage operator may charge the owner or operator of a vehicle or vessel only the following fees for, or incidental to, the recovery, removal, or storage of the vehicle or vessel:

1. Any reasonable fee for service, including any daily administration fee, specifically authorized under s. 125.0103 or s. 166.043 by ordinance, resolution, regulation, or rule of the county or municipality in which the service is performed.

2. Any reasonable fee for service specifically authorized by the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles under s. 321.051(2).

3. Any reasonable fee for service as agreed upon in writing between a towing-storage operator and the owner of a vehicle or vessel.

4. Any lien release administrative fee as set forth in paragraph (15)(a).

5. Any reasonable administrative fee or charge imposed by a county or municipality pursuant to s. 125.01047, s. 166.04465, or s. 323.002 upon the registered owner or other legally

authorized person in control of a vehicle or vessel.

Section 5. 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: February 4, 2026

I respectfully request that **Senate Bill #260**, relating to Removal, Storage, and Cleanup of Electric Vehicles, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Elizabeth Fleming, Staff Director
CC: Lizabeth Martinze Gonzalez, Committee Administrative Assistant

File signed original with committee office

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's 658 & 608
INTRODUCER:	Regulated Industries Committee and Senators Burgess and Smith
SUBJECT:	Water Safety Requirements for the Rental of Residential and Vacation Properties
DATE:	February 9, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Fav/CS Combined**
2.	Hackett	Fleming	CA	**Pre-meeting**
3.			RC	

I. Summary:

CS/SB's 658 and 608 amend s. 83.51 and 509.211, F.S., to incorporate enhanced water safety provisions governing residential rental properties and vacation rental properties.

The bill would require a landlord and a vacation rental licensee to equip a property with a water safety feature in the form of an exit alarm or self-closing device if the property is within 150 feet of a water body other than a swimming pool, and a water safety feature commensurate with those required for newly constructed swimming pools if the property has a swimming pool on the premises.

A landlord or licensee that is not in compliance commits a misdemeanor of the second degree, unless the violation was due to the removal or modification of a safety feature by a tenant or guest without the landlord or licensee's knowledge, and the landlord or licensee corrects the violation promptly upon learning of the deficiency.

The bill gives authority to the Department of Business and Professional Regulation to suspend or revoke a license for a vacation home and fine the licensee for noncompliance, and does not prevent a local government from imposing additional related requirements.

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

II. Present Situation:

Landlord and Tenant Relationship

Chapter 83, F.S., which governs landlord and tenant relations, is divided into three parts:

- Part I, which governs nonresidential tenancies not governed by Part II.[1]
- Part II, the Florida Residential Landlord and Tenant Act (act), which governs residential tenancies.[2]
- Part III, the Self-Storage Facility Act, which governs self-service storage spaces.[3]

Florida Residential Landlord and Tenant Act

The act governs the rights and responsibilities of both landlords and tenants in connection with the rental of dwelling units (i.e. residential tenancies).[4] For purposes of the act, "dwelling unit" means:

- A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household;
- A mobile home rented by a tenant; or
- A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.[5]

Notably, the act does not apply to:

- Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services.
- Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, in which the buyer has paid at least 12 months' rent or a contract in which the buyer has paid at least one month's rent and a deposit of at least 5 percent of the purchase price of the property.
- Transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or in a mobile home park.
- Occupancy by a holder of a proprietary lease in a cooperative apartment.
- Occupancy by an owner of a condominium unit.[6]

Significant provisions of the act include provisions relating to:

- Unconscionable rental agreements or provisions.[7]
- Rent and duration of tenancies.[8]
- Prohibited provisions in rental agreements.[9]
- The landlord's obligation to maintain the premises.[10]
- The tenant's obligation to maintain the dwelling unit.[11]

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[1] Chapter 83, Part I, F.S. (encompassing ss. 83.001-83.251, F.S.); *see also* s. 83.001, F.S. (providing same).
[2] Chapter 83, Part II, F.S. (encompassing ss. 83.40-83.683, F.S.).
[3] Chapter 83, Part III, F.S. (encompassing ss. 83.801-83.809, F.S.).
[4] Section 83.41, F.S.; *but see* s. 83.42, F.S. (excluding from the act's scope certain kinds of residencies).
[5] Section 83.43(5), F.S.; *but see* s. 83.42, F.S. (excluding certain facilities and occupancies).
[6] Section 83.42, F.S.
[7] Section 83.45, F.S.
[8] Section 83.46, F.S.
[9] Section 83.47, F.S.
[10] Section 83.51, F.S.
[11] Section 83.52, F.S.

- The landlord's access to a dwelling unit.[12]
- Termination of the tenancy.[13]
- Enforcement, damages, and attorney fees.[14]

If a landlord fails to maintain the property according to applicable laws, codes, or the lease agreement, a tenant may withhold rent until the issue is corrected,[15] terminate the lease agreement,[16] or take civil action against the landlord.[17]

The Danger of Drowning

Drowning is one of the leading causes of accidental death among children. For all ages, the current annual global estimate is 295,000 drowning deaths, although this figure is thought to underreport fatal drownings, in particular boating and disaster related drowning mortality.

Drowning disproportionately impacts children and young people, with over half of all drowning deaths occurring among people younger than 25 years old. In many countries, children under five years of age record the highest rate of fatal and non-fatal drowning, with incidents commonly occurring in swimming pools and bathtubs in high income countries and in bodies of water in and around a home in low-income contexts.[18]

Drowning Deaths in Florida

Drowning deaths in Florida have consistently ranged between 350 and 500 deaths per year in the state from 2005 to present at an average rate of approximately two deaths per 100,000 population.[19] Children aged four and under, however, drown nearly three times as often with a rate of approximately six per 100,000 population.[20] Comparably, children between the ages of one and seven drown at a rate of approximately five per 100,000 population and made up 87 out of 452, or nearly 20 percent, of the drowning deaths in Florida in 2024.[21]

[12] Section 83.53, F.S.
[13] Section 83.46(2) or (3), F.S., (providing for the durations of rental agreements); s, 83.57, F.S., (providing for the termination of tenancies without specific terms); s. 83.56(4), F.S., (providing additional notice requirements); and s. 83.575(1), F.S. (providing for the termination of tenancies with specific terms).
[14] Section 83.54, F.S., (providing for the enforcement of rights and duties); s. 83.48, F.S., (providing for attorney fees); s. 83.55, F.S. (providing a right of recovery for damages).
[15] Section 83.60, F.S.
[16] Section 83.56, F.S.
[17] Section 83.54, F.S.
[18] Peden AE, Franklin RC. Learning to Swim: An Exploration of Negative Prior Aquatic Experiences among Children. Int J Environ Res Public Health, May 19, 2020, available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277817/ (last visited Feb. 9, 2026).
[19] Florida Health Charts, Deaths from Unintentional Drowning, available at https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=Death.DataViewer&cid=0105, (last visited Feb. 9, 2026).
[20] *Id.* (Rate type changed to "crude" and age range selected from "0 to 4").
[21] *Id.*

Swimming Safety Laws in Florida

In 2000, upon finding that drowning was the leading cause of death of young children in Florida, as well as a significant cause of death for medically frail elderly persons, the Legislature enacted ch. 515, F.S., the Residential Swimming Pool Safety Act (pool safety act).[22] The pool safety act provides that all new residential swimming pools, spas, and hot tubs must be equipped with at least one pool safety feature to protect children under age six, and medically frail elderly persons, defined as those who are at least 65 years of age with a medical problem that affects balance, vision, or judgment.[23]

In Florida, certain certified pool alarms were added in 2016 as a method to meet the required pool safety features for new residential swimming pools.[24] In addition, the Legislature exempted the following entities, pools, structures, and operations from the requirements of the pool safety act:

- Sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated to store, deliver, or distribute water;
- Agricultural stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures;
- Public swimming pools;[25]
- Any political subdivision that has adopted or adopts a residential pool safety ordinance that is equal to or more stringent than the provisions of the pool safety act (ch. 515, F.S.);
- Any portable spa with a safety cover;[26] and
- Small, temporary pools without motors (*i.e.*, kiddie pools).

Requirements for Pool Safety Features for New Residential Swimming Pools

Section 515.27(1), F.S., provides the requirements a new residential swimming pool must meet in order to pass its final inspection and receive a certification of completion. At least one of the following pool safety features must be in place:

- The pool must be isolated from access to a home by an enclosure that meets certain pool barrier requirements (discussed below);
- The pool must be equipped with an approved safety pool cover;[27]

[22] *See* ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).
[23] Section 515.25, F.S. Such problems include, but are not limited to, a heart condition, diabetes, or Alzheimer's disease or any related disorder.
[24] *See* ch. 2016-129, s. 14, Laws of Fla.
[25] Section 515.25(9), F.S., defines "public swimming pool" to mean a swimming pool operated with or without charge for the use of the general public (but not a pool located on the grounds of a private residence), as defined in s. 514.011(2), F.S. For comparison, s. 514.011(3), F.S., defines a "private pool" to mean a facility used only by an individual, family, or living unit members and their guests which does not serve any type of cooperative housing or joint tenancy of five or more living units.
[26] The pool cover must comply with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs), issued by the American Society for Testing and Materials (ASTM). *See* https://www.astm.org/Standards/F1346.htm (last visited Feb. 9, 2026), which provides an abstract of the specification that is available for purchase from ASTM.
[27] An "approved safety pool cover" means a manually or power-operated pool cover that meets all of the standards of the American Society for Testing and Materials, in compliance with standard F1246-91. *See* s. 515.25(1), F.S.

- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm with a minimum sound pressure rating of 85 decibels at 10 feet;[28]
- All doors providing access from the home to the pool must have a self-closing, self-latching device, and the release mechanism must be more than 54 inches above the floor; or
- There is a pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water, and the alarm meets and is independently certified to meet safety specifications for residential pool alarms.[29] Personal swimming protection alarm devices (e.g., alarm devices that attach to a child and are triggered if a child exceeds a certain distance or becomes submerged in water), do not meet the pool alarm requirement.

Residential Swimming Pool Barrier Requirements

The term "barrier" is defined in s. 515.25(2), F.S., to mean a fence, dwelling wall, or non-dwelling wall, or any combination, which completely surrounds a swimming pool and obstructs access to the pool, especially access from the residence or from the yard outside the barrier.

Section 515.29(1), F.S., provides a residential swimming pool barrier must:
- Be at least 4 feet high on the outside;
- Not have any gaps or components that could allow a child under the age of six to crawl under, squeeze through, or climb over the barrier;
- Be placed around the pool's perimeter, separate from any fence, wall, or other enclosure surrounding the yard, unless the fence, wall, or other enclosure or any portion on the perimeter of the pool, is being used as part of the barrier, and meets all other barrier requirements; and
- Be placed sufficiently away from the water's edge to prevent a child under the age of six or a medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

Gates that provide access to residential swimming pools must:
- Open outward away from the pool and be self-closing; and
- Be equipped with a self-latching locking device, with a release mechanism on the pool side of the gate, placed that it cannot be reached by a child under the age of six, either over the top or through any opening or gap.[30]

A dwelling wall may be part of barrier if the wall has no door or window opening providing access to the pool, but a barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.[31]

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[28] The exit alarm must make continuous alarm sounds when any door or window with access to the pool area is opened or left ajar; at a level of 85 decibels (85 dbA, using A-weighted sounds), the alarm would sound louder than a passing freight train passing 100 feet away, which has a typical sound level of 80 dbA. *See* s. 515.25(4), F.S., and https://www.osha.gov/dts/osta/otm/new_noise/index.html#decibles (last visited Feb. 9, 2026).

[29] The alarm must meet and be certified to ASTM Standard F2208, titled "Standard Safety Specification for Residential Pool Alarms" issued by the ASTM. *See* https://www.astm.org/Standards/F2208.htm (last visited Feb. 9, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

[30] Section 515.29(3), F.S.

[31] Sections 515.29(4) and (5), F.S.

For an aboveground residential swimming pool, the barrier may be the pool's structure itself or may be mounted on top of the pool's structure, but any such barrier must meet all barrier requirements in s. 515.29, F.S., as described above.[32] In addition, any ladder or steps accessing an aboveground pool must be able to be secured, locked, or removed to prevent access or must themselves be surrounded by a barrier meeting all safety requirements.[33]

Penalties for Noncompliance with Requirements for Safety Features for New[34] Residential Swimming Pools

Section 515.27(2), F.S., provides that a person who fails to equip a new residential swimming pool with at least one of the required pool safety features commits a second degree misdemeanor.[35] No penalty may be imposed if, within 45 days after arrest or issuance of a summons or a notice to appear, the person equips the pool with one of the required safety features and has attended a drowning prevention education program, if such a program is offered, within 45 days of the citation.[36]

The drowning prevention education program required by s. 515.31, F.S., was adopted by rule of the Department of Health (DOH) in 2001 for persons in violation of the pool safety requirements in the 1995 American Red Cross Community Water Safety Course.[37] An updated course is available from the American Red Cross.[38] The DOH also adopted by rule the 1994 U.S. Consumer Product Safety Commission publication Number 362, Safety Barrier Guidelines for Residential Home Pools.[39]

Vacation Rentals

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

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.[40]

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

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[32] Section 515.29(2), F.S.
[33] *Id*.
[34] Chapter 2000-143, Laws of Fla., established the "Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act" with an effective date of October 1, 2000. Penalties apply to residential swimming pools built after that date.
[35] Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides a misdemeanor of the second degree is punishable by a fine not to exceed $500.
[36] *See* s. 515.27(2), F.S.
[37] *See* Fla. Admin. Code R. 64E-21.001 (2025) at https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001 (last visited Feb. 9, 2026).
[38] *See* https://www.nspf.org/training or https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety/home-pool-safety.html (last visited Feb. 9, 2026).
[39] *See* Fla. Admin. Code R. 64E-21.001(2) (2025) at https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001 and https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf (last visited Feb. 9, 2026).
[40] Section 509.242(1), F.S.

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

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.[41] The division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quad plex, or other dwelling unit that has four or less units collectively."[42]

According to the DBPR, there are a total of 168,983 licensed vacation rentals in Florida.[43]

Safety Requirements for Vacation Rentals

Vacation rentals must adhere to the safety regulations laid out in ch. 509, F.S., they are as follows:[44]

- At least one (1) approved locking device is required that cannot be opened by a non-master guest room key on all outside and connecting doors. Cannot be a sliding chain or hook and eye type of locking device.
- A current Certificate of Balcony Inspection (DBPR HR 7020) must be filed with the division every three years, unless exterior balconies and stairwells are "common" elements of a condominium. (For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.)[45]
- Railings shall be installed on all stairways and around all porches and steps.
- Heating and ventilation must be kept in good repair or installed to maintain a minimum of 68 degrees Fahrenheit throughout the building.
- Boiler Certificate required, if needed. (Not required if boiler is located in common area.) A water heating device is considered a boiler if it exceeds any one of the following limits: maximum heat input of 400,000 BTUH; water temperature of 210 degrees Fahrenheit; water capacity of 120 gallons.
- High hazard areas like boiler rooms and laundry rooms shall be kept clean and free of debris and flammables.
- Smoke alarms must be installed in every living unit.

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[41] Fla. Admin. Code R. 61C-1.002(4)(a)1.

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

[43] Email from Sam Kerce, Chief of Staff, DBPR, to Steven Baird, Staff Attorney, Florida Senate, (Feb. 9, 2026) (on file with the Florida Senate Committee on Regulated Industries).

[44] The Division of Hotels and Restaurants, *Guide to Vacation Rentals and Timeshare Projects for Florida's Public Lodging Establishments*, Jan. 2022, available at https://www2.myfloridalicense.com/hr/forms/documents/5025_753.pdf (last visited Feb. 9, 2026).

[45] The balcony certificate is available from the Division of Hotels and Restaurants website at http://www.myfloridalicense.com/; by email request submitted at http://www.myfloridalicense.com/contactus/; or by phone request to 850.487.1395.

- Electrical wiring must be in good repair.
- A fire extinguisher must be present, properly charged and accessible.
- If present, fire alarm panel must have power and be maintained.
- Automatic fire sprinklers may be required in Vacation Rental condominiums if the majority of the rental units are located within a single building of three stories or more or greater than 75 feet in height. (If 50% or fewer of the units within the building are rented transiently, a fire sprinkler system is not required.)
- Specialized smoke alarms for the hearing impaired shall be available at a rate of one per every fifty rental units with a maximum of five required.
- Specialized smoke alarms for the hearing impaired shall be available upon request without charge.
- Must meet all local fire authority requirements.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.[46]

The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2024-2025, the division received 252 consumer complaints regarding vacation rentals. In response to the complaints, the division's inspection confirmed a violation for 27 of the complaints.[47]

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.[48] The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,[49] which relates to a public lodging establishment.[50] The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.[51]

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[46] Section 509.032(2)(a), F.S.
[47] DBPR, Division of Hotels and Restaurants Annual Report for FY 2024-2025 at page 14, available https://www2.myfloridalicense.com/hr/reports/annualreports/documents/ar2024_25.pdf, (last visited Feb. 9, 2026).
[48] *See* ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. *See also* Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at: https://www.flrules.org/Gateway/reference.asp?No=Ref-07062 (last visited Feb. 9, 2026).
[49] Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.
[50] Section 509.032(2)(d), F.S.
[51] *See* Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.[52]

Preemption

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

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.[53]

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

III. Effect of Proposed Changes:

The bill amends ss. 83.51 and 509.211. F.S., to create an obligation a landlord or licensee of a vacation rental, respectively, owes to a tenant in maintaining the premises regarding water safety features.

Under the bill, if there exists within 150 feet of the dwelling unit a water body[54] other than a swimming pool, a landlord or licensee must ensure that either:

- All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or
- All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

[52] *See* ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at: http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Feb. 9, 2026).

[53] Section 509.032(7)(a), F.S.

[54] Defined by the bill to mean any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

A landlord or licensee must ensure that, if the dwelling unit has a swimming pool[55] on its premises, the unit is equipped with one of the pool safety features required for newly constructed residential swimming pools.[56]

A landlord or licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

- The violation is due to the removal or modification of any safety feature required by paragraph (a) by the tenant or guest, a member of the tenant or guest's family, or a person on the premises with the tenant or guest's consent;
- Such removal or modification occurred without the landlord's knowledge; and
- The landlord corrects the violation within 45 days of receiving actual knowledge thereof.

Specific to landlords, a landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the tenant's family, or another person on the premises with the tenant's consent, including the removal or modification of any safety features required by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent.

Specific to licensees, the bill gives authority to the Department of Business and Professional Regulation to suspend or revoke a license for a vacation home and fine the licensee for noncompliance. The bill does not prevent a local government from imposing additional related requirements.

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.

[55] Defined by the bill with the same meaning as in s. 515.25, F.S.: any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and nonportable spas.
[56] *See* Analysis section *Requirements for Pool Safety Features for New Residential Swimming Pools*, above.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The proposed requirements may strain existing agency resources, possibly requiring additional budgetary allocations for enforcement and compliance monitoring.

The DBPR, through an email from Chief of Staff Sam Kerce on file with the Florida Senate Committee on Regulated Industries stated:

> "[t]here is an indeterminate, but sizeable number of vacation rentals that will need to follow these requirements. If even a small portion led to complaints, this will be a significant increase in inspections and potential administrative action needed. The Department estimates a need of two additional FTE to help offset the potential workload. A total of $137k recurring cost for S&B and an additional $32k non-recurring for the purchase of a vehicle for the inspector and other expenses."

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 83.51 and 509.211.

IX. Additional Information:

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

CS by Regulated Industries on January 20, 2026:
The committee substitute amended SB 658 in the following ways:

- The CS kept SB 658 in its entirety and combined a provision from SB 608 dealing with the Department of Business and Professional Regulation's (DBPR) ability to suspend or revoke a vacation rental license if certain water safety requirements aren't met and allows the DBPR to fine the licensee for noncompliance.
- The CS also added a provision that allows locals to impose additional water safety requirements to those specified in s. 509.211, F.S.

B. Amendments:

None.

372408

LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment

Delete line 42

and insert:

any safety feature required under paragraph (a) or paragraph (b) by the tenant, a

455636

LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment (with title amendment)

Delete lines 82 - 107
and insert:
(c) The division may suspend or revoke the license and fine the licensee for noncompliance with this subsection.
(d) A licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

455636

1. The violation is due to the removal or modification of any safety feature required under paragraph (a) or paragraph (b) by a guest, a member of a guest's family, or a person on the premises of the rental unit with a guest's consent;

2. Such removal or modification occurred without the licensee's knowledge; and

3. The licensee corrects the violation within 45 days after receiving actual knowledge thereof.

(e) For the purposes of this subsection, the term:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Vacation rental" has the same meaning as in s. 509.242(1)(c).

3. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. The term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the rental unit.

(f) A public lodging establishment that is licensed as a vacation rental which has a water body within 150 feet of the rental unit or a swimming pool located on the premises must file a certificate upon licensure and renewal stating that the rental unit complies with the requirements of this subsection.

(g) The division shall adopt rules to implement this subsection.

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

And the title is amended as follows:

Delete lines 12 - 14

and insert:

455636

water safety features; authorizing the Division of Hotels and Restaurants to suspend or revoke the license and fine the licensee for noncompliance; providing criminal penalties; providing an exception; defining terms; requiring certain public lodging establishments to file a certificate of compliance upon licensure and renewal; requiring the division to adopt rules; providing an effective date.

By the Committee on Regulated Industries; and Senators Burgess and Smith

580-02245-26 2026658c1

A bill to be entitled

An act relating to water safety requirements for the rental of residential and vacation properties; amending s. 83.51, F.S.; requiring a landlord to equip certain rental properties with specified water safety features; providing criminal penalties; providing an exception; defining the terms "swimming pool" and "water body"; conforming a provision to changes made by the act; amending s. 509.211, F.S.; requiring a public lodging establishment licensed as a vacation rental to equip certain rental units with specified water safety features; providing criminal penalties; providing an exception; defining terms; providing construction; providing an effective date.

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

Section 1. Present subsection (4) of section 83.51, Florida Statutes, is redesignated as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

83.51 Landlord's obligation to maintain premises.—

(4)(a) At all times during a tenancy, if a water body that is not a swimming pool exists within 150 feet of the dwelling unit, the landlord must ensure that either:

1. All doors and windows providing direct access to the exterior of the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or

2. All doors providing direct access to the exterior of the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) If the dwelling unit has a swimming pool on its premises, the landlord must ensure that the dwelling unit is equipped with at least one pool safety feature as described in s. 515.27(1).

(c) A landlord who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

1. The violation is due to the removal or modification of any safety feature required in paragraph (a) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent;

2. Such removal or modification occurred without the landlord's knowledge; and

3. The landlord corrects the violation within 45 days after receiving actual knowledge thereof.

(d) For the purposes of this subsection, the term:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. The term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

(5)~~(4)~~ The landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the

tenant's family, or a ~~other~~ person on the premises with the tenant's consent, including the removal or modification of any safety features required under subsection (4) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent.

Section 2. Subsection (6) is added to section 509.211, Florida Statutes, to read:

509.211 Safety regulations.—

(6)(a) If a public lodging establishment licensed as a vacation rental has a water body within 150 feet of the rental unit which is not a swimming pool, the licensee must ensure that:

1. All doors and windows providing direct access to the exterior of the rental unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or

2. All doors providing direct access to the exterior of the rental unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) If a public lodging establishment licensed as a vacation rental has a swimming pool on its premises, the licensee must ensure that the rental unit is equipped with at least one pool safety feature as described in s. 515.27(1).

(c) The department may suspend or revoke the license and fine the licensee for noncompliance with this subsection.

(d) A licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

1. The violation is due to the removal or modification of any safety feature required under paragraph (a) or paragraph (b) by a guest, a member of a guest's family, or a person on the premises of the rental unit with a guest's consent;

2. Such removal or modification occurred without the licensee's knowledge; and

3. The licensee corrects the violation within 45 days after receiving actual knowledge thereof.

(e) For the purposes of this subsection:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Vacation rental" has the same meaning as in s. 509.242(1)(c).

3. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. The term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the rental unit.

(f) This subsection may not be construed to prevent a local government from imposing additional requirements to those specified in this section.

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

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 30, 2026

I respectfully request that **Senate Bill # 658**, relating to Water Safety Requirements for the Rental of Residential and Vacation Properties, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Elizabeth Fleming, Staff Director
CC: Lizabeth Martinez Gonzales, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	CS/SB 848
INTRODUCER:	Environment and Natural Resources Committee and Senator Truenow
SUBJECT:	Stormwater Treatment
DATE:	February 9, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Fav/CS**
2.	Tolmich	Fleming	CA	**Pre-meeting**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 848 provides that the use of a water quality enhancement area (WQEA) credit transfers the legal responsibility for complying with applicable regulatory water quality treatment requirements from the purchaser and user of such credit to the generator of such credit.

The bill authorizes environmental resource permit (ERP) applicants to use compensating stormwater treatment as a mitigation measure when existing ambient water quality prevents compliance with water quality standards. Such treatment must meet statutory requirements for WQEAs unless the treatment and discharging parcels are commonly owned, operated, and maintained, or the treatment area directly receives and treats stormwater from parcels within the total land area before the discharge leaves the treatment parcel.

The bill provides that mitigation measures or enhancement credits may be generated by third parties and sold to ERP applicants only as authorized under the section of law related WQEAs. The bill allows entities to apply for provisional WQEA permits pending the Department of Environmental Protection's (DEP) adoption of WQEA rules. DEP and water management districts must allow the use of WQEA enhancement credits generated under such provisional permits, provided applicable statutory requirements are met.

The bill also provides that, beginning July 1, 2026, if a public landowner authorizes a private entity to construct, modify, or operate stormwater management systems on public lands for offsite compensatory treatment, the landowner must require the entity to cease such activities if

DEP or a water management district determines by final agency action that the use of the land is contrary to the public interest. Operations may resume upon a subsequent determination that compensatory treatment is no longer contrary to the public interest.

The bill takes effect July 1, 2026.

II. Present Situation:

Stormwater Management

Florida averages 40-60 inches of rainfall a year, depending on the location, with about two-thirds falling between June and October.[1] Stormwater runoff generated during these rain events flows over land and impervious surfaces, such as paved streets, parking lots, driveways, sidewalks, and rooftops, and picks up pollutants like trash, chemicals, oils, and sediment.[2] This unfiltered water flows into lakes, rivers, and wetlands and gradually seeps into groundwater aquifers that supply the state's drinking water.[3] Polluted stormwater runoff is one of the greatest threats to clean water in the United States.[4]

Florida was the first state in the country to adopt a rule requiring the treatment of stormwater to a specified level of pollutant load reduction for all new development.[5] These rules were updated in 2024 following legislative ratification. The revised rules:

- Create new minimum performance standards for stormwater systems;
- Require applicants to demonstrate through modeling and calculations based on local conditions and annual runoff volumes that their proposed stormwater treatment system is designed to discharge to the required treatment level; and
- Establish new requirements for periodic inspections and the operation and maintenance of stormwater treatment systems.[6]

Environmental Resource Permitting (ERP)

Florida's ERP program regulates activities involving the alteration of surface water flows, including activities that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters.[7] Specifically, the program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other

[1] University of Florida Institute of Food and Agricultural Sciences, *Florida Rainfall Data Sources and Types*, 1 (2023), *available at* https://edis.ifas.ufl.edu/publication/AE517 (last visited Feb. 9, 2026).
[2] U.S. Environmental Protection Agency (EPA), *Urbanization and Stormwater Runoff*, *available at* https://www.epa.gov/sourcewaterprotection/urbanization-and-stormwater-runoff (last visited Feb. 9, 2026).
[3] South Florida Water Management District (SFWMD), *Your Impact on the Environment*, *available at* https://www.sfwmd.gov/community-residents/what-can-you-do (last visited Feb. 9, 2026).
[4] *Id.*; EPA, *Soak Up the Rain: What's the Problem?*, *available at* https://www.epa.gov/soakuptherain/soak-rain-whats-problem (last visited Feb. 9, 2026).
[5] DEP, *ERP Stormwater*, *available at* https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-stormwater (last visited Feb. 9, 2026).
[6] *See* chapter 2024-275, Laws of Fla.; Fla. Admin. Code R. 62-330.
[7] DEP, *Environmental Resource Permitting Coordination, Assistance, Portals*, *available at* https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/environmental-resource-permitting (last visited Feb. 9, 2026). *See* ch. 373, F.S.; Fla. Admin. Code R. 62-330.

works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.[8] ERP permits are issued by the Department of Environmental Protection (DEP) and the state's five water management districts.

ERP applications are reviewed to ensure the permit will only authorize activities that are not harmful to the water resources.[9] Applicants must provide reasonable assurance that state water quality standards will not be violated and that the activity is not contrary to the public interest.[10] However, if the proposed activity significantly degrades or is within an Outstanding Florida Water,[11] the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.[12] In determining whether an activity is not contrary to the public interest or is clearly in the public interest, the permitting agency must consider the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.[13]

If an ERP applicant cannot meet applicable criteria, the permitting agency must consider measures to mitigate adverse effects of the regulated activity.[14] Where existing ambient water quality prevents compliance with water quality standards, such mitigation must result in a net improvement in the receiving waterbody for the parameters that do not meet standards.[15] Mitigation options may include, but are not limited to, onsite or offsite mitigation, regional offsite mitigation, and the purchase of mitigation credits from mitigation banks.[16] It is the applicant's responsibility to choose the form of mitigation.[17]

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[8] Fla. Admin. Code R. 62-330.010(2).
[9] Southwest Florida Water Management District, *Environmental Resource Permit*, *available at* https://www.swfwmd.state.fl.us/business/epermitting/environmental-resource-permit (last visited Feb. 9, 2026). *See* section 373.413(1), F.S.
[10] Section 373.414(1), F.S.
[11] An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, *available at* https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters (last visited Feb. 9, 2026); *see* Fla. Admin. Code R. 62-302.700(2) and (9).
[12] Section 373.414(1), F.S.
[13] Section 373.414(1)(a), F.S.
[14] Section 373.414(1)(b), F.S.
[15] Section 373.414(1)(b)3., F.S.
[16] Section 373.414(1)(b), F.S.
[17] *Id.*

Water Quality Enhancement Areas (WQEAs)

WQEAs are natural systems[18] constructed, operated, managed, and maintained to provide offsite regional treatment within an identified enhancement service area for which enhancement credits may be provided pursuant to a WQEA permit.[19] WQEA credits can be used by governmental entities to comply with basin management action plans or reasonable assurance plans[20] or by ERP applicants for the purpose of achieving net improvement of water quality or meeting certain ERP performance standards.[21] WQEAs must be approved through the state's ERP process.[22]

DEP must establish a service area for each WQEA, the boundaries of which will depend on the geographic areas where it can reasonably be expected to address adverse impacts.[23] Service areas may overlap, and service areas for two or more WQEAs may be approved for a regional watershed. Enhancement credits can only be used to address adverse impacts within the service area.[24]

To obtain a WQEA permit, an applicant must provide reasonable assurances that the proposed area will, among other things, meet ERP requirements, benefit water quality in the enhancement service area, achieve defined performance criteria for pollutant reduction, ensure long-term pollutant reduction through perpetual operation and maintenance, and provide for permanent preservation of the site through a conservation easement.[25]

WQEA permits must provide for the assessment, valuation, and award of credits based on units of pollutants removed, as determined by DEP using standard numerical models or analytical tools.[26] To assist DEP in valuing and determining credits, WQEA permit applications must provide supporting information, including historical rainfall data, anticipated water quality and quantity inflows, and site-specific conditions affecting the anticipated performance of the proposed WQEA.[27]

Pollutant load reductions required under state regulatory programs are not eligible for consideration as credits, and credits may not be used by point source dischargers to meet regulatory requirements except those necessary to obtain an ERP for construction and operation of the site's surface water management system.[28]

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[18] "Natural system" means an ecological system supporting aquatic and wetland-dependent natural resources, including fish and aquatic and wetland-dependent wildlife habitats. Section 373.4134(2)(d), F.S.
[19] Section 373.4134(2)(e), F.S.
[20] Basin management action plans (BMAPs) and reasonable assurance plans are water quality improvement plans designed to reduce or eliminate pollutant loadings and restore specific water bodies to meet state water quality standards. *See generally* DEP, *Basin Management Action Plans (BMAPs)*, *available at* https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps (last visited Feb. 9, 2026); DEP, *Alternative Restoration Plans*, *available at* https://floridadep.gov/DEAR/Alternative-Restoration-Plans (last visited Feb. 9, 2026).
[21] Section 373.4134(1)(d) and (3)(b), F.S.
[22] Section 373.4134(3)(a), F.S.
[23] Section 373.4134(5), F.S.
[24] *Id.*
[25] Section 373.4134(4)(a), F.S.
[26] Section 373.4134(4)(b) and (c), F.S.
[27] Section 373.4134(4)(c)4., F.S.
[28] Section 373.4134(7)(e) and (f), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 373.019, F.S., which provides definitions for ch. 373, F.S., regarding management and storage of surface waters. The bill defines "compensating stormwater treatment" as a method of stormwater treatment for discharges from more than two parcels, implemented in accordance with the conditions established in s. 373.4134, F.S., related to water quality enhancement areas.

The bill also defines "total land area" as land holdings under common ownership which are contiguous, or land holdings served by common surface water management facilities.

Section 2 amends s. 373.4134, F.S., regarding water quality enhancement areas (WQEAs). The bill provides that the use of an enhancement credit transfers the legal responsibility for complying with the applicable regulatory water quality treatment requirement from the purchaser and user of such enhancement credit to the generator of such enhancement credit. The transfer of legal responsibility for complying with applicable regulatory water quality treatment requirements does not occur outside of the use of enhancement credits.

The bill provides that compensating stormwater treatment must comply with this section of law unless:

- The treatment and discharging parcels are owned, operated, and maintained by the same entity; or
- The area providing compensating stormwater treatment receives stormwater discharge directly from parcels within the total land area and treats the discharge before such discharge flows off the parcel on which the compensating stormwater treatment occurs.

The bill provides that, pending the adoption of rules to implement this section, entities may apply for a WQEA provisional permit. The Department of Environmental Protection (DEP) must issue a WQEA provisional permit if the applicant meets the applicable statutory criteria. DEP must allow the use of such enhancement credits from a WQEA established under a provisional permit subject to compliance with statutory requirements. Notwithstanding any other provision of law or rule, a water management district issuing an environmental resource permit (ERP) to applicants seeking to satisfy ERP performance standards must allow such applicants to use enhancement credits if DEP has issued a provisional permit for the WQEA from which the enhancement credits are generated.

The bill further provides that after DEP adopts rules for WQEAs, DEP may modify an issued WQEA provisional permit to conform such permit to the adopted rules. Any enhancement credit used from a WQEA established pursuant to a provisional permit must continue to be recognized by DEP and water management districts without change, regardless of whether the provisional permit is subsequently modified to conform to the adopted rules.

Section 3 amends s. 373.414, F.S., regarding criteria for activities in surface waters and wetlands. Currently, if an ERP applicant is unable to meet water quality standards due to existing ambient water quality, the permitting agency must consider mitigation measures that cause net improvement of the water quality in the receiving waterbody for those parameters which do not meet standards. The bill provides that these mitigation measures may include compensating

stormwater treatment. The bill provides that mitigation measures or enhancement credits, intended to address water quality impacts regulated under ss. 373.403–373.443, F.S., may be generated by third parties and sold and transferred to ERP applicants only as authorized under the section of law related to water quality enhancement areas.

The bill also provides that, beginning July 1, 2026, if a public landowner authorizes or enters into a legally binding agreement with a private entity to construct, modify, or operate stormwater management systems or other features on public lands so that the private entity can provide offsite compensatory treatment for third-party water quality impacts or stormwater discharge, and if DEP or a water management district determines by final agency action that the use of such public lands for such compensatory stormwater treatment is contrary to the public interest, the public landowner must direct the private entity to cease operation of the offsite compensatory treatment activities identified in the final order of DEP or water management district. The requirement to cease such activities does not apply to other compensatory treatment activities governed by the agreement between the public landowner and the private entity which are not covered by the final order. The public landowner may allow the private entity to resume compensatory stormwater treatment activities upon a subsequent final agency action determination that the use of such public lands for such compensatory treatment is no longer contrary to the public interest.

Sections 4 through 8 provide conforming changes.

Section 9 reenacts s. 373.4136, F.S., for the purpose of incorporating the amendment made by this bill to s. 373.414, F.S.

Section 10 provides an effective date of 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:

This bill may have an indeterminate negative impact on private entities that sell allocations from offsite regional stormwater management systems.

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: 373.019, 373.4134, 373.414, 373.036, 373.250, 373.421, 403.813, and 556.102.

The bill reenacts section 373.4136 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 13, 2026:

- Allows entities to apply for a provisional water quality enhancement area (WQEA) permit pending the adoption of WQEA rules by the Department of Environmental Protection (DEP).
- Requires DEP and water management districts to allow the use of WQEA enhancement credits generated under such provisional permits, provided applicable statutory requirements are met.
- Provides DEP may modify WQEA provisional permits following rule adoption, but enhancement credits already used must be recognized regardless of any subsequent modifications.

- Clarifies that a public landowner may require the cessation of stormwater management system operations only upon a final agency action, and that such operations may resume once compensatory treatment is no longer contrary to the public interest. This provision applies only to contracts entered into after July 1, 2026.

B. Amendments:

None.

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

592-01912-26 2026848c1

A bill to be entitled

An act relating to stormwater treatment; amending s. 373.019, F.S.; defining the terms "compensating stormwater treatment" and "total land area"; amending s. 373.4134, F.S.; revising legislative findings; requiring compensating stormwater treatment to comply with certain provisions unless certain circumstances exist; authorizing entities to apply for a water quality enhancement area provisional permit under certain circumstances; requiring the Department of Environmental Protection to issue such provisional permit if certain criteria are met; requiring the department to allow the use of enhancement credits from a water quality enhancement area established under a provisional permit; requiring a water management district issuing an environmental resource permit to certain applicants to allow such applicants to use enhancement credits under certain circumstances; authorizing the department to modify a water quality enhancement area provisional permit after the adoption of certain rules; requiring the department and water management districts to recognize any enhancement credit used from a water quality enhancement area established pursuant to a provisional permit; amending s. 373.414, F.S.; clarifying the types of mitigation measures for compensating stormwater treatment which the department or a water management district governing board must consider under certain circumstances; authorizing mitigation

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measures or enhancement credits intended to address certain impacts to be generated by third parties and sold and transferred to environmental resource permit applicants pursuant to specified provisions; requiring, beginning on a specified date, that public landowners direct private entities to cease certain activities upon a certain determination by the department; providing applicability; authorizing a public landowner to allow a private entity to resume compensatory stormwater treatment activities on public lands upon a certain final agency action determination by the department or final determination of a water management district; amending ss. 373.036, 373.250, 373.421, 403.813, and 556.102, F.S.; conforming cross-references; reenacting s. 373.4136(6)(d), F.S., relating to establishment and operation of mitigation banks, to incorporate the amendment made to s. 373.414, F.S., in a reference thereto; providing an effective date.

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

Section 1. Present subsections (4) through (21) and (22) through (28) of section 373.019, Florida Statutes, are redesignated as subsections (5) through (22) and (24) through (30), respectively, and new subsections (4) and (23) are added to that section, to read:

373.019 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the

term:

(4) "Compensating stormwater treatment" means a method of stormwater treatment for discharges from more than two parcels, implemented in accordance with the conditions established in s. 373.4134.

(23) "Total land area" means land holdings under common ownership which are contiguous, or land holdings served by common surface water management facilities.

Section 2. Present paragraphs (d) through (g) of subsection (3) of section 373.4134, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, a new paragraph (d) is added to that subsection, and paragraph (e) of subsection (1) and subsection (9) of that section are amended, to read:

373.4134 Water quality enhancement areas.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that:

(e) Water quality enhancement areas that provide water quality enhancement credits to applicants seeking permits under ss. 373.403-373.443 and to governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan under s. 403.067 are considered an appropriate and permittable option. The use of an enhancement credit as specified herein transfers the legal responsibility for complying with the applicable regulatory water quality treatment requirement from the purchaser and user of such enhancement credit to the generator of such enhancement credit. The transfer of legal responsibility for complying with applicable regulatory water quality treatment requirements does not occur outside of the use of enhancement credits.

(3) WATER QUALITY ENHANCEMENT AREAS.—

(d) Compensating stormwater treatment must comply with this section unless:

1. The treatment and discharging parcels are owned, operated, and maintained by the same entity; or

2. The area providing compensating stormwater treatment receives stormwater discharge directly from parcels within the total land area and treats the discharge before such discharge flows off the parcel on which the compensating stormwater treatment occurs.

(9) RULES.—The department shall adopt rules to implement this section. Pending the adoption of rules to implement this section, entities may apply for a water quality enhancement area provisional permit. The department must issue a water quality enhancement area provisional permit in response to such application if the applicant meets the statutory criteria of this section. The department shall allow the use of such enhancement credits from a water quality enhancement area established under a provisional permit as provided in this section and subject to compliance with s. 373.4134. Notwithstanding any other provision of law or rule, a water management district issuing an environmental resource permit to applicants seeking to satisfy environmental resource permit performance standards must allow such applicants to use enhancement credits if the department has issued a provisional permit for the water quality enhancement area from which the enhancement credits are generated. After the department adopts rules to implement this section, the department may modify an issued water quality enhancement area provisional permit to

conform such permit to such adopted rules. Any enhancement credit used from a water quality enhancement area established pursuant to a provisional permit must continue to be recognized by the department and water management districts without change, regardless of whether the provisional permit is subsequently modified to conform to the adopted ~~This section may not be implemented until the department adopts such~~ rules.

Section 3. Paragraph (b) of subsection (1) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(1) As part of an applicant's demonstration that an activity regulated under this part will not be harmful to the water resources or will not be inconsistent with the overall objectives of the district, the governing board or the department shall require the applicant to provide reasonable assurance that state water quality standards applicable to waters as defined in s. 403.031 will not be violated and reasonable assurance that such activity in, on, or over surface waters or wetlands, as delineated in s. 373.421(1), is not contrary to the public interest. However, if such an activity significantly degrades or is within an Outstanding Florida Water, as provided by department rule, the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.

(b) If the applicant is unable to otherwise meet the criteria set forth in this subsection, the governing board or the department, in deciding to grant or deny a permit, must consider measures proposed by or acceptable to the applicant to

mitigate adverse effects that may be caused by the regulated activity. Such measures may include, but are not limited to, onsite mitigation, offsite mitigation, offsite regional mitigation, and the purchase of mitigation credits from mitigation banks permitted under s. 373.4136. It is the responsibility of the applicant to choose the form of mitigation. The mitigation must offset the adverse effects caused by the regulated activity.

1. The department or water management districts may accept the donation of money as mitigation only where the donation is specified for use in a duly noticed environmental creation, preservation, enhancement, or restoration project, endorsed by the department or the governing board of the water management district, which offsets the impacts of the activity permitted under this part. However, this subsection does not apply to projects undertaken pursuant to s. 373.4137 or chapter 378. Where a permit is required under this part to implement any project endorsed by the department or a water management district, all necessary permits must be ~~have been~~ issued before ~~prior to~~ the acceptance of any cash donation. After the effective date of this act, when money is donated to either the department or a water management district to offset impacts authorized by a permit under this part, the department or the water management district shall accept only a donation that represents the full cost to the department or water management district of undertaking the project that is intended to mitigate the adverse impacts. The full cost shall include all direct and indirect costs, as applicable, such as those for land acquisition, land restoration or enhancement, perpetual land

management, and general overhead consisting of costs such as staff time, building, and vehicles. The department or the water management district may use a multiplier or percentage to add to other direct or indirect costs to estimate general overhead. Mitigation credit for such a donation may be given only to the extent that the donation covers the full cost to the agency of undertaking the project intended to mitigate the adverse impacts. However, nothing herein may be construed to prevent the department or a water management district from accepting a donation representing a portion of a larger project, provided that the donation covers the full cost of that portion and mitigation credit is given only for that portion. The department or water management district may deviate from the full cost requirements of this subparagraph to resolve a proceeding brought pursuant to chapter 70 or a claim for inverse condemnation. ~~Nothing in~~ This section may not be construed to require the owner of a private mitigation bank, permitted under s. 373.4136, to include the full cost of a mitigation credit in the price of the credit to a purchaser of such ~~said~~ credit.

2. The department and each water management district shall report by March 1 of each year, as part of the consolidated annual report required by s. 373.036(7), all cash donations accepted under subparagraph 1. during the preceding water management district fiscal year for wetland mitigation purposes. The report must exclude those contributions pursuant to s. 373.4137. The report must include a description of the endorsed mitigation projects and, except for projects governed by s. 373.4135(6), must address, as applicable, success criteria, project implementation status and timeframe, monitoring, long-

term management, provisions for preservation, and full cost accounting.

3. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the governing board or the department must consider mitigation measures, such as compensating stormwater treatment, proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. Mitigation measures or enhancement credits intended to address water quality impacts regulated under ss. 373.403-373.443 may be generated by third parties and sold and transferred to environmental resource permit applicants only as authorized under s. 373.4134.

4. Beginning July 1, 2026, if a public landowner authorizes or enters into an agreement with a private entity to construct, modify, or operate stormwater management systems or other features on public lands so that the private entity can provide offsite compensatory treatment for third-party water quality impacts or stormwater discharge, and if the department or a water management district employing the criteria in paragraph (a) determines by final agency action that the use of such public lands for such compensatory stormwater treatment is contrary to the public interest, the public landowner must direct the private entity to cease operation of the offsite compensatory treatment activities identified in the final order of the department or water management district. The requirement to cease such activities does not apply to other compensatory treatment activities governed by the agreement between the

public landowner and the private entity which are not covered by the final order of the department or water management district. The public landowner may allow the private entity to resume such compensatory stormwater treatment activities on such public lands upon a subsequent final agency action determination by the department or final determination of a water management district that the use of such public lands for such compensatory treatment is no longer contrary to the public interest under the criteria of paragraph (a).

5. If mitigation requirements imposed by a local government for surface water and wetland impacts of an activity regulated under this part cannot be reconciled with mitigation requirements approved under a permit for the same activity issued under this part, including application of the uniform wetland mitigation assessment method adopted pursuant to subsection (18), the mitigation requirements for surface water and wetland impacts are controlled by the permit issued under this part.

Section 4. Paragraph (d) of subsection (1) of section 373.036, Florida Statutes, is amended to read:

373.036 Florida water plan; district water management plans.—

(1) FLORIDA WATER PLAN.—In cooperation with the water management districts, regional water supply authorities, and others, the department shall develop the Florida water plan. The Florida water plan shall include, but not be limited to:

(d) Goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, based on statutory policies and directives. The state

water policy rule, renamed the water resource implementation rule pursuant to s. 373.019(27) ~~s. 373.019(25)~~, shall serve as this part of the plan. Amendments or additions to this part of the Florida water plan shall be adopted by the department as part of the water resource implementation rule. In accordance with s. 373.114, the department shall review rules of the water management districts for consistency with this rule. Amendments to the water resource implementation rule must be adopted by the secretary of the department and be submitted to the President of the Senate and the Speaker of the House of Representatives within 7 days after publication in the Florida Administrative Register. Amendments do ~~shall~~ not become effective until the conclusion of the next regular session of the Legislature following their adoption.

Section 5. Paragraph (a) of subsection (5) of section 373.250, Florida Statutes, is amended to read:

373.250 Reuse of reclaimed water.—

(5)(a) No later than October 1, 2012, the department shall initiate rulemaking to adopt revisions to the water resource implementation rule, as defined in s. 373.019(27) ~~s. 373.019(25)~~, which shall include:

1. Criteria for the use of a proposed impact offset derived from the use of reclaimed water when a water management district evaluates an application for a consumptive use permit. As used in this subparagraph, the term "impact offset" means the use of reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface water or groundwater withdrawals.

2. Criteria for the use of substitution credits where a

water management district has adopted rules establishing withdrawal limits from a specified water resource within a defined geographic area. As used in this subparagraph, the term "substitution credit" means the use of reclaimed water to replace all or a portion of an existing permitted use of resource-limited surface water or groundwater, allowing a different user or use to initiate a withdrawal or increase its withdrawal from the same resource-limited surface water or groundwater source provided that the withdrawal creates no net adverse impact on the limited water resource or creates a net positive impact if required by water management district rule as part of a strategy to protect or recover a water resource.

Section 6. Subsection (1) of section 373.421, Florida Statutes, is amended to read:

373.421 Delineation methods; formal determinations.—

(1) The Environmental Regulation Commission shall adopt a unified statewide methodology for the delineation of the extent of wetlands as defined in s. 373.019(29) ~~s. 373.019(27)~~. This methodology shall consider regional differences in the types of soils and vegetation that may serve as indicators of the extent of wetlands. This methodology shall also include provisions for determining the extent of surface waters other than wetlands for the purposes of regulation under s. 373.414. This methodology does ~~shall~~ not become effective until ratified by the Legislature. Subsequent to legislative ratification, the wetland definition in s. 373.019(29) ~~s. 373.019(27)~~ and the adopted wetland methodology shall be binding on the department, the water management districts, local governments, and any other governmental entities. Upon ratification of such wetland

methodology, the Legislature preempts the authority of any water management district, state or regional agency, or local government to define wetlands or develop a delineation methodology to implement the definition and determines that the exclusive definition and delineation methodology for wetlands shall be that established pursuant to s. 373.019(29) ~~s. 373.019(27)~~ and this section. Upon such legislative ratification, any existing wetlands definition or wetland delineation methodology shall be superseded by the wetland definition and delineation methodology established pursuant to this chapter. Subsequent to legislative ratification, a delineation of the extent of a surface water or wetland by the department or a water management district, pursuant to a formal determination under subsection (2), or pursuant to a permit issued under this part in which the delineation was field-verified by the permitting agency and specifically approved in the permit, shall be binding on all other governmental entities for the duration of the formal determination or permit. All existing rules and methodologies of the department, the water management districts, and local governments, regarding surface water or wetland definition and delineation shall remain in full force and effect until the common methodology rule becomes effective. However, this may ~~shall~~ not be construed to limit any power of the department, the water management districts, and local governments to amend or adopt a surface water or wetland definition or delineation methodology until the common methodology rule becomes effective.

Section 7. Paragraphs (r) and (u) of subsection (1) of section 403.813, Florida Statutes, are amended to read:

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(r) The removal of aquatic plants, the removal of tussocks, the associated replanting of indigenous aquatic plants, and the associated removal from lakes of organic detrital material when such planting or removal is performed and authorized by permit or exemption granted under s. 369.20 or s. 369.25, provided that:

1. Organic detrital material that exists on the surface of natural mineral substrate shall be allowed to be removed to a depth of 3 feet or to the natural mineral substrate, whichever is less;

2. All material removed pursuant to this paragraph shall be placed on a self-contained, upland spoil site which will prevent the escape of the spoil material into waters in the state except when spoil material is permitted to be used to create wildlife

islands in freshwater bodies of the state when a governmental entity is permitted pursuant to s. 369.20 to create such islands as a part of a restoration or enhancement project;

3. All activities are performed in a manner consistent with state water quality standards; and

4. Activities under this exemption are not conducted in wetland areas, as defined in s. 373.019(29) ~~s. 373.019(27)~~, which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys, except when a governmental entity is permitted pursuant to s. 369.20 to conduct such activities as a part of a restoration or enhancement project.

The department may not adopt implementing rules for this paragraph, notwithstanding any other provision of law.

(u) Notwithstanding any provision to the contrary in this subsection, a permit or other authorization under chapter 253, chapter 369, chapter 373, or this chapter is not required for an individual residential property owner for the removal of organic detrital material from freshwater rivers or lakes that have a natural sand or rocky substrate and that are not aquatic preserves or for the associated removal and replanting of aquatic vegetation for the purpose of environmental enhancement, providing that:

1. No activities under this exemption are conducted in wetland areas, as defined in s. 373.019(29) ~~s. 373.019(27)~~, which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys.

2. No filling or peat mining is allowed.

3. No removal of native wetland trees, including, but not limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

4. When removing organic detrital material, no portion of the underlying natural mineral substrate or rocky substrate is removed.

5. Removed organic detrital material and plant material is placed on an upland spoil site which will not cause water quality violations.

6. All activities are conducted in such a manner, and with appropriate turbidity controls, so as to prevent any water quality violations outside the immediate work area.

7. Replanting with a variety of aquatic plants native to the state shall occur in a minimum of 25 percent of the preexisting vegetated areas where organic detrital material is removed, except for areas where the material is removed to bare rocky substrate; however, an area may be maintained clear of vegetation as an access corridor. The access corridor width may not exceed 50 percent of the property owner's frontage or 50 feet, whichever is less, and may be a sufficient length waterward to create a corridor to allow access for a boat or swimmer to reach open water. Replanting must be at a minimum density of 2 feet on center and be completed within 90 days after removal of existing aquatic vegetation, except that under dewatered conditions replanting must be completed within 90 days after reflooding. The area to be replanted must extend waterward from the ordinary high water line to a point where normal water depth would be 3 feet or the preexisting vegetation line, whichever is less. Individuals are required to make a reasonable effort to maintain planting density for a period of 6 months

after replanting is complete, and the plants, including naturally recruited native aquatic plants, must be allowed to expand and fill in the revegetation area. Native aquatic plants to be used for revegetation must be salvaged from the enhancement project site or obtained from an aquatic plant nursery regulated by the Department of Agriculture and Consumer Services. Plants that are not native to the state may not be used for replanting.

8. No activity occurs any farther than 100 feet waterward of the ordinary high water line, and all activities must be designed and conducted in a manner that will not unreasonably restrict or infringe upon the riparian rights of adjacent upland riparian owners.

9. The person seeking this exemption notifies the applicable department district office in writing at least 30 days before commencing work and allows the department to conduct a preconstruction site inspection. Notice must include an organic-detrital-material removal and disposal plan and, if applicable, a vegetation-removal and revegetation plan.

10. The department is provided written certification of compliance with the terms and conditions of this paragraph within 30 days after completion of any activity occurring under this exemption.

Section 8. Subsection (6) of section 556.102, Florida Statutes, is amended to read:

556.102 Definitions.—As used in this act:

(6) "Excavate" or "excavation" means any manmade cut, cavity, trench, or depression in the earth's surface, formed by removal of earth, intended to change the grade or level of land,

or intended to penetrate or disturb the surface of the earth, including land beneath the waters of the state, as defined in s. 373.019(24) ~~s. 373.019(22)~~, and the term includes pipe bursting and directional drilling or boring from one point to another point beneath the surface of the earth, or other trenchless technologies.

Section 9. For the purpose of incorporating the amendment made by this act to section 373.414, Florida Statutes, in a reference thereto, paragraph (d) of subsection (6) of section 373.4136, Florida Statutes, is reenacted to read:

373.4136 Establishment and operation of mitigation banks.—

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except as provided in this section, mitigation credits may be withdrawn and used only to offset adverse impacts in the mitigation service area. The boundaries of the mitigation service area shall depend upon the geographic area where the mitigation bank could reasonably be expected to offset adverse impacts. Mitigation service areas may overlap, and mitigation service areas for two or more mitigation banks may be approved for a regional watershed.

(d) If the provisions of s. 373.414(1)(b) and (8) are met and an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur, the permit applicant is

entitled to a one-time use of credits released from a mitigation bank outside the mitigation bank service area to offset impacts pursuant to s. 373.414(1)(b), as established by the procedure in paragraph (f). The department or water management district must have determined that the mitigation service area lacked the appropriate credit type. Priority must be given to mitigation banks whose permitted service area fully includes the impacted site. If the number of released credits within a mitigation service area only partially offsets the impacts associated with a proposed project in the mitigation service area, the permit applicant may only use out-of-service-area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. In implementing this subsection, the department and water management districts shall apply a proximity factor to determine adequate compensatory mitigation as follows:

1. A 1.0 multiplier shall be applied for use of in-kind credits within the service area.

2. A 1.0 multiplier shall be applied for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after credit deficiency has been established by the procedure set forth in paragraph (f).

3. A 1.2 multiplier shall be applied for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which proposed impacts are located only after credit deficiency has been established by the procedure

set forth in paragraph (f).

4. When in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional watershed overlain by a mitigation bank service area in which the proposed impacts are located, an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed only after credit deficiency has been established by the procedure set forth in paragraph (f).

5. An additional 0.50 multiplier shall be applied after any multipliers required in subparagraphs 1.-4., if the mitigation used to offset impacts entails out-of-kind replacement.

Section 10. This act shall take effect July 1, 2026.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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

SENATOR KEITH TRUENOW

13th District

February 3, 2026

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

Dear Chairman McClain,

I would like to request CS/SB 848 Stormwater Treatment/Mitigation Reform be placed on the next available Community Affairs Committee agenda.

This bill defines "compensating stormwater treatment" and related regulatory terms, it requires mitigation efforts to meet specific environmental permitting requirements; allows mitigation credit producers to sell credits to eligible applicants and updates environmental compliance rules affecting development and land use.

I appreciate your favorable consideration.

Sincerely,

Senator Keith Truenow
Senate District 13

KT/dd

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

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

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 934
INTRODUCER:	Senator Rodriguez
SUBJECT:	Areas of Critical State Concern
DATE:	February 9, 2026
REVISED:	

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

I. Summary:

SB 934 revises eligibility criteria for the "Live Local" property tax exemption for multifamily affordable housing properties within the Florida Keys Area of Critical State Concern to reduce the minimum number of units which must be set aside and no longer require they be newly constructed.

The bill exempts from payment or performance bond requirements, a person entering into a construction contract for work done on property in an area of critical state concern that is subject to a long-term ground lease with Habitat for Humanity International, Inc. or its affiliates, provided that the leasehold interest is subject to any claims by claimants who qualify as lienors.

The bill extends funding from the Florida Forever Trust Fund for land acquisition within the Florida Keys Area of Critical State Concern to fiscal year 2035-2036.

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

II. Present Situation:

Areas of Critical State Concern (ACSC)

The Administration Commission[1] may designate an ACSC for the following areas:

- An area that contains or has a significant impact on environmental or natural resources of regional or statewide importance, where uncontrolled private or public development would cause substantial deterioration of the area's resources.[2] This includes state or federal parks,

[1] The Administration Commission consists of the Governor and the Cabinet. The commission acts on simple majority. Section 380.031(1), F.S.

[2] Section 380.05(2)(a), F.S.

forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas.[3]
- An area that contains or has a significant impact on historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, where private or public development would cause substantial deterioration or complete loss of the area's resources, sites, or districts.[4]
- An area that has a significant impact on, or is significantly affected by, an existing or proposed major public facility or other area of major public investment, including highways, ports, airports, energy facilities, and water management projects.[5]

The Florida Department of Commerce, which is the state land planning agency,[6] may recommend an area for designation as an area of critical state concern.[7] In its recommendations, the department must include:[8]
- Recommendations for the purchase of land within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Program;
- Any report or recommendation of a resource planning and management committee;[9]
- The dangers that would result from uncontrolled or inadequate development of the area and the advantages of developing the area in a coordinated manner;
- A detailed boundary description of the proposed area;
- Specific principles for guiding development within the area;[10]
- An inventory of lands owned by the federal, state, and local governments within the proposed area; and
- A list of the state agencies with programs that affect the purpose of the designation.

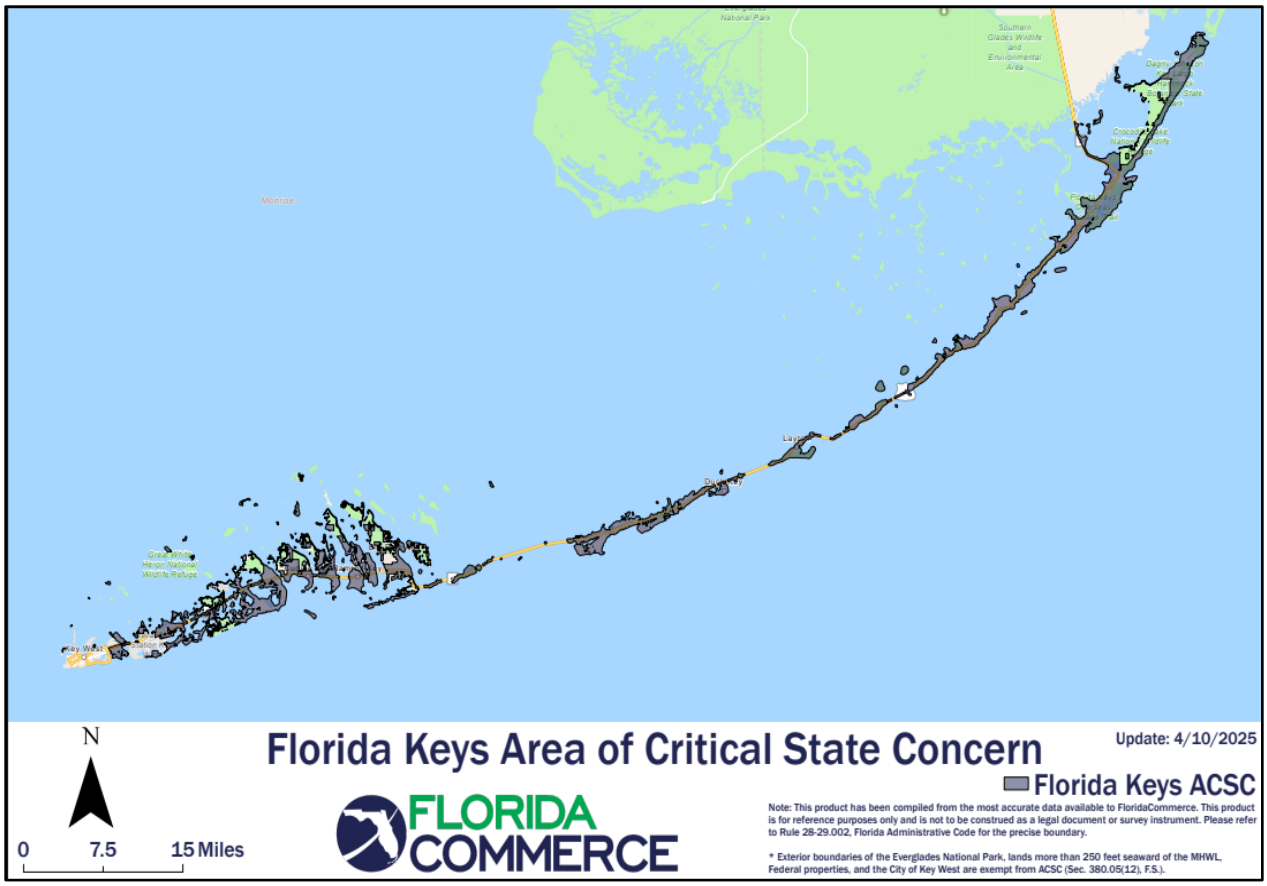
Following the designation of the ACSC, any local government that is wholly or partially located within the area must conform its previously adopted comprehensive plan to the principles for guiding development of the area of critical state concern.[11]

[3] *Id*.
[4] Section 380.05(2)(b), F.S.
[5] Section 380.05(2)(c), F.S.
[6] Section 380.031(18), F.S.
[7] Section 380.05, F.S.
[8] Section 380.05(1)(a), F.S.
[9] Prior to recommending the designation of an area of critical state concern, the Governor, acting as chief planning officer of the state, must appoint a resource planning and management committee for the area under study by the Florida Department of Commerce (DOC). The committee must organize a voluntary, cooperative resource planning and management program to resolve any problems that might endanger the area's resources and facilities. Section 380.045(1), F.S.
[10] Regarding the principles for guiding development, DOC must recommend actions which state and regional agencies and local governments must accomplish to implement these principles. These actions may include, but are not limited to, revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements. Section 380.05(1)(a), F.S.
[11] Section 380.05(14), F.S.

There are currently six ACSC designated in Florida: The Big Cypress ACSC, the Green Swamp ACSC, the Florida Keys ACSC, the City of Key West ACSC, the Brevard Barrier Island ACSC, and the Apalachicola Bay ACSC.[12]

Florida Keys ACSC

The Florida Keys ACSC was designated in 1975 and currently includes the municipalities of Islamorada, Marathon, Layton, and Key Colony Beach, as well as unincorporated Monroe County.[13]



State, regional, and local governments in the Florida Keys ACSC are required to coordinate their development plans and conduct program and regulatory activities to be consistent with the principles for guiding development.[14] The principles for guiding development include managing

[12] DOC, *Areas of Critical State Concern Program*, https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern (last visited Feb. 9, 2026); *see* sections 380.055, 380.0551, 380.0552, 380.0553, and 380.0555, F.S.

[13] DOC, *Florida Keys Area of Critical State Concern Annual Report: Fiscal Year 2023-2024*, page 3 of Tab 1 , *available at* https://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmty-plan-acsc/2024-florida-keys-annual-report.pdf?sfvrsn=75c93ab0_1 (last visited Feb. 9, 2026). In 1984, the City of Key West was removed from the Florida Keys Area of Critical State Concern and was designated a separate area of critical state concern. *Id*. For the map on this page, see DOC, *Florida Keys Area of Critical State Concern*, (2025), *available at* https://www.floridajobs.org/docs/default-source/community-planning-development-and-services/areas-of-critical-state-concern-program/maps/floridakeysmap.pdf?sfvrsn=f9f639b0_1 (last visited Feb. 9, 2026).

[14] Section 380.0552(7), F.S.

and limiting the adverse impacts of development, and protecting the environmental resources, historical heritage, and water quality of the Florida Keys to maintain its status as a unique Florida resource.[15]

A land development regulation or element of a local comprehensive plan in the Florida Keys ACSC may be enacted, amended, or rescinded by a local government, but such actions must be approved by the Florida Department of Commerce.[16] Amendments to local comprehensive plans must be reviewed for compliance with the principles for guiding development.[17]

Affordable Housing

Housing is considered affordable when it costs less than 30 percent of a family's gross income.[18] A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50 percent are considered "severely cost burdened."[19] What makes housing "affordable" is a decrease in monthly rent so that income eligible households can pay less for the housing than it would otherwise cost at "market rate."[20]

Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels. These levels are published annually by the U.S. Department of Housing and Urban Development for every county and metropolitan area.[21] Florida Statutes categorizes the levels of household income as follows:

- Extremely low income – households at or below 30% AMI;[22]
- Very low income – households at or below 50% AMI;[23]
- Low income – households at or below 80% AMI;[24] and
- Moderate income – households at or below 120% AMI.[25]

"Live Local" Property Tax Exemption

The ad valorem tax[26] or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts based on the taxable value of property as of January 1 of each year.[27] The Florida Constitution allows the Legislature to exempt from ad valorem taxation

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[15] *Id.* For a full list of required considerations, see section 380.0552(7)(a)-(n), F.S.
[16] Section 380.0552(9)(a), F.S.
[17] *Id.*
[18] National Low Income Housing Coalition, *About the Gap Report*, https://nlihc.org/gap/about (last visited Feb. 9, 2026).
[19] *Id.*
[20] The Florida Housing Coalition, *Affordable Housing in Florida*, 3, *available at*: https://flhousing.org/wp-content/uploads/2022/07/Affordable-Housing-in-Florida.pdf (last visited Feb. 9, 2026).
[21] *See* U.S. Department of Housing and Urban Development, *Income Limits*, https://www.huduser.gov/portal/datasets/il.html (last visited Feb. 9, 2026).
[22] Section 420.0004(9), F.S.
[23] Section 420.0004(17), F.S.
[24] Section 420.0004(11), F.S.
[25] Section 420.0004(12), F.S.
[26] For an in-depth review of ad valorem taxation and the "Live Local" tax exemption discussed herein, see Florida Senate Committee on Appropriations, *Bill Analysis and Fiscal Impact Statement, CS/SB 102 (2023)* pages 30-34, Feb. 24, 2023, *available at* https://flsenate.gov/Session/Bill/2023/102/Analyses/2023s00102.ap.PDF (last visited Feb. 9, 2026).
[27] Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines "tangible personal

portions of property that are used predominantly for educational, literary, scientific, religious or charitable purposes.[28] The Legislature has implemented these exemptions and set forth criteria to determine whether property is entitled to such an exemption.[29]

The Live Local Act, which became law in 2023, established a new "charitable use" ad valorem tax exemption for owners of newly constructed multifamily rental developments who use a portion of the development to provide affordable housing.[30] Eligible property includes units in a newly constructed multifamily development containing a minimum number of units dedicated to housing natural persons or families below certain income thresholds.[31] "Newly constructed" is defined as substantially completed within 5 years before first submitting a request for certification for the exemption.[32] The units must be occupied by such individuals or families at either the 80 or 120 percent AMI threshold.[33] Rent for such units may not exceed the lesser of U.S. Department of Housing and Urban Development income and rent limits or 90 percent of the fair market value of rent as determined by a rental market study.[34]

In 2024, the Legislature revised this exemption for developments located in the Florida Keys ACSC to require a minimum of 10 units (rather than the minimum of 70 units for projects in other parts of the state) be set aside for income-limited persons and families in acknowledgement of the stricter land development regulations for that area.[35]

Construction Liens

Florida law seeks to ensure that people working on construction projects are paid for their work. Any person who provides services, labor, or materials for improving, repairing, or maintaining real property (except public property) may place a construction lien[36] on the property, provided the person complies with statutory procedures.[37] A lienor is a contractor; subcontractor; sub-subcontractor, laborer, or materialman who furnishes materials under contract; or a professional lienor.[38]

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property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

[28] Art. VII, s. 3(a), FLA. CONST. Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. Art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. *See, e.g., Walter v. Schuler,* 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

[29] Section 196.196, F.S.

[30] Ch. 2023-17, s. 8, Laws of Fla., codified as s. 196.1978(3), F.S. (2025).

[31] Section 196.1978(3)(b), F.S.

[32] Section 196.1978(3)(a), F.S.

[33] Section 196.1978(3)(b)1., F.S.

[34] Section 196.1978(3)(b)3., F.S.

[35] Chapters 2024-158, and 2024-188, Laws of Fla.

[36] A lien is a claim against property that evidences a debt, obligation, or duty. *See* 34 FLA. JUR. 2D, *Liens* s. 1 (describing a lien as a charge on property for the payment or discharge of a debt or duty which may be created only by a contract of the parties or by operation of law).

[37] Chapter 713, F.S.

[38] Section 713.01(19), (21), F.S.

A construction lien extends to the right, title, and interest of the person who contracts for the improvement to the extent that such right, title, and interest exists at the improvement's commencement or is acquired in the real property.[39] However, when a lessee makes an improvement under an agreement between the lessee and his or her lessor, the lien also extends to the lessor's interest unless:[40]

- The lease, or a short form or a memorandum of the lease, is recorded in the official records of the county where the property is located before the recording of a notice of commencement for improvements to the property and the lease's terms expressly prohibit such liability; or
- The lease's terms expressly prohibit such liability, and a notice advising that leases for the rental of premises on a property prohibit such liability has been recorded in the official records of the county in which the property is located before the recording of a notice of commencement for improvements to the premises and the notice includes specified information.[41]

If a lease expressly provides that the lessor's interest will not be subject to the construction liens relating to improvements made by the lessee, the lessee must notify the contractor making any such improvements of the lease provision, and the knowing and willful failure of the lessee to provide such notice renders the contract voidable at the contractor's option.[42]

Payment and Performance Bonds

A contractor who contracts with the state or any local government or other public authority or private entity for the construction of, or repairs to, a public building or public work must execute and record[43] a payment and performance bond with a surety insurer authorized to do business in Florida as a surety, if the contract is above a certain threshold.[44] A payment bond is a type of surety that generally guarantees that all subcontractors, laborers, and material suppliers will be promptly paid for their labor, services, and materials contributed to a construction project.[45]

The bond forms a three-part contract between the owner, the contractor, and the surety insurer where the bond substitutes for the property as the security for payment in lieu of the typical right to claim a lien.[46] The payment bond must be furnished in at least the amount of the original

[39] Section 713.10(1), F.S.
[40] *Id.*
[41] Section 713.10(2)(b), F.S.
[42] Section 713.10(2)(a), F.S.
[43] The payment and performance bond must be executed and recorded before the work is begun, and the recording must be in the public records of the county where the improvement is located. Section 255.05(1), F.S.
[44] Section 255.05(1), F.S. No bond is required for work done for the state where the contract is $100,000 or less. A county, city, political subdivision, or public authority may choose to exempt contracts for $200,000 or less. S. 255.05(1)(d), F.S.
[45] *See generally* sections 255.05, and 713.23, F.S. ("The bond shall be conditioned upon the contractor's performance of the construction work in the time and manner prescribed in the contract and promptly making payments to all persons defined in s. 713.01 who furnish labor, services, or materials for the prosecution of the work provided for in the contract." S. 255.05(1)(c), F.S.
[46] *See* Daniel R. Vega, *"Here Comes the Money": A Subcontractor's and Material Supplier's Guide to Perfecting Construction Lien and Bond Rights Under Florida Law*,76 Fla. Bar. J. 9 (Oct 2002), *available at* https://www.floridabar.org/the-florida-bar-journal/here-comes-the-money-a-subcontractors-and-material-suppliers-guide-to-perfecting-construction-lien-and-bond-rights-under-florida-law/ (last visited Feb. 9, 2026).

contract price before beginning the construction project, and a certified copy of the recorded bond must be provided to the public entity before commencing work.[47]

Habitat for Humanity

Habitat for Humanity is a nonprofit organization working across the United States and over 70 countries to increase access to housing through constructing, renovating, and repairing homes; innovating new building and financing methods; and advocating for policies to enhance housing construction and access.[48] Families in need of decent, affordable housing apply for homeownership with their local Habitat for Humanity affiliate.[49] Habitat for Humanity affiliates are independent local nonprofit organizations that coordinate all aspects of Habitat home building in their local areas.[50] Three affiliates operate in the Florida Keys: Habitat for Humanity of the Upper Keys, Habitat for Humanity of the Middle Keys, and Habitat for Humanity of Key West and Lower Florida Keys.[51]

To keep properties affordable, Habitat for Humanity structures its home ownership model by first leasing land from a local government or community land trust subject to a ground lease of 99 years.[52] An eligible family will then purchase the home from Habitat from Humanity without purchasing the land.[53] The 99-year ground lease places limitations on resale, such as setting income limits for future purchasers and providing a formula to keep the resale price affordable.[54]

Florida Forever Trust Fund

The Florida Forever Program is the state's main conservation and recreation lands acquisition program.[55] The Florida Forever Act prescribes the uses and distribution of funds to the Florida Forever Program.[56]

Thirty-five percent of Florida Forever funds must be distributed to the Florida Department of Environmental Protection for the acquisition of lands and capital project expenditures described in the Florida Forever Act.[57] Of this distribution:

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[47] Section 255.05(1), F.S. For a contract in excess of $250 million, if the state, county, municipality, political subdivision, or other public entity finds that a bond in the amount of the contract price is not reasonably available, the public owner shall set the amount of the bond at the largest amount reasonably available, but not less than $250 million. S. 255.05(1)(g), F.S.
[48] Habitat for Humanity, *Frequently asked questions*, https://www.habitat.org/about/faq (last accessed Feb. 9, 2026).
[49] *Id.*
[50] *Id.*
[51] Habitat for Humanity, https://www.habitat.org/local/affiliate-by-state?state=FL (last accessed Feb. 9, 2026).
[52] Natalia Jaramillo, *Facing land shortage in Osceola County, nonprofits struggle to build affordable housing*, ORLANDO SENTINEL, Mar. 20, 2023, *available at* https://www.orlandosentinel.com/2023/03/20/facing-land-shortage-in-osceola-county-nonprofits-struggle-to-build-affordable-housing/ (last visited Feb. 9, 2026).
[53] Pensacola Habitat for Humanity, *Northwest Florida Community Land Trust*, https://pensacolahabitat.org/nfclt (last visited Feb. 9, 2026).
[54] *Id. See also* Florida Community Land Trust Institute, *CLT Primer*, (2018), *available at* https://flhousing.org/wp-content/uploads/2018/09/CLT-Primer-FINAL-2018-02-Web-PJH-update.pdf (last visited Feb. 9, 2026).
[55] The Florida Department of Environmental Protection, *Florida Forever*, https://floridadep.gov/lands/environmental-services/content/florida-forever (last visited Feb. 9, 2026).
[56] Section 259.105, F.S.
[57] Section 259.105(3)(b), F.S.

- Increased priority must be given to acquisition that would achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge.
- Between 3 and 10 percent must be spent on capital project expenditures that meet land management planning activities necessary for public access.[58]

Beginning in fiscal year 2017-2018 and continuing through fiscal year 2026-2027, at least $5 million must be spent on land acquisition within the Florida Keys Area of Critical State Concern.[59]

III. Effect of Proposed Changes:

Section 1 amends s. 196.1978, F.S., to revise eligibility criteria for property in a multifamily project within the Florida Keys ACSC to receive the "Live Local" ad valorem tax exemption. Current law requires, for property in the Florida Keys ACSC, that the property to be a newly constructed multifamily project which contains more than ten units dedicated to housing natural persons or families meeting certain income limitations. The bill removes the requirement that the property within the Florida Keys ACSC be within a newly constructed multifamily project and lowers the number of units required from "more than ten" to "one or more."

Section 2 amends s. 255.05, F.S., to exempt a person entering into a contract with the state, a county, city, or political subdivision for construction of or repairs to a public building or public work or repairs from being required to execute a payment and performance bond, if the person meets the following conditions:

- The work is done on property located within an ACSC subject to a long-term ground lease of 99 years or more with Habitat for Humanity International, Inc., or any of its affiliates, at the discretion of the official or board that owns the underlying property in fee simple, and
- The leasehold interest created by the 99-year ground lease is subject to any claims by claimants who qualify as lienors.

The underlying real property owned by the state or any county, city, or political subdivision thereof, or by any other public authority, may not be subject to any lien rights created under chapter 713, F.S., relating to liens, generally.

Section 3 amends s. 259.105, F.S., to extend the date through which at least $5 million of the funds allocated from the Florida Forever Act to the Florida Department of Environmental Protection for the acquisition of lands and capital project expenditures must be spent on land acquisition within the Florida Keys ACSC. The funding requirement currently extends through the 2026-2027 fiscal year and the bill extends it through the 2035-2037 fiscal year.

Section 4 provides an effective date of July 1, 2026.

[58] *Id.*
[59] *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) 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. The mandate requirement does not apply to laws having an insignificant impact,[60] which for Fiscal Year 2026-2027[61] is forecast at approximately $2.4 million or less.

The Revenue Estimating Conference has not adopted an estimate for SB 934. If the impact exceeds the threshold for insignificant impact, the mandate requirements may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because of the change in eligibility requirements for the Live Local property tax exemption for properties in the Florida Keys ACSC, more owners of qualifying affordable housing units may enjoy savings on ad valorem taxes.

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[60] 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. 9, 2026).

[61] 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. 9, 2026).

By providing an exemption from payment and performance bonds for Habitat for Humanity International, Inc., or any of its affiliates in the Florida Keys ACSC, the bill may have an indeterminate positive impact on those involved with construction in that area.

C. Government Sector Impact:

The bill may reduce local government property tax revenues due to the change in Live Local property tax exemption eligibility requirements for properties in the Florida Keys ACSC.

This bill has no net impact on state funds; however, the extension of dedicated funding from Florida Forever specifically for Florida Keys ACSC projects would impact the availability of funds for other Florida Forever land acquisition projects.

VI. Technical Deficiencies:

Because the bill has an effective date of July 1, 2026, it should clarify to which tax year the amendments to the eligibility for a tax exemption under s. 196.1978, F.S. apply.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 196.1978, 255.05, and 259.105 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.

678604

LEGISLATIVE ACTION

Senate . House

. . . . . .

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

Senate Amendment (with title amendment)

Delete lines 17 - 46.

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

And the title is amended as follows:

Delete lines 3 - 6

and insert:

amending s. 255.05, F.S.; providing an

By Senator Rodriguez

40-01209-26 2026934__

A bill to be entitled

An act relating to areas of critical state concern; amending s. 196.1978, F.S.; revising criteria for certain portions of property used to provide affordable housing to be eligible for an ad valorem tax exemption; amending s. 255.05, F.S.; providing an exemption from specified payment and performance bond requirements for specified entities under specified conditions; amending s. 259.105, F.S.; extending the time period specific Florida Forever appropriations must be spent on land acquisition in the Florida Keys Area of Critical State Concern; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(3)

(b) Notwithstanding ss. 196.195 and 196.196, portions of property in a multifamily project are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption if such portions meet all of the following conditions:

1. Provide affordable housing to natural persons or families meeting the income limitations provided in paragraph (d).

2.a. Are within a newly constructed multifamily project

40-01209-26 2026934__

that contains more than 70 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d); or

b. One or more units are located within ~~a newly constructed multifamily project in~~ an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, and are ~~which contains more than 10 units~~ dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d).

3. Are rented for an amount that does not exceed the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of paragraph (l), whichever is less.

Section 2. Paragraph (h) is added to subsection (1) of section 255.05, Florida Statutes, to read:

255.05 Bond of contractor constructing public buildings; form; action by claimants.—

(1) A person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority or private entity, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute and record in the public records of the county where the improvement is

located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. A public entity may not require a contractor to secure a surety bond under this section from a specific agent or bonding company.

(h) A person may be exempted from executing the payment and performance bond required under this subsection if the following conditions are met:

1. The work is done on property located within an area of critical state concern which is subject to a long-term ground lease of 99 years or more with Habitat for Humanity International, Inc., or any of its local affiliates, at the discretion of the official or board that owns the subject underlying property in fee simple.

2. The leasehold interest created by the ground lease of 99 years or more is subject to any claims by claimants who are lienors as defined in s. 713.01 and applicable lien provisions in chapter 713. The underlying real property owned by the state, or any county, city, or political subdivision thereof, or other public authority is not subject to any lien rights created under chapter 713.

Section 3. Paragraph (b) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access. Beginning in the 2017-2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~ fiscal year, at least $5 million of the funds allocated pursuant to this paragraph shall be spent on land acquisition within the Florida Keys Area of Critical State Concern as authorized pursuant to s. 259.045.

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

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: February 4, 2026

I respectfully request that **Senate Bill 934**, relating to Areas of Critical State Concern, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	CS/SB 1014
INTRODUCER:	Regulated Industries Committee and Senator Mayfield
SUBJECT:	Provision of Municipal Utility Service to Owners Outside the Municipal Limits
DATE:	February 9, 2026
REVISED:	

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1014 prohibits municipal water and wastewater utilities from declining to extend water or wastewater service to a property outside of the corresponding municipality's corporate limits solely based on the owner of such property's refusal to allow the property to be annexed by the municipality. In addition, the bill creates a procedure and requirements to determine when such utilities must extend service to a customer outside the municipality's corporate limits.

The bill takes effect July 1, 2026.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.[1] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[2] In order to do so, the PSC exercises authority over utilities in one or more of

[1] Section 350.001, F.S.

[2] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited Feb. 9, 2025).

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

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.[4]

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.[5] 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[6] 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.[7]

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

Municipal Water and Sewer Utility Rate Setting

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,

[3] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Feb. 9, 2025).
[4] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, p. 4, https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf (last visited Feb. 9, 2026).
[5] Section 367.022, F.S.
[6] Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."
[7] Section 180.02, F.S., *see also* s. 180.06, F.S.

revenues, and territories are regulated by their respective local governments, sometimes through a utility board or commission.

Municipal Water and Sewer Utility Rates for Customers Outside of Corporate Limits

Section 180.191, F.S., provides limitations on the rates that can be charged to customers outside their municipal boundaries. A municipality may charge the same rates outside as inside its municipal boundaries, but may add a surcharge of not more than 25 percent to those outside the boundaries.[8] The fixing of rates, fees, or charges for customers outside of the municipal boundaries, in this manner, does not require a public hearing.

Alternatively, a municipality may charge rates that are just and equitable and based upon the same factors used in fixing the rates for the customers within the boundaries of the municipality. In addition, the municipality may add a 25 percent surcharge. When a municipality uses this methodology, the total of all rates, fees, and charges for the services charged to customers outside the municipal boundaries may not be more than 50 percent in excess of the total amount the municipality charges consumers within its municipal boundaries, for corresponding service.[9] Under this scenario, the rates, fees, and charges may not be set until a public hearing is held and the users, owners, tenants, occupants of property served or to be served, and all other interested parties have an opportunity to be heard on the rates, fees, and charges. Any change in the rates, fees, and charges must also have a public hearing unless the change is applied pro rata to all classes of service, both inside and outside of the municipality.[10]

The provisions of s. 180.191, F.S., may be enforced by civil action. Whenever any municipality violates, or if reasonable grounds exist to believe that a municipality is about to violate, s. 180.191, F.S., an aggrieved party may seek preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.[11] A prevailing party under such an action may seek treble damages and, in addition, a reasonable attorney's fee as part of the cost.[12] Section 180.191, F.S., applies to municipally owned water and sewer utilities within the confines of a single county and may apply, pursuant to interlocal agreement, to municipally owned water and sewer utilities beyond the confines of a single county.

Municipal Annexation

A municipality may propose to annex any area of contiguous, compact, unincorporated territory by ordinance or may be petitioned for annexation by owner(s) of "contiguous... and reasonably compact" real property.[13] An area is considered "contiguous" if a substantial part of its boundary is coterminous with a part of the boundary of the municipality.[14] An area is compact if it is

[8] Section 180.191(1)(a), F.S.
[9] Section 180.191(1)(b), F.S.
[10] *Id.*
[11] Section 180.191(2), F.S.
[12] Section 180.191(4), F.S.
[13] Sections. 171.0413(1) and 171.044(1), F.S.
[14] Section 171.031(11), F.S.

concentrated in a single area and does not create enclaves, pockets, or finger areas.[15] All lands to be annexed must be in the same county as the annexing municipality.[16]

The exact method of municipal annexation is proscribed by general law and includes involuntary and voluntary means of producing new municipal boundaries. Voluntary annexation, as provided by law, does not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.[17] In such cases, the means established by county charter prevail.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 180.19, F.S., to prohibit municipal water and wastewater utilities (municipal utility) from declining to extend water or wastewater service to a property outside of the corresponding municipality's corporate limits solely based on the owner of such property's refusal to allow the property to be annexed by the municipality. In addition, the bill creates a procedure and requirements to determine when municipal utilities must extend service to a customer outside the municipality's corporate limits. Specifically, a municipal utility must extend service if:

- The property is not within the service territory of another water or wastewater utility, as applicable;
- The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable; or
- The property is within one-half mile of a main line of the municipal utility[18], measured by the closest property boundary line from such main line.

A municipal utility is deemed to have sufficient capacity if it has the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands and treat wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

The section provides that, upon an application for service by a property owner pursuant to the section, the municipal utility must:

- Determine within 90 days whether it has sufficient capacity to provide service to the given property.[19]
- Provide the owner, in writing, with its determination and the reasons for such determination.
- If the municipal utility has sufficient capacity, it must provide the owner with the anticipated fees, charges, contributions, and any other requirements to connect the property to the municipal utility under its existing fee, charge, and contribution structure.

[15] Section 171.031(12), F.S.
[16] Section 171.045, F.S.
[17] Section 171.044(4), F.S.
[18] The bill defines a "main line" as "a pipe or conduit that transports wastewater from, or transports potable water to, lateral lines serving multiple properties. The term does not include lateral lines, service connections, customer-owned plumbing or piping located on private property, or any pipe or conduit serving only a single property."
[19] The determination may account for any anticipated development on such property.

Once the requirements are met by the customer, the municipal utility must connect them in a timely manner with its system and provide service.

For such applications, the municipal utility may establish minimum application requirements that include the customer providing a reasonable estimate of their water and wastewater load, the nature of any property development, and the payment of an application fee to cover the reasonable costs associated with conducting the capacity determination and assessing anticipated fees, charges, contributions, and other requirements to potentially connect the property.

If a municipal utility does not allow such customers to connect to their system in violation of the section, the owner may bring a civil enforcement action to enforce the provisions of the bill. If the property owner prevails in the action, they may seek injunctive relief and recover reasonable attorney fees and court costs from the municipal utility. The court is required to order the municipal utility to connect to the property.

Section 2 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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 180.19.

IX. Additional Information:

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

CS by Regulated Industries on February 3, 2026:
The committee substitute amended SB 1014 by modifying the types of facilities and the proximity that trigger the bill's requirements. As originally filed, the bill required a municipal utility to extend service to a property—upon application and subject to certain conditions—if the property in question was located within 2,000 meters of a facility of that municipal utility. The amendment narrows the scope to only main water and wastewater lines of the municipal utility and reduces the distance to one-half mile.

B. Amendments:

None.

442508

LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment (with title amendment)

Delete lines 42 - 67
and insert:
4. "Owner" means a residential property owner, an association of residential property owners, or a developer of property to be used for residential purposes, including supporting amenities.
5. "Property" means lots or lands, or, in the case of an association of residential property owners, the contiguous group

442508

of lots or lands under the association of residential property owners.

6. "Sufficient capacity" means a water or sewer utility having, as applicable, the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands for the treatment or disposal of wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

(b) A municipal utility may not decline to extend service to property outside of its corporate limits on the sole basis that the owner refuses to assent or otherwise consent to such property being annexed by that municipal utility's controlling municipality, unless the property is subject to an annexation agreement or developer agreement on or before July 1, 2026.

(c) Upon application for service by an owner, a municipal utility must expand its service territory to allow an owner whose property is located outside of the municipal utility's existing service territory to connect to the municipal utility if:

1. The property is not within the service territory of another water or wastewater utility, as applicable;

2. The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable; and

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

And the title is amended as follows:

Delete line 7

442508

and insert:

certain circumstances; providing an exception;

requiring a municipal utility

By the Committee on Regulated Industries; and Senator Mayfield

580-02458-26 20261014c1

A bill to be entitled

An act relating to the provision of municipal utility service to owners outside the municipal limits; amending s. 180.19, F.S.; defining terms; prohibiting a municipal utility from declining to extend service to properties outside its corporate limits under certain circumstances; requiring a municipal utility to expand its service to an owner who makes such a request under certain circumstances; requiring the municipal utility to make a determination within a specified timeframe and provide such determination to the owner in writing; requiring the municipal utility to provide the owner with specified information and to connect properties in a timely manner; authorizing a municipal utility to establish minimum application filing requirements; authorizing owners to bring a civil action to enforce the act; authorizing a prevailing owner to collect certain fees and costs; requiring the court to order the utility to connect a prevailing owner's property; providing construction; providing an effective date.

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

Section 1. Subsection (3) is added to section 180.19, Florida Statutes, to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

(3)(a) As used in this subsection, the term:

580-02458-26 20261014c1

1. "Controlling municipality" means a municipality operating a utility pursuant to subsection (1) or a municipality that has granted a utility a privilege or franchise pursuant to subsection (2).

2. "Main line" means a pipe or conduit that transports wastewater from, or transports potable water to, lateral lines serving multiple properties. The term does not include lateral lines, service connections, customer-owned plumbing or piping located on private property, or any pipe or conduit serving only a single property.

3. "Municipal utility" means a water or sewer utility constituted on the basis of subsection (1) or subsection (2).

4. "Owner" means a property owner or association of property owners.

5. "Property" means lots or lands, or, in the case of an association of property owners, the contiguous group of lots or lands under the association of property owners.

6. "Sufficient capacity" means a water or sewer utility having, as applicable, the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands and treat wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

(b) A municipal utility may not decline to extend service to property outside of its corporate limits on the sole basis that the owner refuses to assent or otherwise consent to such property being annexed by that municipal utility's controlling municipality.

(c) Upon application for service by an owner, a municipal utility must expand its service territory to allow an owner whose property is located outside of the municipal utility's service territory to connect to the municipal utility if:

1. The property is not within the service territory of another water or wastewater utility, as applicable;

2. The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable; or

3. The property is within one-half mile of a main line of the municipal utility, measured by the closest property boundary line from such main line.

(d) Upon application by an owner pursuant to paragraph (c), the municipal utility must:

1. Within 90 days after receiving the application, determine whether it has sufficient capacity to provide service to the given property. Such determination may account for any anticipated development on such property. The municipal utility must provide, in writing, the owner with its determination and the reasons for such determination.

2. If the municipal utility has sufficient capacity to serve the property, it must provide the owner with the anticipated fees, charges, contributions, and any other requirements to connect the property to the municipal utility under its existing fee, charge, and contribution structure.

3. Upon satisfaction of the requirements set forth by the municipal utility pursuant to subparagraph 2., the municipal utility shall connect the property to its system in a timely manner.

(e) A municipal utility may establish reasonable minimum filing requirements for an application submitted pursuant to paragraph (c), including:

1. A reasonable estimate of the anticipated water and wastewater load for the property, including accounting for any anticipated development on such property;

2. The nature of any anticipated development on such property; and

3. An application fee to cover the reasonable costs associated with conducting the capacity determination and assessing anticipated fees, charges, contributions, and other requirements, pursuant to subparagraphs (d)1. and 2.

(f) If a municipal utility does not allow an owner to connect to such utility in violation of this subsection, the owner may bring a civil action to enforce this subsection in any court of competent jurisdiction. If the owner prevails in such enforcement action:

1. The owner may recover reasonable attorney fees and court costs from the municipal utility; and

2. The court shall order the municipal utility to connect to the owner's property in question.

(g) This subsection may not be construed to prevent a municipal utility from collecting any rate, fee, charge, or contribution authorized under law, including those authorized pursuant to s. 180.191.

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

February 4, 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 1014 – Provision of Municipal Utility Service to Owners Outside the Municipal Limits on the agenda for your next committee meeting. CS/SB 1014 requires a municipal water or sewer utility to allow a property owner outside of their municipal limits to connect, so long as certain requirements are met.

The bill specifies that the utility must have sufficient capacity, the existing service lines must be within a half-mile of the property, and the property owner must pay for the connection costs and any applicable fees.

Thank you for your consideration of this request.

Sincerely,

Debbie Mayfield,
State Senator, District 19

CC: Elizabeth Fleming, Staff Director
Lizbeth Martinez Gonzalez, Committee Administrative Assistant
Damon Vitale, 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

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 1102
INTRODUCER:	Senator Massullo
SUBJECT:	Funding for Body Cameras
DATE:	February 9, 2026
REVISED:	

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

I. Summary:

SB 1102 expands the authorized uses of the local government infrastructure discretionary sales surtax to include the equipment, software, and storage necessary for the use of body cameras by law enforcement agencies.

The bill takes effect July 1, 2026.

II. Present Situation:

Local Discretionary Sales Surtaxes

Counties are 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.[1] 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. The surtax does not apply to the sales price above $5,000 on any item of tangible personal property.[2]

Approved purposes for levying a surtax include:

- Operating a transportation system;[3]
- Financing local government infrastructure projects;[4]

[1] 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.

[2] Section 212.054(2)(b)1., F.S.

[3] Section 212.055(1), F.S.

[4] Section 212.055(2), F.S.

- Providing additional revenue for specified small counties;[5]
- Providing medical care for indigent persons;[6]
- Funding trauma centers;[7]
- Operating, maintaining, and administering a county public general hospital;[8]
- Constructing and renovating schools;[9]
- Providing emergency fire rescue services and facilities; and [10]
- Funding pension liability shortfalls.[11]

Current rates range from 0.5% to 2.0% in each of the 65 counties currently levying one or more surtaxes.[12] Many of the levies have restrictions on what combination of taxes can be levied by a single county at one time.[13]

Local Government Infrastructure Surtax

The local government infrastructure surtax is one of the statutorily authorized types of discretionary sales surtaxes that counties may levy. County governments that choose to levy this surtax may use either a 0.5% or 1.0% rate.[14] The surtax may be used to fund various types of infrastructure, including:[15]

- Construction, reconstruction, or improvement of certain public facilities.[16]
- Certain vehicles, including first responder vehicles.
- Construction, lease, or maintenance of, or provision of utilities or security for, certain facilities.[17]
- Improvements to certain private facilities during a declared emergency.
- Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, under certain conditions.
- Instructional technology used solely in school district classrooms.[18]

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[5] 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.
[6] Section 212.055(4)(a), F.S. (for counties with more than 800,000 residents); s. 212.055(7), F.S., (for counties with less than 800,000 residents).
[7] Section 212.055(4)(b), F.S.
[8] Section 212.055(5), F.S.
[9] Section 212.055(6), F.S.
[10] Section 212.055(8), F.S.
[11] Section 212.055(9), F.S.
[12] Fla. Dept. 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. 9, 2026).
[13] *See, e.g.*, ss. 212.055(4)(a)6., 212.055(5)(f), and 212.055(9)(g), F.S.
[14] Section 212.055(2)(a)1., F.S.
[15] Section 212.055(2)(d)1., F.S.
[16] *See* ss. 163.3164(41), 163.3221(13), or 189.012(5), F.S., for the definition of "public facilities."
[17] *See* s. 29.008(1)(a), F.S., for the definition of "facility."
[18] "Instructional technology" means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device, which includes support systems in which an interactive device may mount and is not required to be affixed to the facilities. Section 212.055(2)(d)1.f., F.S.

For a county to levy a local government infrastructure surtax, it must adopt an ordinance enacted by a majority of the members of the county's governing body and be approved by a majority of the electors of the county voting in a referendum on the surtax.[19] The ballot language must outline the uses that the proceeds from the surtax will fund.[20] Counties levying this surtax in addition to a surtax pursuant to s. 212.055(3) (small county surtax), (4) (indigent care and trauma center surtax), or (5), F.S., (county public hospital surtax) may not have a total discretionary sales surtax rate greater than 1.0%.[21] In 2025, 27 out of 67 eligible counties levied this surtax.[22]

Body Cameras

Current law addresses the usage of body cameras by law enforcement officers. Section 943.1718(1)(a), F.S., defines "body camera" as a portable electronic recording device that is worn on a law enforcement officer's[23] person that records audio and video data of the officer's law enforcement-related encounters and activities.

Law enforcement agencies[24] that permit law enforcement officers to wear body cameras are required to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by such body cameras.[25] The policies and procedures must include:

- General guidelines for the proper use, maintenance, and storage of body cameras;[26]
- Any limitations on which law enforcement officers are permitted to wear body cameras;[27]
- Any limitations on law enforcement-related encounters and activities in which law enforcement officers are permitted to wear body cameras;[28]
- A provision permitting a law enforcement officer using a body camera to review the recorded footage from the body camera, upon his or her own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his or her official duties;[29] and
- General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.[30]

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[19] Section 212.055(2)(a)1., F.S.
[20] Section 212.055(2)(b), F.S.
[21] Section 212.055(2)(h), F.S.
[22] Office of Economic and Demographic Research, *2025 Local Discretionary Sales Surtax Rates in Florida's Counties* (October 8, 2025), available at: https://www.edr.state.fl.us/Content/local-government/data/county-municipal/2025LDSSrates.pdf (last visited Feb. 9, 2026).
[23] *See* s. 943.10, F.S., for the definition of "law enforcement officer."
[24] "Law enforcement agency" means an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers. Section 943.1718(1)(b), F.S.
[25] Section 943.1718(2), F.S.
[26] Section 943.1718(2)(a), F.S.
[27] Section 943.1718(2)(b), F.S.
[28] Section 943.1718(2)(c), F.S.
[29] Such provision may not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses. Section 943.1718(2)(d), F.S.
[30] Section 943.1718(2)(e), F.S.

Law enforcement agencies that permit law enforcement officers to wear body cameras must also:[31]

- Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the law enforcement agency's body camera policies and procedures;[32]
- Ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in the law enforcement agency's policies and procedures;[33]
- Retain audio and video data recorded by body cameras in accordance with current law, with certain exceptions;[34] and
- Perform a periodic review of actual agency body camera practices to ensure conformity with the agency's policies and procedures.[35]

Audio and video data recorded by body cameras must be retained in accordance with s. 119.021, F.S., relating to custodial requirements and maintenance, preservation, and retention of public records. Law enforcement agencies must retain body camera recordings for at least 90 days.[36]

Body cameras add a layer of oversight that improves public safety.[37] In addition, they have been an effective tool in building transparency and trust between law enforcement and communities.[38]

III. Effect of Proposed Changes:

SB 1102 amends s. 212.055, F.S., to expand the authorized uses of the local government infrastructure discretionary sales surtax to include the equipment, software, and storage necessary for the use of body cameras by law enforcement agencies.

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 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.

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[31] Section 943.1718(3), F.S.
[32] Section 943.1718(3)(a), F.S.
[33] Section 943.1718(3)(b), F.S.
[34] Section 943.1718(3)(c), F.S. Section 119.021 provides for the maintenance, preservation, and retention of public records.
[35] Section 943.1718(3)(d), F.S.
[36] Section 119.071(2)(l)5., F.S.
[37] Politico, *Body-worn cameras build transparency and trust for law enforcement across the nation* (June 24, 2024), available at: https://www.politico.com/sponsored/2024/06/body-worn-cameras-build-transparency-and-trust-for-law-enforcement-across-the-nation/ (last visited Feb. 9, 2026).
[38] *Id*.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 212.055 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

961614

LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment (with title amendment)

Between lines 154 and 155
insert:

Section 2. The amendment made by this act to s. 212.055(2)(d), Florida Statutes, authorizing additional uses of surtax proceeds applies to a surtax in effect on the date this act becomes a law only to the extent such use was authorized in the original referendum adopting the surtax or is authorized pursuant to a subsequent resolution conditioned to take effect

961614

only upon approval of a majority vote of the electors of the county voting in a referendum.

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

And the title is amended as follows:

Delete line 5

and insert:

circumstances; providing applicability; providing an effective date.

By Senator Massullo

11-01521-26 20261102__

A bill to be entitled

An act relating to funding for body cameras; amending s. 212.055, F.S.; revising the definition of the term "infrastructure" to include body cameras in certain circumstances; providing an effective date.

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

Section 1. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct

11-01521-26 20261102__

infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

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

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement

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

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

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

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the

local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

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

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

g. Equipment, software, and storage necessary to allow a law enforcement agency to begin, or continue, the use of body cameras under s. 943.1718.

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

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

4. Surtax revenues that are shared with eligible charter schools pursuant to paragraph (c) shall be allocated among such schools based on each school's proportionate share of total school district capital outlay full-time equivalent enrollment as adopted by the education estimating conference established in

s. 216.136. Surtax revenues must be expended by the charter school in a manner consistent with the allowable uses provided in s. 1013.62(4). All revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9). If a school's charter is not renewed or is terminated and the school is dissolved under the provisions of law under which the school was organized, any unencumbered funds received under this paragraph shall revert to the sponsor.

Section 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 14, 2026

I respectfully request that **Senate Bill #1102**, relating to Funding of Body Cameras, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Ralph E. Massullo, Jr.
Florida Senate, District 11

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	SB 1264
INTRODUCER:	Senator Calatayud
SUBJECT:	Private Schools
DATE:	February 9, 2026
REVISED:	

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

I. Summary:

SB 1264 provides that local governments must consider a private school enrolling 150 or fewer students a permitted use in all zoning districts other than residential districts within a county or municipality without requiring rezoning, land use change, or compliance with additional regulation.

Such a school may operate in a facility that is subject to and complies with certain Florida Building Code occupancy classification, and is not subject to additional state or local health, safety, or welfare laws, codes, or rules beyond those applicable to the underlying class of facility.

The bill provides limitations on a local government's authority to regulate fire safety and inspections beyond the standards applicable to the existing facility in which such a school operates.

The bill takes effect July 1, 2026.

II. Present Situation:

Comprehensive Plans

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

[1] Section 163.3167(1), F.S.
[2] Section 163.3167(2), F.S.

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

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[4]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.[5] Local governments are encouraged to use innovative land development regulations[6] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[7] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[8]

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[9] and intensities[10] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[11]

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.[12] Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a

[3] Section 163.3194(3), F.S
[4] Section 163.3164(26), F.S.
[5] Section 163.3202(1), F.S.
[6] Section 163.3202(3), F.S.
[7] Sections 125.01055 and 166.04151, F.S.
[8] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[9] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. S. 163.3164(12), F.S.
[10] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. S. 163.3164(22), F.S.
[11] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cnty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).
[12] *See, e.g.,* Indian River County, Planning and Development Services FAQ (last visited. 9 2026).

rezoning through a rezoning application.[13] Rezoning applications are initially reviewed by local government staff, followed by a review by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[14] If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.[15] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Private School Facilities

A private school is defined in Florda law, as "an individual, association, copartnership, or corporation or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade" and is below the college level. Private elementary and secondary schools in Florida are not licensed, approved, accredited, or regulated by the Department of Education (DOE). Private schools are required to complete an online annual survey to provide information for inclusion in a statewide directory. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school.[16]

While private schools operate outside of the public education system, there remain some requirements in Florida law that are imposed on private schools as well as areas of authorization. Those laws address the following areas:

- Participation in the annual private school survey.
- Background screening for each private school owner.
- Retention of student records.
- Maintenance of records of attendance and reports.
- Required school-entry health examinations.
- Student immunization and attendance records.
- Student participation in high school athletic programs at public schools.
- Educational and instructional materials.
- Services for exceptional student education services.
- Professional learning systems.
- Bus driver training purchase of school buses.
- Emergency procedures and medications.
- Facilities and safe school officers.[17]

Specifically related to facilities, private schools are permitted to use property owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, church facility, Florida College System institution or university or other similar public institutional facilities, or a facility recently used to house a school or childcare facility under the facilities preexisting zoning and land use designations. There are similar provisions regarding the purchase of the same types of facilities by private schools. The facilities used or purchased must

[13] *See e.g.*, City of Tallahassee, Application for Rezoning Review (last visited Feb. 9, 2026).
[14] *See id*. and City of Redington Shores, Planning and Zoning Board (last visited Feb. 9, 2026).
[15] *See e.g.*, City of Tallahassee, Variance and Appeals and Seminole County, Variance Processes (last visited Feb. 9, 2026).
[16] Section 1002.01(3), F.S.
[17] Section 1002.42, F.S.

meet state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.[18] Additionally, private schools in certain counties may construct new temporary or permanent facilities on property that was owned by a church, library, theater, or school, that was recently used for the zoned purpose. The same applies to land that was owned by a Florida college System institution or university or land that was recently used to house a school or childcare facility. The new facility constructed by the private school is required to meet all applicable state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.[19]

Fire Prevention and Control

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Prevention Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Building Code. Each county, municipality, and special district with fire safety enforcement responsibilities must employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.[20]

Fire Protection Systems

A "fire protection system" is a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire. A fire protection system includes, but is not limited to:[21]

- Water sprinkler systems;
- Water spray systems;
- Foam-water sprinkler systems;
- Foam-water spray systems;
- Carbon dioxide systems;
- Foam extinguishing systems;
- Dry chemical systems; and
- Halon and other chemical systems used for fire protection.

Fire protection systems also include any tanks and pumps connected to fire sprinkler systems, overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, and thermal systems used in connection with fire sprinkler systems.[22]

Fire protection systems must be installed in accordance with the Fire Prevention Code and the Building Code. Current law requires local governments to enforce the Fire Prevention Code and the Building Code including the permitting, inspecting, and approving the installation of a fire

[18] Section 1002.42(19), F.S.
[19] Section 1002.42(c), F.S.
[20] Section 633.202, F.S.
[21] Section 633.102(11), F.S.
[22] *Id.*

protection system.[23] Owners of fire protection systems must contract with a certified fire protection system contractor to regularly inspect such systems.[24]

Fire Prevention Code

The State Fire Marshal is required to adopt by rule the Fire Prevention Code and must adopt or incorporate by reference specified codes, such as the current edition of the National Fire Protection Association's Standard 1, Fire Protection Code.[25] Local governments are given an opportunity to submit local fire code amendments within a certain time which the State Fire Marshal is required to review to make specified determinations.[26] The State Fire Marshall must adopt a new code every three years, and any local amendments are only effective until the new adoption of the code occurs.[27] After the State Fire Marshal approves a local amendment and it is published on the State Fire Marshal's website, the local authority having jurisdiction to enforce the Fire Prevention Code may enforce the local amendment.[28] The State Fire Marshal may approve local amendments that address specified topics.[29]

Included in the Fire Code is the National Fire Protection Association (NFPA) Life Safety Code (NFPA 101) and NFPA Guide to Alternative Approaches to Life Safety (NFPA 101A).[30] The NFPA 101A provides a methodology for comparing the level of safety provided by an arrangement of safeguards that differ from those specified in the NFPA 101 to the level of safety provided in a building that conforms exactly with the NFPA 101. For some existing facilities, compliance with these requirements may require significant and costly improvements to the physical plant of the facility. Therefore, the Fire Safety Evaluation System as described in NFPA-101A, Alternative Approaches to Life Safety, has been accepted by federal and state agencies as an acceptable and cost effective alternative method of establishing compliance through equivalency. The NFPA 101A is intended to be used alongside NFPA 101 to facilitate equivalency requests using numerically based fire safety evaluation systems.[31]

III. Effect of Proposed Changes:

The bill amends s. 1002.42(19), F.S., to introduce a new sub-subsection specifically regarding private schools enrolling 150 or fewer students.

The bill provides that local governments must consider such a school a permitted use in all zoning districts other than residential districts within a county or municipality without requiring rezoning, special exception, or land use change, and without requiring compliance with any mitigation requirements, conditions, performance standards, ordinances, rules, codes, or policies.

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[23] *See generally* chs. 553 and 633, F.S.; Florida Fire Prevention Code 8th Edition (NFPA Standard 1), available at florida-fire-prevention-code-8th-edition-nfpa-101-fl-sp.pdf (last visited Feb. 9, 2026).
[24] Section 633.312, F.S.
[25] Section 633.202(1) and (2), F.S.
[26] Section 633.202(3)(a), F.S.
[27] Section 633.202(3)(b), F.S.
[28] Section 633.202(5), F.S.
[29] *Id.*
[30] Rule 69A-3.012(1)(ggg) and (hhh), F.A.C.
[31] National Fire Protection Association, NFPA 101A, *Guide on Alternative Approaches to Life Safety* (2025), available at https://www.nfpa.org/product/nfpa-101a-guide/p0101acode (last visited Feb. 9, 2026).

Such a school may operate in a facility that is subject to and complies with certain Florida Building Code occupancy classification, and is not subject to additional state or local health, safety, or welfare laws, codes, or rules beyond those applicable to the underlying class of facility.

For a small private school beginning operation in an existing facility, the local fire official shall use firesafety evaluation systems found in NFPA 101A: Guide on Alternative Approaches to Life Safety, as adopted by the Fire Code.

A private school enrolling 150 or fewer students opening inside, or moving operations to, an existing assembly, day care, mercantile, or business occupancy must meet standards for existing educational occupancy requirements for automatic sprinkler, detection, alarm, and communications systems and requirements for hazardous areas. Notwithstanding those requirements, automatic sprinkler systems must be provided for educational occupancies throughout all group E fire areas greater than 12,000 square feet and throughout every portion of educational buildings below the level of exit discharge, but is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level without intervening corridors, passageways, interior exit stairways or ramps, or exit passageways.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 1002.42.

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

38-00844A-26 20261264__

A bill to be entitled

An act relating to private schools; amending s. 1002.42, F.S.; requiring a private school that enrolls a certain number of students to be considered a permitted use for zoning purposes; providing that certain private schools may not be subject to additional building codes; requiring a fire official to use specified firesafety evaluation systems for existing private school facilities; providing that certain private schools are subject to specified fire code requirements; requiring that a sprinkler system that meets specified requirements be installed for certain private schools; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (19) of section 1002.42, Florida Statutes, to read:

1002.42 Private schools.—

(19) FACILITIES.—

(d)1. A private school enrolling 150 or fewer students is considered a permitted use in all zoning districts, except residential districts, within a county or a municipality without rezoning or obtaining a special exception or a land use change and without complying with any mitigation requirements, conditions, performance standards, ordinances, rules, codes, or policies.

2. A private school enrolling 150 or fewer students may operate in a facility that is subject to and complies with the same occupancy requirements as a class A-1, A-3, B, or M occupancy as defined by the Florida Building Code and may not be subjected to any additional state or local health, safety, or welfare laws, codes, or rules beyond those applicable to a class A-1, A-3, B, or M occupancy facility.

3. The local fire official shall use the firesafety evaluation systems found in NFPA 101A: Guide on Alternative Approaches to Life Safety for existing facilities as low cost, reasonable alternatives to firesafety evaluation system standards.

4. A private school enrolling 150 or fewer students opening inside, or moving operations to, an existing assembly, day care, mercantile, or business occupancy, as defined by the Florida Fire Prevention Code, must meet standards for existing educational occupancy requirements under chapter 15 of the Florida Fire Prevention Code for automatic sprinkler, detection, alarm, and communications systems and requirements for hazardous areas, except that an automatic sprinkler system must be provided for educational occupancies as follows:

a. Throughout all Group E fire areas greater than 12,000 square feet, as defined by the International Building Code.

b. Throughout every portion of educational buildings below the level of exit discharge.

c. An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level without intervening corridors, passageways, interior exit stairways or ramps, or exit passageways.

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 13, 2026

I respectfully request that **Senate Bill #1264**, relating to Private Schools, 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

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 1566
INTRODUCER:	Senator DiCeglie
SUBJECT:	Local Government Spending
DATE:	February 9, 2026
REVISED:	

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

I. Summary:

SB 1566 provides that the act may be cited as the "Local Government Financial Transparency and Accountability Act."

The bill requires county and municipal tentative and final budgets, and budget amendments be posted on their official websites to allow the public to search, review, filter, download, and compare data and view graphs. County and municipal budget officers must perform a budget cutting exercise to identify reductions outside of essential public services before adoption of the budget. The bill revises timeframes for posting budget information and noticing public budget hearings.

Local governments are prohibited under the bill from expending any funds, regardless of source, for the purpose of diversity, equity, and inclusion. Contracts with private vendors for diversity, equity and inclusion purposes are prohibited and existing contracts must be terminated. Local governments must notify the Chief Financial Officer of their compliance annually beginning September 1, 2026. The bill provides a procedure for any person to report suspected local government violations of the prohibition to the Chief Financial Officer who may impose fines if a violation occurs.

The bill takes effect July 1, 2026.

II. Present Situation:

County Budget Systems and Information

Chapter 129, F.S., establishes a budget system that controls the finances of the boards of county commissioners of Florida counties. Pursuant to s. 129.01, F.S., each county is required to prepare, approve, adopt, and execute an annual budget each fiscal year. The budget must show

for each fund, as required by law and sound financial practices, budgeted revenues and expenditures by organizational unit.[1] The level of detail for the budget must meet the level of detail requirements for annual financial reports submitted to the Department of Financial Services under s. 218.32, F.S.[2] The budget is approved by the board of county commissioners and must be balanced so that the total of the estimated receipts, including balances brought forward, equals the total of the appropriations and reserves.[3] Notwithstanding other provisions of law, the budgets of all county officers must be in sufficient detail and contain such information as the board of county commissioners may require in furtherance of their powers and responsibilities.[4]

Preparation, Adoption, and Amendment of County Budgets

On or before June 1 of each year, the sheriff, the clerk of the circuit court and county comptroller, the tax collector, and the supervisor of elections each submit to the board of county commissioners a tentative budget for their respective offices for the ensuing fiscal year.[5] Upon receipt of the tentative budgets and any revisions, the board prepares a summary of the adopted tentative budgets.[6] Public hearings are held to explain tentative and final budgets and to entertain community requests and complaints prior to budget adoption.[7] The tentative budget must be posted on the county's official website at least 2 days before a public hearing and remain on the website for at least 45 days.[8] The final budget must be posted on the website within 30 days after adoption, and remain on the website for at least 2 years.[9] The tentative budgets, adopted tentative budgets, and final budgets are filed in the office of the county auditor as a public record.[10]

A board of county commissioners may amend a budget at any time within a fiscal year for that year's budget or within the first 60 days of a fiscal year for the budget for the prior fiscal year.[11] Except for certain amendments for specifically authorized purposes, the board may adopt an amendment by resolution or ordinance following a public hearing.[12] The board must provide notice at least 2 days, but not more than 5 days before the hearing and include each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.[13] If adopted, the amendment must be posted on the website within 5 days after adoption and remain on the website for at least 2 years.[14]

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[1] Section 129.01(1), F.S.
[2] *Id.*
[3] Section 129.01(2), F.S.
[4] Section 129.021, F.S.
[5] Section 129.03(2), F.S. Section 195.087(1) F.S., outlines the budget process for property appraisers in the state.
[6] Section 129.03(3)(b), F.S.
[7] Section 129.03(3)(c), F.S., also outlines public hearing practices and subsequent budget website posting and public record requirements.
[8] *Id.*
[9] *Id.*
[10] *Id.*
[11] Section 129.06(2), F.S.
[12] Section 129.06(2)(f), F.S.
[13] *Id.*
[14] *Id.*

Municipal Budget Requirements

The preparation, adoption, and website posting of municipal budgets follows a similar process to that of counties. Section 166.241(2), F.S., provides that each municipality must annually adopt a budget by ordinance or resolution unless the municipality has a charter that specifies another method for adoption. The funds available from taxation and other sources, including balances brought forward, must equal the total appropriations for expenditures and reserves.[15] The tentative budget must be posted on the municipality's official website at least 2 days before a public hearing and remain on the website for at least 45 days.[16] The final budget must be posted on the website within 30 days after adoption and remain on the website for at least 2 years.[17]

If the governing body of a municipality amends the budget, the adopted amendment must be posted on the official website of the municipality within 5 days after adoption and must remain on the website for at least 2 years.[18]

Governmental Efficiency Hotline

The head of the Department of Financial Services is the Chief Financial Officer (CFO) who may also be known as the Treasurer.[19] Pursuant to the State Constitution, the CFO 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.[20] The State Constitution also provides that the CFO shall exercise such powers and perform such duties as may be prescribed by law.[21]

The CFO is directed to establish and operate a statewide toll-free telephone hotline to receive information or suggestions from the residents of this state on how to improve the operation of government, increase governmental efficiency, and eliminate waste in government.[22] For each call received, the office of the CFO is required to evaluate the call for its appropriateness to be processed as a "Get Lean" call. If it is determined that it should be processed as such a call, the office of the CFO must record and log the information. If the caller is a state employee, the CFO is authorized to refer the information to an existing state awards program administered by the affected agency. The affected agency must evaluate the efficacy of the suggestion and provide the CFO with a determination of the revenues the state might save.

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

[15] Section 166.241(2), F.S.
[16] Section 166.241(3), F.S.
[17] *Id.* If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website. *Id.*
[18] Section 166.241(9). Just as with the tentative and final budgets, a municipality without its own website must transmit amendments to the county or counties which posted the budget within a reasonable time. *Id.*
[19] Section 20.121, F.S.
[20] Art. IV, s. 4(c), Fla. Const.
[21] Art. IV, s. 4(a), Fla. Const.
[22] Section 17.325, F.S.

employment based on age, sex, race, color, religion, national origin, marital status, or disability.[23]

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.[24] The FCRA establishes the Florida Commission on Human Relations (the Commission) within the Department of Management Services.[25]

The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings, and act upon complaints alleging discriminatory practices.[26] 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.[27]

III. Effect of Proposed Changes:

Local Government Budget Procedures

The bill provides that the act may be cited as the "Local Government Financial Transparency and Accountability Act."

The bill requires any tentative or final budget, as well as any budget amendments, posted to a county or municipality's official website to allow members of the public to:

- View budget data in a searchable format.
- Review historical spending trends and filter data according to categories in the local government's chart of accounts, including, but not limited to, fund, department, division, program, or activity.
- Download financial data and graphs.
- View data in different graphical formats, including, but not limited to, stacked line, trend line, bar graph, and pie chart.
- View information for multiple departments, divisions, funds, or financial categories simultaneously.
- View and compare revenue and expense trends simultaneously on the same graph for any level of financial data.
- View all employee salaries in a searchable format.
- View all travel expenses for all employees of the local government in a searchable format.

The bill requires the budget officer of each county or municipality to perform a budget cutting exercise at least 14 days before the final adoption of the local government's budget. The exercise must identify specific reductions to the tentative budget for the ensuing fiscal year which total 10

[23] Office of the Governor, *Executive Order Number 19-10*, Jan. 8, 2019 (Reaffirming Commitment to Diversity in Government).
[24] Section 760.01, F.S.
[25] Sections 760.03 and 760.04, F.S.
[26] Section 760.06(5), F.S.
[27] Section 760.021(1), F.S.

percent of the tentative budget without compromising essential public services, such as law enforcement and fire services, or legal obligations. The bill requires the budget officer to post the result of the exercise on the local government's official website.

The bill revises the length of time for which each county, municipality, or special district must post certain budget information on its official website. Specifically, the bill would require:

- Tentative budgets to be posted 14 days (rather than 2 days under current law) before the public hearing to adopt the budget;
- Proposed budget amendments to be posted 7 days (rather than 2 days) before the public hearing to adopt the amendment; and
- Final budgets and adopted budget amendments to be posted for 5 years (rather than 2 years under current law) following adoption.

The bill requires counties to provide public notice of a hearing on a proposed budget amendment at least 7 days (rather than 2 days under current law) before the hearing.

Local Government Expenditures on Diversity, Equity and Inclusion

The bill creates s. 163.212, F.S., to prohibit local governments from expending public funds, or otherwise expending any funds derived from bequests, charges, deposits, donations, grants, gifts, income, receipts, or any other source of funds, for the purpose of diversity, equity, and inclusion.

A local government is prohibited from contracting with a private vendor for the provision of services promoting, advocating for, or providing training or education on diversity, equity, and inclusion. A contract between a local government and a private vendor which includes language promoting, advocating for, or providing training or education on diversity, equity, and inclusion, constitutes grounds for immediate termination of the contract and the local government must provide written notice of termination to the vendor.

Each local government is required to certify its compliance to the CFO by September 1, 2026, and annually thereafter. The CFO is authorized to adopt rules to implement this requirement.

If a person believes a local government has violated the prohibitions against diversity, equity, and inclusion expenditures, that person may call the governmental efficiency hotline operated by the office of the CFO. The CFO is then required to evaluate the information. If the CFO determines a violation has occurred, the CFO may impose administrative fines of $1,000 per day for a first violation and $5,000 per day for a second violation. Fine proceeds must be deposited in the Insurance Regulatory Trust Fund.

Expenditure of public funds through local government contracting, which is reasonably necessary for the normal operation of government functions, is not prohibited under the bill.

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

- Affect the composition of its employees as it relates to race, sex, color, or ethnicity, other than to ensure compliance with relevant state and federal antidiscrimination laws;
- Promote differential treatment of or provide special benefits to a person based on his or her race, sex, color, or ethnicity;

- Promote or adopt policies or procedures designed or implemented with reference to race, sex, color, or ethnicity, other than policies or procedures approved in writing by the Attorney General for the sole purpose of ensuring compliance with any applicable court order or state or federal law;
- Promote or adopt training, programming, or activities designed or implemented with reference to race, color, ethnicity, gender identity, or sexual orientation, other than training, programming, or activities developed by an attorney licensed in this state and approved in writing by the Attorney General for the sole purpose of ensuring compliance with any applicable court order or state or federal law;
- Promote, as the official position of a local government agency, a particular opinion referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, antiracism, systemic oppression, social justice, intersectionality, neopronouns, heteronormativity, disparate impact, gender theory, racial or sexual privilege, or any related formulation of such concepts; or
- Advance, promote, entertain, or support fundamental considerations of social justice, including, but not limited to, critical race theory, or otherwise defend the concept that mankind is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex. This also includes the concept that mankind is responsible for the past actions of other members of the same race or sex.

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

The effective date of the bill is July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) 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. The mandate requirement does not apply to laws having an insignificant impact,[28] which for Fiscal Year 2026-2027[29] is forecast at approximately $2.4 million or less.

The fiscal impact of the bill has not been determined, however the bill may require municipalities and counties to incur additional costs related to posting budget information. If the impact exceeds the threshold for insignificant impact, the mandate requirements may apply.

[28] 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. 9, 2026).
[29] 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. 9, 2026).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Both the Federal and Florida Constitutions prohibit legislatures from enacting laws which impair the obligation of existing contracts. Article I, s. 10 of the United States Constitution provides that "No state shall . . . pass any . . . law impairing the obligation of contracts." Art. I, s. 10 of the State Constitution provides, "No… law impairing the obligation of contracts shall be passed." To the extent this bill affects previously executed contracts between local governments and vendors, the bill may violate the Contract Clauses of both the United States and Florida Constitutions.

Courts have stated that there must be a significant and legitimate public purpose behind the enactment of the government regulation that impairs the rights of the parties to the contract, and the regulation must not unreasonably intrude into the parties' bargain to a degree greater than is necessary to achieve the stated public purpose.[30] The factors to be considered in determining this balance are:[31]

- Was the law enacted to deal with a broad, generalized economic or social problem;
- Does the law operate in an area that was already subject to state regulation at the time the contract was entered into; and
- Is the law's effect on the contractual relationships temporary or is it severe, permanent, immediate, and retroactive.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vendors offering services related to diversity, equity, and inclusion may have fewer opportunities to contract with local governments. Vendors with existing contracts in violation of the bill will have those contracts terminated.

[30] *Pomponio v Claridge of Pompano Condominium, Inc.*, 378 So. 2d 774 (Fla. 1979).
[31] *Id.* at 779.

C. Government Sector Impact:

Counties and municipalities may incur costs related to the budget data posting and formatting requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The evaluations the CFO is directed to conduct pursuant to s. 17.325, F.S., relate to information regarding state agencies. However, SB 1566 directs the CFO to conduct an evaluation pursuant to s. 17.325, F.S., if a caller reports local government violations. Section 17.325, F.S. should be amended to clarify the duties of the CFO in handling information reported related to local government violations to conform to the requirements proposed by SB 1566.

VIII. Statutes Affected:

This bill substantially amends sections 129.03, 129.06, 163.212, and 166.241 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Local Government Financial Transparency and Accountability Act."

Section 2. Section 125.483, Florida Statutes, is created to read:

125.483 County utility revenues.—

(1) As used in this section, the term "utility" includes

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public entities providing water, wastewater, stormwater, electric, and gas utilities.

(2) The Legislature intends for a county that provides utility services to its residents to provide such services in an affordable, transparent, and reliable manner that protects public health and this state's natural resources.

(3) A county shall reinvest utility service revenues back into the utility for purposes of operational integrity. Such investments may include building, maintaining, renovating, or otherwise improving the infrastructure of its utility facilities.

(4) The utility must, every 5 years, develop a budget forecast and strategies that ensure continuous maintenance, as well as strategic improvements to provide optimal service performance at consistent rates. The budget forecast and strategies must anticipate increasing service demand due to population growth and new commercial industries, expenditures on advanced technologies, and costs incurred from damages and complications arising from intensifying storms, floods, and water shortages.

Section 3. Present paragraph (d) of subsection (3) of section 129.03, Florida Statutes, is redesignated as paragraph (e) and amended, a new paragraph (d) is added to that subsection, and paragraph (c) of that subsection is amended, to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a

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tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments. The tentative budget must be posted on the county's official website at least 7 ~~2~~ days before the public hearing to consider such budget and must remain on the website for at least 45 days. The final budget must be posted on the website within 30 days after adoption and must remain on the website for at least 5 ~~2~~ years. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and figures to identify the particular transactions must be made in the minutes of the board to record its actions with reference to the budgets.

(d) Each tentative budget, adopted tentative budget, and final budget posted on the county's official website must allow members of the public to do all of the following:

1. View budget data in a searchable format.

2. View and filter data according to categories in the county's chart of accounts, including, but not limited to, fund, department, division, program, or activity.

3. Review revenue and expense trends in the categories in

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the county's chart of accounts, and view and compare such data on a comparison chart.

4. View the data submitted to the Office of Economic and Demographic Research under subparagraphs (e)1. and 2.

5. Download budget data.

6. View data in different graphical formats.

7. View information for one or more county departments, divisions, funds, or financial categories at the same time.

8. View the average county employee salary, the percentage of the budget spent on salaries and benefits for county employees, and all county employee salaries in a searchable format.

(e) ~~(d)~~ By each October 15, the county budget officer shall electronically submit the following information regarding the final budget and the county's economic status to the Office of Economic and Demographic Research in the format specified by the office:

1. Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.

2. Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.

3. Median income within the county.

4. The average county employee salary.

5. Percent of budget spent on salaries and benefits for county employees.

6. Number of special taxing districts, wholly or partially, within the county.

7. Annual county expenditures providing for the financing,

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acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. ~~The information required by this subparagraph must be included in the submission due by October 15, 2020, and each annual submission thereafter.~~

Section 4. Paragraph (f) of subsection (2) of section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(f) Unless otherwise prohibited by law, if an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing.

1. The public hearing must be advertised at least 7 ~~2~~ days~~,~~ ~~but not more than 5 days,~~ before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. If the board amends the budget pursuant to this paragraph, the adopted amendment must be posted on the county's

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official website within 7 ~~5~~ days before ~~after~~ adoption and must remain on the website for at least 5 ~~2~~ years. The adopted amendment must be incorporated into the budget data made available to the public under s. 129.03(3)(d).

Section 5. Subsections (3) and (9) of section 166.241, Florida Statutes, are amended to read:

166.241 Fiscal years, budgets, appeal of municipal law enforcement agency budget, and budget amendments.—

(3)(a) The tentative budget must be posted on the municipality's official website at least 7 ~~2~~ days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption and must remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(b) Each tentative budget, adopted tentative budget, or final budget posted on the municipality's official website or the county's official website, as applicable, must allow members of the public to do all of the following:

1. View budget data in a searchable format.

2. View and filter data according to categories in the municipality's chart of accounts, including, but not limited to, fund, department, division, program, or activity.

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3. Review revenue and expense trends in the categories in the municipality's chart of accounts, and view and compare such data on a comparison chart.

4. Download budget data.

5. View data in different graphical formats.

6. View information for one or more county departments, divisions, funds, or financial categories at the same time.

7. View the average municipal employee salary, the percentage of the budget spent on salaries and benefits for municipal employees, and all municipal employee salaries in a searchable format.

(9) If the governing body of a municipality amends the budget pursuant to paragraph (8)(c), the adopted amendment must be posted on the official website of the municipality within 7 ~~5~~ days before ~~after~~ adoption and must remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website. The adopted amendment must be incorporated into the budget data made available to the public under paragraph (3)(b).

Section 6. Section 180.1901, Florida Statutes, is created to read:

180.1901 Municipal utility revenues.—

(1) As used in this section, the term "utility" includes water, wastewater, stormwater, electric, and gas utilities.

(2) The Legislature intends for a municipality that

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provides utility services to its residents to provide such services in an affordable, transparent, and reliable manner that protects public health and this state's natural resources.

(3) A municipality shall reinvest utility service revenues back into the utility for purposes of operational integrity. Such investments may include building, maintaining, renovating, or otherwise improving the infrastructure of its utility facilities.

(4) The utility must, every 5 years, develop a budget forecast and strategies that ensure continuous maintenance, as well as strategic improvements to provide optimal service performance at consistent rates. The budget forecast and strategies must anticipate increasing service demand due to population growth and new commercial industries, expenditures on advanced technologies, and costs incurred from damages and complications arising from intensifying storms, floods, and water shortages.

Section 7. 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 local government spending; providing a short title; creating s. 125.483, F.S.; defining the term "utility"; providing legislative intent; requiring counties to reinvest utility service revenues back into a utility for specified purposes;

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requiring county utilities to develop budget forecasts and strategies within a specified timeframe which meet certain requirements; amending s. 129.03, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on county websites; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; deleting obsolete language; amending s. 129.06, F.S.; revising the timeframe during which a public hearing for an amendment to a county budget must be advertised; revising the timeframe during which, and the length of time for which, an adopted amendment must be posted on the county's website; requiring that the adopted amendment be incorporated into budget data made available to the public in a certain manner; amending s. 166.241, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on municipal or county websites, as applicable; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; revising the timeframe during which, and the length of time for which, an adopted amendment must be posted on such website; requiring that the adopted amendment be incorporated into budget data made available to the public in a certain manner; creating s. 180.1901, F.S.; defining the term "utility";

providing legislative intent; requiring municipalities to reinvest utility service revenues back into a utility for specified purposes; requiring municipal utilities to develop budget forecasts and strategies that meet certain requirements; providing an effective date.

By Senator DiCeglie

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A bill to be entitled

An act relating to local government spending; providing a short title; amending s. 129.03, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on county websites; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; requiring the county budget officer to perform a certain exercise within a specified timeframe before final adoption of a budget; requiring the county budget officer to post such exercise on the county's website; amending s. 129.06, F.S.; revising the timeframe during which a public hearing for an amendment to a county budget must be advertised; revising the timeframe during which an adopted amendment must remain posted on the county's website; requiring that the posting of such adopted amendment meet certain requirements; creating s. 163.212, F.S.; prohibiting a local government from expending public funds for the purpose of diversity, equity, and inclusion; prohibiting a local government from contracting with a private vendor for the provision of services promoting, advocating for, or providing training or education on diversity, equity, and inclusion; providing that the inclusion of specified language in certain contracts constitutes grounds for termination of such contracts; requiring a local government to provide written notice of termination of

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a contract under certain circumstances; requiring local governments to annually make a specified certification to the Chief Financial Officer, beginning on a specified date; authorizing the Chief Financial Officer to adopt rules; authorizing a person to call the governmental efficiency hotline under certain circumstances; requiring the Chief Financial Officer to conduct a specified evaluation; authorizing the Chief Financial Officer to impose administrative fines under certain circumstances; requiring that such fines be deposited in the Insurance Regulatory Trust Fund; providing construction; defining the term "diversity, equity, and inclusion"; amending s. 166.241, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on municipal or county websites, as applicable; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; requiring the municipal budget officer to perform a certain exercise within a specified timeframe before final adoption of a budget; requiring that such exercise be posted on the municipality's or county's website, as applicable; revising the timeframe during which, and the length of time for which, an adopted amendment must be posted on such website; requiring that the posting of such adopted amendment meet certain requirements; providing an effective date.

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

Section 1. This act may be cited as the "Local Government Financial Transparency and Accountability Act."

Section 2. Paragraph (c) of subsection (3) of section 129.03, Florida Statutes, is amended to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(c)1. The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments. The tentative budget must be posted on the county's official website at least 14 ~~2~~ days before the public hearing to consider such budget and must remain on the website for at least 45 days. The final budget must be posted on the website within 30 days after adoption and must remain on the website for at least 5 ~~2~~ years.

2. Any tentative budget or final budget posted on the county's official website must allow members of the public to do all of the following:

a. View budget data in a searchable format.

b. Review historical spending trends and filter data according to categories in the county's chart of accounts, including, but not limited to, fund, department, division, program, or activity.

c. Download financial data and graphs.

d. View data in different graphical formats, including, but not limited to, stacked line, trend line, bar graph, and pie chart.

e. View information for multiple county departments, divisions, funds, or financial categories simultaneously.

f. View and compare revenue and expense trends simultaneously on the same graph for any level of financial data.

g. View all county employee salaries in a searchable format.

h. View all travel expenses for all county employees in a searchable format.

3. At least 14 days before final adoption of the budget by the board of county commissioners, the county budget officer must perform a budget-cutting exercise, identifying specific reductions to the tentative budget for the ensuing fiscal year which total 10 percent of the tentative budget, without compromising essential public services, such as law enforcement or fire services, or legal obligations. The county budget officer must post such exercise on the county's official website in accordance with subparagraph 2.

4. The tentative budgets, adopted tentative budgets, and

final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and figures to identify the particular transactions must be made in the minutes of the board to record its actions with reference to the budgets.

Section 3. Paragraph (f) of subsection (2) of section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(f) Unless otherwise prohibited by law, if an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing.

1. The public hearing must be advertised at least 7 ~~2~~ days~~, but not more than 5 days,~~ before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. If the board amends the budget pursuant to this paragraph, the adopted amendment must be posted on the county's official website within 7 ~~5~~ days before ~~after~~ adoption and must remain on the website for at least 5 ~~2~~ years. The adopted

amendment must be posted in accordance with s. 129.03(3)(c)2.

Section 4. Section 163.212, Florida Statutes, is created to read:

163.212 Prohibiting local government expenditure of public funds for diversity, equity, and inclusion.—

(1) A local government may not expend public funds, or otherwise expend any funds derived from bequests, charges, deposits, donations, grants, gifts, income, receipts, or any other source of funds, for the purpose of diversity, equity, and inclusion.

(2)(a) A local government may not contract with a private vendor for the provision of services promoting, advocating for, or providing training or education on diversity, equity, and inclusion.

(b) If a contract between a local government and a private vendor includes language promoting, advocating for, or providing training or education on diversity, equity, and inclusion, such language constitutes grounds for immediate termination of the contract, in which case the local government shall provide a written notice of termination to the representative of the private vendor.

(3) By September 1, 2026, and annually thereafter, each local government must certify to the Chief Financial Officer that it is in compliance with this section. The Chief Financial Officer may adopt rules to implement this subsection.

(4)(a) A person may call the governmental efficiency hotline established pursuant to s. 17.325 if he or she believes that a local government has violated this section. Upon receipt of such information, the Chief Financial Officer shall conduct

an evaluation pursuant to s. 17.325.

(b)1. If the Chief Financial Officer determines that a local government has violated this section, the Chief Financial Officer may impose the following administrative fines:

a. For a first violation, $1,000 per day.

b. For a second or subsequent violation, $5,000 per day.

2. The proceeds of the fines shall be deposited in the Insurance Regulatory Trust Fund.

(5) This section does not prohibit the expenditure of public funds through local government contracting which is reasonably necessary for the normal operation of government functions.

(6) For purposes of this section, the term "diversity, equity, and inclusion" means any effort by a local government to:

(a) Affect the composition of its employees as it relates to race, sex, color, or ethnicity, other than to ensure compliance with relevant state and federal antidiscrimination laws;

(b) Promote differential treatment of or provide special benefits to a person based on his or her race, sex, color, or ethnicity;

(c) Promote or adopt policies or procedures designed or implemented with reference to race, sex, color, or ethnicity, other than policies or procedures approved in writing by the Attorney General for the sole purpose of ensuring compliance with any applicable court order or state or federal law;

(d) Promote or adopt training, programming, or activities designed or implemented with reference to race, color,

ethnicity, gender identity, or sexual orientation, other than training, programming, or activities developed by an attorney licensed in this state and approved in writing by the Attorney General for the sole purpose of ensuring compliance with any applicable court order or state or federal law;

(e) Promote, as the official position of a local government agency, a particular opinion referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, antiracism, systemic oppression, social justice, intersectionality, neopronouns, heteronormativity, disparate impact, gender theory, racial or sexual privilege, or any related formulation of such concepts; or

(f) Advance, promote, entertain, or support fundamental considerations of social justice, including, but not limited to, critical race theory, or otherwise defend the concept that mankind is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex. This also includes the concept that mankind is responsible for the past actions of other members of the same race or sex.

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

Section 5. Subsections (3) and (9) of section 166.241, Florida Statutes, are amended to read:

166.241 Fiscal years, budgets, appeal of municipal law

enforcement agency budget, and budget amendments.—

(3)(a) The tentative budget must be posted on the municipality's official website at least 14 ~~2~~ days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption and must remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(b) Any tentative budget or final budget posted on the municipality's official website or the county's official website, as applicable, must allow members of the public to do all of the following:

1. View budget data in a searchable format.

2. Review historical spending trends and filter data according to categories in the municipality's chart of accounts, including, but not limited to, fund, department, division, program, or activity.

3. Download financial data and graphs.

4. View data in different graphical formats, including, but not limited to, stacked line, trend line, bar graph, and pie chart.

5. View information for multiple municipal departments, divisions, funds, or financial categories simultaneously.

6. View and compare revenue and expense trends simultaneously on the same graph for any level of financial data.

7. View all municipal employee salaries in a searchable format.

8. View all travel expenses for all municipal employees in a searchable format.

(c) At least 14 days before final adoption of the budget by the governing body of a municipality, the municipal budget officer must perform a budget-cutting exercise, identifying specific reductions to the tentative budget for the ensuing fiscal year which total 10 percent of the tentative budget, without compromising essential public services, such as law enforcement or fire services, or legal obligations. The municipal budget officer must post this exercise on the municipality's official website or the county's official website, as applicable, in accordance with paragraph (b).

(9) If the governing body of a municipality amends the budget pursuant to paragraph (8)(c), the adopted amendment must be posted on the official website of the municipality within 7 ~~5~~ days before ~~after~~ adoption and must remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website. The adopted amendment must be posted in accordance with paragraph (3)(b).

Section 6. This act shall take effect July 1, 2026.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL:	SB 1622
INTRODUCER:	Senator Rodriguez
SUBJECT:	Penalties for Late-filed Disclosures or Statements of Financial Interests
DATE:	February 9, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cleary	Roberts	EE	**Favorable**
2.	Hackett	Fleming	CA	**Pre-meeting**
3.			RC	

I. Summary:

SB 1622 provides a one-time waiver of the automatic fine levied against a reporting individual for a late-filed financial disclosure, if:

- The reporting individual filed his or her financial disclosure late but before the maximum automatic fine accrues for that filing year;
- The reporting person has not in past years accrued the maximum automatic fine for the late filing of a financial disclosure; and
- The reporting person has not previously received in past years a waiver of an automatic fine relating to the late filing of a financial disclosure.

The bill's provisions apply to fines that begin to accrue after September 1, 2026.

The bill takes effect upon becoming law.

II. Present Situation:

Commission on Ethics

The Commission on Ethics (Commission) was created by the Legislature in 1974 "to serve as guardian of the standards of conduct" for state and local public officials and employees.[1] The Florida Constitution and state law designate the Commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.[2] Constitutional duties of the Commission consist of conducting investigations and making public reports on all breach of trust

[1] Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*. P. 1., available at https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2026112 (last visited Feb. 9, 2026).

[2] Section (8)(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

complaints towards public officers or employees not governed by the judicial qualifications commission.[3] In addition to constitutional duties, the Commission, in part:

- Renders advisory opinions to public officials;[4]
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;[5]
- Administers the Executive Branch Lobbying Registration and Reporting Law;[6]
- Maintains financial disclosure filing of constitutional officers and state officers and employees;[7] and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.[8]

Code of Ethics for Public Officers and Employees

The Code of Ethics for Public Officers and Employees (Code of Ethics)[9] establishes ethical standards for public officials and is intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.[10] The Code of Ethics addresses various issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics, among others.[11]

Disclosure of Financial Interests

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. To address this concern, public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests, to remind such officials that their obligation is to put the public interest before personal considerations. The financial disclosure requirement also allows citizens the ability to monitor such public officials to ensure that public officials actions are effectuating the public interest, rather than some personal interest.[12]

Although all public officials and candidates are required to file some sort of financial disclosures, they do not all file the same degree of disclosure, nor do they all file at the same

[3] Section (8)(g), art. II., Fla Const.
[4] Section 112.322(3)(a), F.S.
[5] Section 112.322(2)(b), F.S.
[6] Sections 112.3215, 112.32155, F.S.
[7] Section 112.3144, F.S.
[8] Section 112.3144, F.S.; s. 112.3145, F.S.; s. 112.31455, F.S.
[9] *See* pt. III. Ch. 112, F.S.
[10] Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*. P. 1., available at https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2026112 (last visited Feb. 9, 2026).
[11] *See* pt. III. Ch. 112, F.S.
[12] Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*. P.14., available at https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2026112 (last visited Feb. 9, 2026).

time or place.[13] The type of disclosure required depends on the type of public official or employee and the interests the disclosure is designed to protect.

Full and Public Disclosure (Form 6)

The Florida Constitution requires all elected constitutional officers, candidates for such offices, and statewide elected officers to file a full and public disclosure of their financial interests.[14] Other public officers, candidates, and public employees may be required to file a full and public disclosure of their financial interests as determined by law.[15]

Individuals holding the following positions must presently file a Form 6: governor; lieutenant governor; cabinet members; legislators; state attorneys; public defenders; clerks of circuit courts; sheriffs; tax collectors; property appraisers; supervisors of elections; county commissioners; elected superintendents of schools; district school board members; Jacksonville City Council members (including the mayor); compensation claims judges; the Duval County superintendent of schools; Florida Housing Finance Corporation Board Members; Florida Prepaid College Board Members; and members of each expressway authority, transportation authority (except Jacksonville Transportation Authority), bride authority, or toll authority created pursuant to ch. 348 or 343, F.S., or any other general law; Florida Commission on Ethics members; and certain local officers (mayors and elected members of the governing body of a municipality).[16]

Under the Florida Constitution, the term "full and public disclosure of financial interests" means the reporting individual must disclose his or her net worth and the value for each asset and liability in excess of $1,000.[17]

The disclosure must be accompanied by either a sworn statement that identifies each separate source and amount of income that exceeds $1,000 or a copy of the reporting individual's most recent federal income tax return.[18] The Florida Constitution expressly provides that the Legislature can change this definition and requirements.[19]

Pursuant to general law, the Commission has created by rule CE Form 6 (Form 6), which is required for filers to use to make the required full and public financial disclosure.[20] Reporting individuals are required to file a Form 6 annually with the Commission by July 1 through the Commission's electronic filing system.[21]

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[13] *Id*.
[14] Section 8(a), art. II, Fla. Const.; *see* ss. 112.3144(1), F.S.; R. 34-8.002, F.A.C.
[15] *Id*.
[16] The requirement that certain local officers (mayors and elected members of the governing body of a municipality) be required to file a full and public disclosure (Form 6) is currently being challenged in federal and state litigation. *See* President of Town Council Elizabeth A. Loper, elected official of the Town of Briny Breezes, et al. v. Lukis et. al. Case: 1:24-cv-20604-JAL, (United States District Court Southern District of Florida); Town of Briny Breezes, Florida et al. v. Lukis et al. Case Number 2024 CA 000283, (Fla. 2nd Circ. Ct., Leon County).
[17] Section (8)(j)(1), art. II, Fla. Const.
[18] *See* 11.3144(6)(c) and 7(a), F.S.
[19] Section 8(j)(1), art. II, Fla. Const. (schedule in effect until changed by law).
[20] Section 112.3144(8), F.S.; *see* R. 34-8.002, F.A.C.
[21] Section (8)(j)(1), art. II, Fla. Const.; *see* s. 112.3144(2), F.S.; R. 34-8.002, F.A.C.

The Form 6 requires filers to report their net worth, assets, and liabilities.[22] The filer must report the specific identification and value of each asset which exceeds $1,000 in value and provide the name and address of the creditor for each liability which exceeds $1,000 in amount and its amount, and must submit a statement of the value of the reporting person's net worth as of December 31 of the preceding year or more current date.[23]

Statement of Financial Interests (Form 1)

In addition to provisions governing Form 6, current law provides for a less detailed disclosure of financial interests using the Commission's CE Form 1 (Form 1).[24] A Form 1 was formerly required to be filed by a large group of local officers, including all officers holding elected positions in any political subdivision of the state, other than counties, and specified appointed officers.[25] Other persons required to file a Form 1 include specified state officers and employees and persons seeking to qualify as candidates for these specified state or local offices.[26]

Form 1 requires filers to disclose specified information related to sources of income, real property, intangible personal property, liabilities, and interests in specified businesses.[27] Although no specific dollar values of incomes, property, or liabilities are required to be reported, the filer must report which assets or liabilities exceed certain dollar thresholds.[28] Form 1 filers must disclose: all sources of income in excess of $2,500, excluding public salary; all sources of income from a business entity that the filer had a material interest in where their gross income was in excess of $5,000 and in excess of 10% of the business gross income; any property, except for their residence or vacation home, in which the person owns more than 5% of the value of the property; any intangible personal property in excess of $10,000; and any liability in excess of $10,000.[29] A Form 1 must be filed annually with the Commission by July 1.[30]

Currently, a local officer[31] must file a Form 1 within 30 days of appointment or commission but then annually by July 1 of each year.[32] State officers, local officers not required to file a Form 6, and specified state employees must file their statements of financial interests (Form 1) with the Commission.[33] Persons seeking to qualify as candidates for local public office must file their

[22] *See* s. (8)(j), art. II, Fla. Const.; s. 112.3144(5),(6), F.S.; r. 34-8.004, F.A.C.
[23] *Id.*
[24] *See* s. 112.3145, F.S.; R. 34-8.202, F.A.C.
[25] *Supra,* footnote 16 (the requirement that certain local officers (mayors and elected members of the governing body of a municipality must now file a Form 6, rather Form 1 is currently being challenged in multiple cases).; *See* s. 112.3145, F.S.; ss. 99.061(5) and 99.061(7)(a)(5), F.S.; R. 34.8.202, F.A.C.
[26] *Id.*; see Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.* P. 16-18., available at https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2026112 (last visited Feb. 9, 2026).
[27] Section 112.3145, F.S.
[28] *See* s. 112.3145(3)(a)(b), F.S.
[29] Section 112.3145(3)(b), F.S.
[30] Section 112.3145(2)(b), F.S.
[31] As defined in s. 112.3145(1)(b), F.S.
[32] Section 112.3145(2(b), F.S.
[33] Section 112.3145(2)(d), F.S.

statements of financial interests with the officer before whom they qualify.[34] Individuals required to file a Form 1 must file by 11:59 p.m. on the due date.[35]

Amendments to Form 6 or Form 1

Instances where a filer has filed a Form 6 or Form 1 with the Commission and a complaint has been submitted against the filer in regards to the filed Form 6 or Form 1, the Commission is required to treat an amendment to a Form 6 or Form 1 by the filer which is filed before September 1 of the year in which the disclosure is due, as part of the original filing, regardless of whether a complaint has been filed.[36] If a complaint is filed against a filer of the Form 6 or Form 1 which contain allegations the commission finds are immaterial, inconsequential, or a de minimis error or omission, the Commission may not take any action on the complaint other than notifying the filer of the complaint.[37] The filer must be given 30 days to file an amendment to the Form 6 or Form 1 correcting any errors.[38] If the filer does not file an amendment to the Form 6 or Form 1 correcting any errors within 30 days after the Commission sends notice of the complaint, the Commission may continue with the proceedings under the Commission's complaint procedures in s. 112.324, F.S.[39]

Penalties for Late Filing of Form 6 and Form 1

The Commission, not later than August 1 of each year, must determine which persons required to file a Form 1 have failed to do so and must send delinquency notices to these persons.[40] When a reporting individual[41] fails to timely file Form 1 or Form 6 by the required due date, the Commission staff will send a notice by email notifying the delinquent person of the failure to timely file and send notices weekly by email as long as the person remains delinquent.[42]

Filers are given a grace period until September 1, where no investigatory or disciplinary action based on delinquency will be taken if the filer submits the disclosure by September 1.[43]

Upon the Commission determining that the Form 6 or Form 1 has not been filed on the due date, July 1, and has not been filed by the grace period deadline, September 1, the Commission staff must send a notice by email to the filer who files after September 1, or to the filer who fails to file and accrues the maximum fine amount, notifying the filer of the amount of payment due for

[34] *Id.*
[35] Section 112.3145(8)(d), F.S.
[36] Section 112.3144(11)(a), F.S.: s. 112.3145(11)(a), F.S.
[37] *Id.*
[38] *Id.*
[39] *Id.*
[40] Section 112.3145(8)(c), F.S.
[41] *See* Section 112.1144(9), F.S.; s. 112.3145(9)(c), F.S. (Specifically, for persons holding public office or public employment who fail or refuse to file a Form 6 or Form 1 for any year in which the person received notice from the Commission regarding the failure to file and has accrued the maximum automatic fine authorized, regardless of whether the fine imposed was paid or collected, the Commission **must** initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful under the procedures of s. 112.324, F.S. If the Commission determines that the person willful failed to file a Form 6 or Form 1 the Commission **must** enter an order recommending that the officer or employee be removed from his or her public office or public employment").
[42] Rule 34-8.011(1), F.A.C.; Rule 34-8.210, F.A.C.
[43] Section 112.3144(8)(c), F.S.; Section 112.3145(8)(c), F.S.

the accrued fine and the filer's right to appeal.[44] The fine for late filing is $25 per day for each late day, up to a maximum of $1,500, determined by when the Form 6 or Form 1 is electronically filed on the Commission's electronic filing system.[45]

The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the Commission.[46] All fine money must be deposited into the General Revenue Fund.[47]

When a fine is not appealed, or is appealed but is not waived, the Commission will enter a final order and attempt to determine whether the individual owing such fine currently serves as a public officer or employee.[48] If the individual owing the fine is a public officer or employee, the Commission may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of the fine and request salary withholding to recover the fine.[49] If payment of the fine cannot be obtained through salary withholding and the fine remains unpaid for more than 60 days, the Commission may refer the unpaid fine to the appropriate collection agency, as directed by the Chief Financial Officer, to utilize any collection methods provided by law.[50] If the individual owing the fine is no longer a public officer or employee or if the Commission is unable to determine whether the individual is a public officer or employee, the Commission may, six months after the final order, seek garnishment of any wages to satisfy any unpaid portion of the fine.[51]

Appeals of Fines

Any reporting person may appeal or dispute a fine, based upon "unusual circumstances"[52] surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the Commission, which may waive the fine in whole or in part for good cause shown.[53] A person who chooses to appeal or dispute a fine imposed for the late filing or failure to file Form 6 or Form 1 must file with the Commission a written notice of appeal within 30 days of the date that notice of payment due is transmitted, setting out with specificity the "unusual circumstances" surrounding the failure to file by the due date.[54] A reporting person may submit with the notice of appeal any documentation or evidence supporting his or her claim, which must be received by the Commission no later than 30 days after the date the notice of payment due is

[44] Rule 34-8.011(2), F.A.C.; Rule 34-8.210(2), F.A.C.
[45] Rule 34-.8.011(3), F.A.C.; Rule 34-8.210(3), F.A.C.
[46] Rule 34-8.011(4), F.A.C.; Rule 34-8.210(4), F.A.C.
[47] *Id.*
[48] Rule 34-8.011(5), F.A.C.; Rule 34-8.210(5), F.A.C.
[49] *Id.*
[50] Rule 34-8.011(6), F.A.C.; Rule 34-8.210(6), F.A.C.
[51] Rule 34-8.011(7), F.A.C.; Rule 34-8.210(6), F.A.C.
[52] *See* Rule 34-8.015)(4), F.A.C; Rule 34-8.215(4), F.A.C. ("Unusual circumstances" means uncommon, rare or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirements shall be deemed not to constitute unusual circumstances."); *But see* s. 112.3144(8)(f)2, F.S; s. 112.3145(8)(f)2, F.S. ("Unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address").
[53] Rule 34-8.015(1), F.A.C.; Rule 34-8.215(1), F.A.C.
[54] *Id.*

transmitted.[55] Failure to timely file a notice of appeal constitutes a waiver.[56] A person who seeks a hearing before the Commission must include in the notice of appeal a separate request for hearing.[57] If no separate request for hearing is filed then the Commission will make its determination based on the notice and any supporting information and this determination shall be final agency action.[58]

Automatic Waiver of Fines

Currently, there are no automatic one-time waiver of fines for a filer who is late for the first time in filing his or her financial disclosure. In contrast, lobbying firms that are required to file timely compensation reports are eligible under the law to receive a one-time waiver for failing to timely file required compensation reports.[59]

III. Changes:

SB 1622 provides a one-time waiver of the automatic fine levied against a reporting individual for filing his or her Form 6 or Form 1 financial disclosures late with the Commission on Ethics, if:

- The reporting individual filed his or her Form 6 or Form 1 late but before the maximum automatic fine accrued for that filing year;
- The reporting person has not in past years accrued the maximum automatic fine for the late filing of a Form 6 or Form 1; and
- The reporting person has not previously received in past years a waiver of an automatic fine relating to the late filing of a Form 6 or Form 1.

The bill's provisions apply to fines that begin to accrue after September 1, 2026.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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[55] *Id.*
[56] Rule 34-8.015(2), F.A.C; Rule 34-8.215(2), F.A.C.
[57] Rule 34-8.015(3), F.A.C.; Rule 34-8.215(3), F.A.C.
[58] *Id.*
[59] *See* s. 112.3215(5)(d)4, F.S. ("A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports").

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:

There may be an indeterminate impact on the revenue collected by the Commission for the late filing fees that go to the General Revenue Fund if all reporting individuals are given a waiver for their first late financial disclosure filing. Although, this may be offset by the cost of man hours and time spent by the Commission in hearing first time appeals and in the effort to collect fines.[60]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.3144 and 112.3145.

[60] *See Legislative Recommendations for 2026, Commission on Ethics* (September 18, 2025), available at https://www.flsenate.gov/Committees/DownloadMeetingDocument/7839 (The first-time fine waiver for financial disclosures is a recommendation made by the Commission on Ethics. The Commission believes implementing such waiver would increase efficiency by reducing the number of fine appeals Commission staff will have to process and will also comport with the Commission's ultimate goal of achieving a filing by the filer at issue).

IX. Additional Information:

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

None.

B. Amendments:

None.

By Senator Rodriguez

40-00762A-26 20261622__

A bill to be entitled

An act relating to penalties for late-filed disclosures or statements of financial interests; amending ss. 112.3144 and 112.3145, F.S.; prohibiting the assessment of a fine for a reporting person's first late filing of a disclosure or statement of financial interests if certain conditions are met; providing applicability; providing an effective date.

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

Section 1. Paragraph (f) of subsection (8) of section 112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial interests.—

(8) Forms or fields of information for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution must be prescribed by the commission. The commission shall allow a filer to include attachments or other supporting documentation when filing a disclosure. The commission shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(f) Except as provided in subparagraph 3., a ~~Any~~ person who is required to file full and public disclosure of financial interests and whose name is on the commission's list, and to whom notice has been sent, but who fails to timely file is assessed a fine of $25 per day for each day late up to a maximum of $1,500; however this $1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the

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

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statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific that the amount of the fine due is based upon when the disclosure is filed on the electronic filing system created and maintained by the commission as provided in s. 112.31446.

1. Upon receipt of the disclosure statement or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 2. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 2. The moneys shall be deposited into the General Revenue Fund.

2. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be in writing and received by the commission within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the

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

commission. For purposes of this subparagraph, "unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address.

3. A fine may not be assessed against a reporting person the first time a full and public disclosure of financial interests for which he or she is responsible for filing is not timely filed if the full and public disclosure of financial interests was filed before the reporting person accrued the maximum automatic fine for that filing year and the reporting person has not previously received a waiver of an automatic fine pursuant to this subparagraph or s. 112.3145(8)(f)3. The automatic fine shall be assessed, however, if the reporting person has in a previous year accrued the maximum automatic fine pursuant to this subparagraph or s. 112.3145(8)(f), or if he or she has previously received a waiver of an automatic fine pursuant to this subparagraph or s. 112.3145(8)(f)3. This subparagraph applies to fines that began to accrue pursuant to this paragraph after September 1, 2026.

Section 2. Paragraph (f) of subsection (8) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(8) Beginning January 1, 2024, forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure must be created by the commission. The commission shall allow a filer to include attachments or other supporting documentation when filing a

disclosure. Beginning January 1, 2024, the commission shall give notice of disclosure deadlines, delinquencies, and instructions in the following manner:

(f) Except as provided in subparagraph 3., a ~~Any~~ person required to file a statement of financial interests whose name is on the commission's list, and to whom notice has been sent, but who fails to timely file is assessed a fine of $25 per day for each day late up to a maximum of $1,500; however, this $1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and procedures by which each person whose name is on the list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific that the amount of the fine is based upon the date and time that the disclosure is filed on the electronic filing system as provided in s. 112.31446.

1. Beginning January 1, 2024, for a specified state employee, state officer, or local officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 2. The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 2. The moneys are to be deposited into the General Revenue Fund.

2. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be in writing and received by the commission within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission. For purposes of this subparagraph, the term "unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address.

3. A fine may not be assessed against a reporting person the first time a statement of financial interests for which he or she is responsible for filing is not timely filed if the statement of financial interests was filed before the reporting person accrued the maximum automatic fine for that filing year and the reporting person has not previously received a waiver of an automatic fine pursuant to this subparagraph or s. 112.3144(8)(f)3. The automatic fine shall be assessed, however, if the reporting person has in a previous year accrued the maximum automatic fine pursuant to this subparagraph or s. 112.3144(8)(f), or if he or she previously received a waiver of an automatic fine pursuant to this subparagraph or s. 112.3144(8)(f)3. This subparagraph applies to fines that began to accrue pursuant to this paragraph after September 1, 2026.

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

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: February 5, 2026

I respectfully request that **Senate Bill 1622**, relating to Penalties for Late-filed Disclosures or Statements of Financial Interests, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	CS/SB 1724
INTRODUCER:	Regulated Industries Committee and Senator Martin
SUBJECT:	Utility Services
DATE:	February 9, 2026
REVISED:	

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1724 revises requirements for municipal utilities that provide water and wastewater, or electric services outside their corporate boundaries. The bill amends s. 180.19, F.S., to require, before the agreement becomes effective, that new service agreements be in writing and subject to public input through meetings held within each municipality and unincorporated areas to be served, as well as annual customer meetings thereafter. The section also limits the use of gross utility revenues from such served areas for general government purposes to 10 percent and requires excess revenues, after recovery of actual costs, to be reinvested in the municipal utility or returned to customers.

The bill also amends s. 180.191, F.S., to eliminate, for such served areas, authorized 25 percent surcharges and reduce the allowable rate differential cap from 50 percent to 25 percent above rates charged within the municipality providing service. The bill also requires rate parity under certain circumstances for municipal water and wastewater services.

For such municipal utilities providing services outside of their municipal boundaries, the bill also adds a reporting requirement to the Public Service Commission (PSC), the results of which must be compiled and provided to the Governor, President of the Senate, and the Speaker of the House of Representatives.

The bill has an effective date 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.

Municipal Electric Utilities in Florida

A municipal electric utility is an electric utility owned and operated by a municipality. Chapter 366, F.S., provides the majority of electric utility regulations for Florida. While ch. 366, F.S., does not provide a definition, per se, for a "municipal utility," variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric utilities that serve over 14 percent of the state's electric utility customers.[9]

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

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[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 Feb. 9, 2026).
[3] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Feb. 9, 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 Municipal Electric Association, *About Us,* https://www.flpublicpower.com/about-us (last visited Feb. 9, 2026).

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.[10]

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.[11] 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[12] 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.[13]

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates or territories for such utilities.[14] Municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.

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[10] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, p. 4, https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf (last visited Feb. 9, 2026).
[11] Section 367.022, F.S.
[12] Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."
[13] Section 180.02, F.S., *see also* s. 180.06, F.S.
[14] The PSC can, however, consider municipal water or wastewater utility territory when it is granting or amending a certificate of authority for an investor-owned water or wastewater utility to operate within a county under the PSC's jurisdiction (but it is not bound by such decisions of local government). Section 367.045(5)(b), F.S., provides that, "when granting or amending a certificate of authorization, the commission need not consider whether the issuance or amendment of the certificate of authorization is inconsistent with the local comprehensive plan of a county or municipality unless a timely objection to the notice required by this section has been made by an appropriate motion or application. If such an objection has been timely made, the commission shall consider, but is not bound by, the local comprehensive plan of the county or municipality."

Municipal Water and Sewer Utility Rate Setting

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, revenues, and territories are regulated by their respective local governments, sometimes through a utility board or commission.

Municipal Water and Sewer Utility Rates for Customers Outside of Corporate Limits

Section 180.191, F.S., provides limitations on the rates that can be charged to customers outside their municipal boundaries. The first option is that such a municipality may charge the same rates outside as inside its municipal boundaries, but may add a surcharge of not more than 25 percent to those outside the boundaries (s. 180.191(1)(a), F.S., rate design).[15] The fixing of rates, fees, or charges for customers outside of the municipal boundaries, in this manner, does not require a public hearing.

Alternatively, a municipality may charge rates that are just and equitable and based upon the same factors used in fixing the rates for the customers within the boundaries of the municipality. In addition, the municipality may add a 25 percent surcharge (s. 180.191(1)(b), F.S., rate design). When a municipality uses this methodology, the total of all rates, fees, and charges for the services charged to customers outside the municipal boundaries may not be more than 50 percent in excess of the total amount the municipality charges consumers within its municipal boundaries, for corresponding service.[16] Under this scenario, the rates, fees, and charges may not be set until a public hearing is held and the users, owners, tenants, occupants of the property served or to be served, and all other interested parties have an opportunity to be heard on the rates, fees, and charges. Any change in the rates, fees, and charges must also have a public hearing unless the change is applied pro rata to all classes of service, both inside and outside of the municipality.[17]

The provisions of s. 180.191, F.S., may be enforced by civil action. Whenever any municipality violates, or if reasonable grounds exist to believe that a municipality is about to violate, s. 180.191, F.S., an aggrieved party may seek preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.[18] A prevailing party under such an action may seek treble damages and, in addition, a reasonable attorney's fee as part of the cost.[19]

City of Miami Gardens v. City of North Miami Beach

The Norwood Water Treatment Plant (Norwood Plant), operated by the City of North Miami Beach (NMB), treats and distributes water for North Miami Beach's municipal water and wastewater utility which provides service to customers in NMB and the City of Miami Gardens. Though owned by NMB, the plant is physically located outside of the geographic boundaries of

[15] Section 180.191(1)(a), F.S.
[16] Section 180.191(1)(b), F.S.
[17] *Id.*
[18] Section 180.191(2), F.S.
[19] Section 180.191(4), F.S.

that municipality in what is now, since May 13, 2003,[20] within the geographic boundaries of Miami Gardens.[21]

On January 7, 2003, NMB adopted an ordinance, pursuant to s. 180.191, F.S., increasing the surcharge on its water and wastewater customers residing outside of its municipal boundaries. On May 22, 2017, NMB entered into an agreement for a private entity to maintain, repair and manage the Norwood Plant; however, NMB retained ownership of the plant.[22]

In December of 2018, Miami Gardens brought a class action lawsuit, which sought to represent not only itself, but also its residents who purchase water from the Norwood Plant. In part, Miami Gardens sought a declaratory judgment seeking the answers to three questions:

- If NMB assigned to a private contractor all operational responsibility for water utilities it owns that are located outside its geographical bounds, is NMB still "operating" those water utilities?
- If NMB is no longer "operating" water utilities it owns that are located outside its geographical bounds, may NMB lawfully charge a 25 percent surcharge on water provided to consumers within the City of Miami Gardens?
- Does s. 180.191, F.S., provide for the imposition of a 25 percent surcharge per billing cycle by NMB upon the City of Miami Gardens and the members of the class for water drawn from the aquifer located within the boundaries of the City of Miami Gardens which is processed in and never leaves the boundaries of the municipality?[23]

After the parties were given a chance to resolve the dispute for six months, the trial court eventually dismissed the complaint on four bases:

- NMB had terminated the contract with the private entity to operate the Norwood Plant, and thus the complaint was moot;
- The complaint was not supported by the plain language of s. 180.191(1), F.S;
- Statute of limitations, as the complaint had been filed 15 years after Miami Gardens was incorporated and 16 years after the surcharge had been put in place (citing to the four-year statute of limitations provided in s. 95.11(3), F.S); and
- Sovereign immunity.[24]

Miami Gardens appealed this dismissal to the Florida Third District Court of Appeal. The Third District Court reversed the dismissal and remanded the case back to the trial court, stating that:

- Sovereign immunity did not bar the claims of Miami Gardens. The court found that sovereign immunity did not apply in this matter since s. 180.191(4), F.S., clearly provides a financial damages remedy for actions pursuant to s. 180.191, F.S. In addition, the court found that sovereign immunity did not apply to refunds of previously paid illegal fees;

[20] Miami Gardens was incorporated on May 13, 2003.
[21] *City of Miami Gardens v. City of N. Miami Beach*, 346 So. 3d 648, 650–51 (Fla. 3d DCA 2022). The City of North Miami Beach operated the Norwood Plant before the City of Miami Gardens was incorporated.
[22] *Id.*at 651.
[23] *Id.*
[24] *Id* at 653.

- Miami Gardens' allegation that an NMB-owned water treatment plant, contracted to be operated by a private party, was not entitled to assess a 25 percent surcharge on non-NMB residents, was sufficient to state a claim under s. 180.191, F.S.; and
- The matter was not moot, even though, since October 30, 2019, NMB had removed the surcharges for the services supplied to the City of Miami Gardens itself (but not for other residential and business customers) and, as of August 6, 2020, NMB had terminated its contract with the private entity operating the plant. The court found that Miami Gardens and its class still had a case and controversy as to whether it, and its residents, were due a refund and that the cessation of the surcharge was not permanent.[25]

On January 16, 2025, the trial court issued a final order approving a settlement that pays $9 million to Miami Gardens and its class from NMB.[26]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 180.19, F.S., to place additional requirements on when municipal water and wastewater, and electric utilities may permit any other municipality and the owners or association of owners of lots or lands outside of its corporate limits or within the limits of any other municipality, to connect with or use such utilities. The section requires new agreements to provide such service be in writing.[27] In addition, the agreement may not become effective until an appointed representative[28] of the municipality providing or intending to provide the utility service (serving municipality), has participated in a public meeting in conjunction with the governing body[29] of each municipality and unincorporated area to be served (receiving entities). Such meeting:

- Need not be a separate public meeting;
- Must be held within each receiving entity;
- Is to be held for the purposes of providing information and soliciting public input on:
  - The nature of the services to be provided or changes to the services being provided;
  - The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;
  - The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and
  - Any other matter deemed relevant by the serving municipality and receiving entities.

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[25] *Id* at 653-58.

[26] *City of Miami Gardens v. City of North Miami Beach*, No. 2018-042450-CA-01 (Fla. 11th Cir. Ct. Jan. 16, 2025)(final order and judgment approving settlement agreement).

[27] The section applies to any "new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide electric, water, or sewer utility service at retail."

[28] The section defines "appointed representative" as "an executive-level leadership employee of a municipality, or of such municipality's related and separate utility authority, board, or commission, specifically appointed by the governing body to serve as its representative for the purposes of this subsection."

[29] The section defines "governing body" as the "governing body of a municipality in which services are provided or proposed to be extended; or the board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county."

For municipal water and wastewater utilities, the rates charged by the serving municipality to the receiving entities must comply with the requirements of s. 180.191, F.S.

In addition to the initial meeting specified above, the section also requires an annual customer meeting to be conducted by a representative of the serving municipality, in conjunction with the receiving entities, within each receiving entity. The purpose of this meeting is to solicit public input on utility-related matters—including fees, rates, charges, and services,

Section 2 of the bill amends s. 180.191(1)(a), F.S., limiting, for municipal water and wastewater utilities, surcharges assessed from serving municipalities to receiving entities. For s. 180.191(1)(a), F.S., rate design, the section eliminates the authorized 25 percent surcharge on rates, fees, and charges. For s. 180.191(1)(b), F.S., rate design, the section also eliminates the authorized 25 percent surcharge. However, a municipal water or wastewater utility may continue to impose the surcharge on consumers outside the municipal boundaries to the extent necessary to comply with the terms of any bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon the retirement, expiration, or refinancing of such applicable debt obligations.

In addition, the section amends the provision establishing a cap on the total of all rates, fees, and charges assessed to customers of a receiving entity. The amendment reduces the cap from no more than 50 percent in excess of the total rates, fees, and charges assessed to consumers within the boundaries of the receiving municipality for corresponding services, to no more than 25 percent in excess of those amounts.

Section 3 creates s. 180.192, F.S., initiating a reporting requirement for serving municipalities providing electric, water, or wastewater service to receiving entities. The section requires serving municipalities to provide a report for each type of utility service it provides, to the PSC, disclosing:

- The number and percentage of customers that receive utility services provided by the serving municipality at a location outside the boundaries of the municipality;
- The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and
- Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

The report is due to the PSC by January 1, 2028, and then annually thereafter. After receipt of said reports, the PSC, by March 31, 2028 (and annually thereafter), must compile this information and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The section clarifies that the PSC's authority provided in the bill to require annual reports from municipal electric, water, and wastewater utilities is limited solely to that reporting requirement. In addition, it provides that the section does not modify or extend the authority of the PSC otherwise provided by law with respect to any municipal utility that is required to comply pursuant to the reporting requirement provided in the section.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 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.

Subsection (b) of Art. VII, s. 18 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,[30] which is $2.4 million or less for Fiscal Year 2026-2027.[31]

The bill eliminates, for municipal water and wastewater utilities providing services outside of its corresponding municipal boundaries, a 25 percent surcharge it may charge to such customers. In addition, the bill, under certain circumstances, reduces the amount such utilities may charge such persons over-and-above what it charges customers located within its corresponding municipal boundaries. If the anticipated effect of this provision is a significant reduction in a municipality's ability to raise revenue, the bill requires approval by two-thirds vote of the membership of both chambers of the legislature.

To the extent that the limitation on fees, which are meant to cover actual costs, requires municipalities to take actions requiring the significant expenditure of funds, the bill requires a finding of important state interest and approval by two-thirds vote of the membership in order to bind municipalities. Staff is not aware of any estimates on anticipated costs associated with the bill.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

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[30] 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. 9, 2026).

[31] 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. 9, 2026).

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Municipal utility customers that are located outside the municipality that operates the utility may see utility rate, fee, and charge reductions for such services.

C. Government Sector Impact:

Municipal governments that operate a municipal utility that serves customers that are located outside of the municipality other than the municipality that operates the utility, may see a reduction in utility revenue under the provisions of the bill. In addition, such governments may see an increase in regulatory and administrative costs in complying with the meeting and reporting requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 180.19 and 180.191
This bill creates the following sections of the Florida Statutes: 180.192

IX. Additional Information:

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

CS by Regulated Industries on February 3, 2026
The committee substitute amended SB 1724 in the following ways:

- Removed municipal natural gas utilities from the bill's provisions.
- Removed a provision that limited the amount of gross municipal utility revenues that may be used for general government purposes.
- Removed a provision requiring rate, fee, and charge parity when a municipal water or wastewater utility provides service to another municipality using a facility or water or sewer plant located within the second municipality.

- Provided that a municipal water or wastewater utility may continue to impose a surcharge on consumers outside the municipal boundaries only to the extent necessary to comply with the terms of bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon retirement, expiration, or refinancing of the applicable debt obligation.
- Clarified that the PSC's authority provided in the bill to require annual reports from municipal electric, water, and wastewater utilities is limited solely to that reporting requirement.
- Made technical revisions.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate . House

. . . . .

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

Senate Amendment

Delete lines 46 - 143

and insert:

electric, water, natural gas, or sewer utility service at retail pursuant to subsection (1) must be in writing. Such agreement may not become effective before an appointed representative of the municipality that provides the service or intends to provide service, in conjunction with the governing body of each municipality and unincorporated area served or to be served, has

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participated in a public meeting. Such meeting is not required to be a separate public meeting, but it must be held within each municipality and unincorporated area served or to be served for purposes of providing information and soliciting public input on:

1. The nature of the services to be provided or changes to the services being provided;

2. The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;

3. The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and

4. Any other matter deemed relevant by the parties to the agreement.

(b) Rates, fees, and charges imposed for water or sewer utility services provided pursuant to subsection (1) must comply with s. 180.191.

(c) A representative of each municipality that provides electric, water, natural gas, or sewer utility services pursuant to subsection (1), in conjunction with the governing body of each municipality and unincorporated area in which it provides services, shall annually conduct a public customer meeting. Such meeting is not required to be a separate public meeting, but must be held within each municipality and unincorporated area for purposes of soliciting public input on utility-related

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matters, including fees, rates, charges, and services.

(d) As used in this subsection, the term:

1. "Appointed representative" means an executive-level leadership employee of a municipality, or of such municipality's related and separate utility authority, board, or commission, specifically appointed by the governing body to serve as its representative for the purposes of this subsection.

2. "Governing body" means a:

a. Governing body of a municipality in which services are provided or proposed to be extended; or

b. Board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county.

Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within this ~~the~~ state operating a water or sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. ~~However, in addition thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries.~~ Fixing of such rates, fees, and charges in this manner may ~~shall~~ not require a public hearing except as may be

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provided for service to consumers inside the municipality.

(b) It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. ~~In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees, and charges for said services to consumers outside the boundaries. However, the total of all~~ Such rates, fees, and charges for the services to consumers outside the boundaries may ~~shall~~ not be more than 25 ~~50~~ percent in excess of the rates, fees, and charges ~~total amount~~ the municipality charges consumers served within the municipality for corresponding service. ~~No~~ Such rates, fees, and charges may not ~~shall~~ be fixed until after a public hearing at which all of the users of the water or sewer systems; owners, tenants, or occupants of property served or to be served thereby; and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision is to be made substantially pro rata as to all classes of service, both inside and outside the municipality, no hearing or notice shall be required.

(c) Notwithstanding paragraphs (a) and (b), a municipality may continue to impose a surcharge on consumers outside the municipal boundaries only to the extent necessary to comply with the terms of bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon retirement, expiration, or refinancing of the applicable debt obligation.

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Section 3. Effective July 1, 2027, section 180.192, Florida Statutes, is created to read:

180.192 Reporting requirements related to municipal utility service.—

(1) By January 1, 2028, and annually thereafter, each municipality that provides electric, water, natural gas, or sewer utility

By the Committee on Regulated Industries; and Senator Martin

580-02457-26 20261724c1

A bill to be entitled

An act relating to utility services; amending s. 180.19, F.S.; requiring that a new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide certain utility services at retail be in writing; requiring that certain public meetings be held as a condition precedent to the effectiveness of a new or extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas; specifying requirements for such public meetings; requiring rates, fees, and charges imposed for water or sewer utility services to comply with specified provisions; requiring a representative from certain municipalities to annually conduct public customer meetings; providing requirements for such meetings; defining the terms "appointed representative" and "governing body"; amending s. 180.191, F.S.; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities on consumers located outside the municipal boundaries; authorizing a municipality to continue to impose a surcharge on certain consumers for a specified purpose; requiring the phase-out of such surcharges upon retirement, expiration, or refinancing of the applicable debt obligation; creating s. 180.192, F.S.; requiring municipalities that provide specified utility services to report certain information by a specified date, and

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

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annually thereafter, to the Florida Public Service Commission; requiring the commission to compile such information and submit a report by a specified date, and annually thereafter, to the Governor and the Legislature; authorizing commission jurisdiction over specified utilities; providing construction; providing effective dates.

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

Section 1. Subsection (3) is added to section 180.19, Florida Statutes, to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

(3)(a) A new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide electric, water, or sewer utility service at retail pursuant to subsection (1) must be in writing. Such agreement may not become effective before an appointed representative of the municipality that provides the service or intends to provide service, in conjunction with the governing body of each municipality and unincorporated area served or to be served, has participated in a public meeting. Such meeting is not required to be a separate public meeting, but it must be held within each municipality and unincorporated area served or to be served for purposes of providing information and soliciting public input on:

1. The nature of the services to be provided or changes to the services being provided;

2. The rates, fees, and charges to be imposed for the

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

services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;

3. The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and

4. Any other matter deemed relevant by the parties to the agreement.

(b) Rates, fees, and charges imposed for water or sewer utility services provided pursuant to subsection (1) must comply with s. 180.191.

(c) A representative of each municipality that provides electric, water, or sewer utility services pursuant to subsection (1), in conjunction with the governing body of each municipality and unincorporated area in which it provides services, shall annually conduct a public customer meeting. Such meeting is not required to be a separate public meeting, but must be held within each municipality and unincorporated area for purposes of soliciting public input on utility-related matters, including fees, rates, charges, and services.

(d) As used in this subsection, the term:

1. "Appointed representative" means an executive-level leadership employee of a municipality, or of such municipality's related and separate utility authority, board, or commission, specifically appointed by the governing body to serve as its representative for the purposes of this subsection.

2. "Governing body" means a:

a. Governing body of a municipality in which services are provided or proposed to be extended; or

b. Board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county.

Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within this ~~the~~ state operating a water or sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. ~~However, in addition thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries.~~ Fixing of such rates, fees, and charges in this manner may ~~shall~~ not require a public hearing except as may be provided for service to consumers inside the municipality.

(b) It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. ~~In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees, and charges for said services to consumers outside the boundaries. However, the total of all~~ Such rates, fees, and

charges for the services to consumers outside the boundaries may ~~shall~~ not be more than 25 ~~50~~ percent in excess of the rates, fees, and charges ~~total amount~~ the municipality charges consumers served within the municipality for corresponding service. ~~No~~ Such rates, fees, and charges may not ~~shall~~ be fixed until after a public hearing at which all of the users of the water or sewer systems; owners, tenants, or occupants of property served or to be served thereby; and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision is to be made substantially pro rata as to all classes of service, both inside and outside the municipality, no hearing or notice shall be required.

(c) Notwithstanding paragraphs (a) and (b), a municipality may continue to impose a surcharge on consumers outside the municipal boundaries only to the extent necessary to comply with the terms of bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon retirement, expiration, or refinancing of the applicable debt obligation.

Section 3. Effective July 1, 2027, section 180.192, Florida Statutes, is created to read:

180.192 Reporting requirements related to municipal utility service.—

(1) By January 1, 2028, and annually thereafter, each municipality that provides electric, water, or sewer utility services outside of its municipal boundaries shall provide a report to the Florida Public Service Commission which

identifies, for each type of utility service provided by the municipality:

(a) The number and percentage of customers that receive utility services provided by the municipality at a location outside the boundaries of the municipality;

(b) The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and

(c) Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

(2) By March 31, 2028, and annually thereafter, the commission shall compile the information provided pursuant to subsection (1) and submit a report containing that information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) Notwithstanding s. 367.171, the commission shall have jurisdiction over all utilities identified in subsection (1) for the limited purpose of enforcing the requirements of this section. This section does not otherwise modify or extend the authority of the commission provided by law with respect to any municipal utility that is required to comply with subsection (1).

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2026.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil Justice, *Vice Chair*
Appropriations
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN
33rd District

February 5th, 2026

RE: SB 1724: Utility Services

Dear Chair McClain,

Please allow this letter to serve as my respectful request to place SB 1724 on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Our stakeholders and I would be happy to answer any potential questions.

Sincerely,

Jonathan Martin
Senate District 33

REPLY TO:
❒ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
❒ 315 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

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