

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	RCS	CA, Burgess	Delete L.33 - 81:	02/10 05:45 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	RCS	CA, Burgess	Delete L.42:	02/10 05:45 PM
455636	A	S	RCS	CA, Smith	Delete L.82 - 107:	02/10 05:45 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	RCS	CA, Rodriguez	Delete L.17 - 46.	02/10 05:45 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	RCS	CA, Mayfield	Delete L.42 - 67:	02/10 05:45 PM
Tab 8	SB 1102 by Massullo ; Similar to CS/H 01077 Funding for Body Cameras					
961614	A	S	RCS	CA, Massullo	btw L.154 - 155:	02/10 05:45 PM
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	RCS	CA, DiCeglie	Delete everything after	02/10 05:45 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	RCS	CA, McClain	Delete L.46 - 143:	02/10 05:45 PM

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)	<p>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.</p> <p>SM JU 02/03/2026 Fav/CS CA 02/10/2026 Favorable RC</p>	<p>Favorable Yea 6 Nays 2</p>
2	SB 28 Rouson (Identical H 6525)	<p>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.</p> <p>SM JU 02/03/2026 Favorable CA 02/10/2026 Favorable RC</p>	<p>Favorable Yea 8 Nays 0</p>
3	CS/SB 260 Transportation / Burgess (Similar H 37)	<p>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.</p> <p>TR 02/03/2026 Fav/CS CA 02/10/2026 Fav/CS RC</p>	<p>Fav/CS Yea 8 Nays 0</p>

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, February 10, 2026, 3:00—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB's 658 & 608	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.	Fav/CS Yea 8 Nays 0
RI	01/27/2026 Fav/CS Combined - Lead		
CA	02/10/2026 Fav/CS		
RC			
5	CS/SB 848	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.	Favorable Yea 8 Nays 0
EN	01/13/2026 Fav/CS		
CA	02/10/2026 Favorable		
RC			
6	SB 934	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.	Fav/CS Yea 8 Nays 0
CA	02/10/2026 Fav/CS		
FT			
RC			

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, February 10, 2026, 3:00—5:30 p.m.

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.	Fav/CS Yea 8 Nays 0
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.	Fav/CS Yea 8 Nays 0
9	SB 1264 Calatayud (Similar CS/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.	Favorable Yea 8 Nays 0
10	SB 1566 DiCeglie (Similar CS/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.	Fav/CS Yea 7 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, February 10, 2026, 3:00—5:30 p.m.

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 Favorable RC	Favorable Yea 8 Nays 0
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 Fav/CS RC	Fav/CS Yea 7 Nays 0

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	Favorable
	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

SPECIAL MASTER'S FINAL REPORT – CS/SB 18

February 3, 2026

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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, 2016¹ 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.

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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).

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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).

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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).

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March 20, 2025

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- 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 Señor, 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

BSO's Breach of Duty

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.

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).

SPECIAL MASTER'S FINAL REPORT – SB 30

March 20, 2025

Page 13

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.

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.

SPECIAL MASTER'S FINAL REPORT – SB 30

March 20, 2025

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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,

A handwritten signature in black ink that reads "jst Martin".

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

2/10/26

Meeting Date

Community Affairs
Committee

Name Latoya Sheals

Phone _____

Address _____
Street _____

Email _____

City _____ State _____ Zip _____

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Broward County Sheriff's Office

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

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

SPECIAL MASTER'S FINAL REPORT – SB 28

January 29, 2026

Page 2

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

SPECIAL MASTER'S FINAL REPORT – CS/SB 298

March 16, 2017

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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.

SPECIAL MASTER'S FINAL REPORT – CS/SB 298

March 16, 2017

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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.

SPECIAL MASTER'S FINAL REPORT – CS/SB 298

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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.

SPECIAL MASTER'S FINAL REPORT – CS/SB 298

March 16, 2017

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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

SPECIAL MASTER'S FINAL REPORT – CS/SB 298

March 16, 2017

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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 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

SENATOR DARRYL ERVIN ROUSON

16th District

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

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 –

A handwritten signature in green ink that reads "Darryl E. Rouson".

Senator Darryl E. Rouson
Florida Senate District 16

REPLY TO:

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

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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/CS/SB 260

INTRODUCER: Community Affairs Committee, Transportation Committee, and Senator Burgess

SUBJECT: Removal, Storage, and Cleanup of Electric Vehicles

DATE: February 12, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	Fav/CS
2. Tolmich	Fleming	CA	Fav/CS
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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, 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 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 a 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

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 9, 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 manufacturer'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](https://www.statefiremarshall.org/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, 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 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 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, concrete, 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/CS by Community Affairs on February 10, 2026:

The committee substitute specifies that the daily administration fee for the proper storage of electric vehicles authorized by the bill applies until the appropriate local agency inspects and verifies that the damaged battery is safe and not in danger of starting a fire. It also revises the definition of “daily administration fee” to remove the portion that refers to cleanup of the crash scene and debris removal.

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.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment**

2

3 Delete lines 33 - 81

4 and insert:

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



406908

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



406908

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

53 2. For purposes of this paragraph, the term:

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

By the Committee on Transportation; and Senator Burgess

596-02455-26

2026260c1

1 A bill to be entitled
 2 An act relating to the removal, storage, and cleanup
 3 of electric vehicles; amending s. 125.0103, F.S.;
 4 requiring counties to establish a daily administration
 5 fee for the proper storage of certain electric
 6 vehicles; providing a maximum amount for such fees;
 7 providing applicability; defining the terms "daily
 8 administration fee" and "proper storage"; amending s.
 9 166.043, F.S.; authorizing municipalities to establish
 10 a daily administration fee for the proper storage of
 11 certain electric vehicles; providing a maximum amount
 12 for such fees; providing applicability; defining the
 13 terms "daily administration fee" and "proper storage";
 14 creating s. 324.0222, F.S.; providing that motor
 15 vehicle insurers are not required to pay certain
 16 costs; amending s. 713.78, F.S.; providing that a
 17 reasonable fee for service includes any daily
 18 administration fee; providing an effective date.
 19

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

21
 22 Section 1. Present paragraph (d) of subsection (1) of
 23 section 125.0103, Florida Statutes, is redesignated as paragraph
 24 (e), and a new paragraph (d) is added to that subsection, to
 25 read:

26 125.0103 Ordinances and rules imposing price controls.—
 27 (1)
 28 (d)1. Counties shall establish a daily administration fee
 29 for the proper storage of electric vehicles, as defined in s.

Page 1 of 5

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

596-02455-26

2026260c1

30 320.01(36), which have been involved in a crash that results in
 31 visible damage to the batteries or battery compartment, or when
 32 the batteries or battery compartment have been submerged, for
 33 any length of time, in salt water. The daily administration fee
 34 for proper storage of an electric vehicle may be up to three
 35 times the amount established under paragraph (c) and shall apply
 36 in the event the electric vehicle owner or operator is
 37 incapacitated, is unavailable, leaves the procurement of wrecker
 38 service to the law enforcement officer at the scene, or
 39 otherwise does not consent to the removal of the electric
 40 vehicle. Such fee may not be charged unless the electric vehicle
 41 is properly stored as defined in this paragraph.

42 2. For purposes of this paragraph, the term:
 43 a. "Daily administration fee" means a fee imposed by a
 44 wrecker service or towing-storage or wrecker operator for
 45 administrative costs for storing a damaged or submerged electric
 46 vehicle after the cleanup of the crash scene and debris removal
 47 in order to provide proper storage of the damaged or submerged
 48 electric vehicle.

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

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

57 166.043 Ordinances and rules imposing price controls.—
 58 (1)

Page 2 of 5

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596-02455-26

2026260c1

59 (d)1. Municipalities may establish a daily administration
 60 fee for the proper storage of electric vehicles, as defined in
 61 s. 320.01(36), which have been involved in a crash that results
 62 in visible damage to the batteries or battery compartment, or
 63 when the batteries or battery compartment have been submerged,
 64 for any length of time, in salt water. The daily administration
 65 fee for proper storage of an electric vehicle may be up to three
 66 times the amount established under paragraph (c) and shall apply
 67 in the event the electric vehicle owner or operator is
 68 incapacitated, is unavailable, leaves the procurement of wrecker
 69 service to the law enforcement officer at the scene, or
 70 otherwise does not consent to the removal of the electric
 71 vehicle. Such fee may not be charged unless the electric vehicle
 72 is properly stored as defined in this paragraph. If a
 73 municipality enacts an ordinance establishing a daily
 74 administration fee as defined in this paragraph, a county's
 75 ordinance establishing a daily administration fee under s.
 76 125.0103(1)(d) does not apply within such municipality.

77 2. For purposes of this paragraph, the term:

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

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

Page 3 of 5

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

596-02455-26

2026260c1

88 Section 3. Section 324.0222, Florida Statutes, is created
 89 to read:
 90 324.0222 Storage of electric vehicles; coverage.—Nothing in
 91 s. 125.0103 or s. 166.043 relating to the storage of electric
 92 vehicles requires a motor vehicle insurer to pay any costs
 93 beyond costs covered pursuant to a contract with its insured.

94 Section 4. Paragraph (a) of subsection (2) of section
 95 713.78, Florida Statutes, is amended to read:

96 713.78 Liens for recovering, towing, or storing vehicles
 97 and vessels.—

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

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

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

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

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

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

Page 4 of 5

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

596-02455-26

2026260c1

117 authorized person in control of a vehicle or vessel.
118 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.

A blue ink signature of the name "Danny" in a cursive script.

Senator Danny Burgess
Florida Senate, District 23

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

2/10/20

Meeting Date

Community Affairs

Committee

Name JEFF STANLEY

Phone 850 224 1660

Address 106 E College Ave
Street Rt 1
City PB

Email jeffrey.stanley@gmail.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

TESLA

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

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

The Florida Senate

APPEARANCE RECORD

2/10/26

Meeting Date

Community Affairs

Committee

Name Mike Moore Phone _____

Address 123 S Adams st Email _____

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Guardian Fleet Services

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

The Florida Senate

APPEARANCE RECORD

2/10/26

Meeting Date

Community Affairs

Committee

Name Elio Perez

260

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

3057622629

Address 7833 SW 155th

Email Elio.Perez002@gmail.com

Street

City

State

Miami, FL 33187
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

Local 1103 Firefighters



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

2/10

Meeting Date

Community Affairs

Committee

Name Vance Ahrens

Phone _____

Address 6945 Crepe Myrtle Dr
Street

Email _____

Grant

City

FL

State

32949

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

2/10/26

The Florida Senate
APPEARANCE RECORD

Meeting Date

Community

Name

Address

6705 N Kendall Dr

Street

Pinecrest

FL

33156

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

Local 1463
Metro Dade Firefighters

I am a registered lobbyist, representing:

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

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

2/10/26

Meeting Date

Community Affairs
Committee

Name Leslie Dughi

Phone _____

Address _____
Street _____

Email Leslie.Dughi@mhis
fm.com

City _____ State _____ Zip _____

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

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I am a registered lobbyist, representing:

Enterprise Mobility

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The Florida Senate

2/10/26

APPEARANCE RECORD

Meeting Date

Community Affairs
Committee

Name

RICHARD ANDREWS

Phone

Address

Street

Email

260

Bill Number or Topic

Amendment Barcode (if applicable)

City

State

Zip

Richard Andrews @
local 1403.org

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:



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I am a registered lobbyist, representing:

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

METRO DADE Firefighters

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2-10-26

Meeting Date

Community Affairs

Committee

Name Michael Carlson

Address 215 South Monroe St. Ste. 835
Street

Tallahassee Florida 32301

City

State

Zip

The Florida Senate
APPEARANCE RECORD

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

260

Bill Number or Topic

Amendment Barcode (if applicable)

8505449576

Phone

Email michael.carlson@piff.net

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

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

I am a registered lobbyist,
representing:

Personal Insurance Federation

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

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB's 658 & 608

INTRODUCER: Community Affairs Committee, Regulated Industries Committee, and Senators Burgess and Smith

SUBJECT: Water Safety Requirements for the Rental of Residential and Vacation Properties

DATE: February 11, 2026 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 requires licensees to file a certificate upon license and renewal affirming their compliance, and gives authority to the Division of Hotels and Restaurants to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

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

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.

- The landlord's obligation to maintain the premises.¹⁰
- The tenant's obligation to maintain the dwelling unit.¹¹
- 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

¹⁰ Section 83.51, F.S.

¹¹ Section 83.52, F.S.

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

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#decibels (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 New³⁴ 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:

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.

⁴¹ Fla. Admin. Code R. 61C-1.002(4)(a1).

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)(a1). 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

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 body⁵⁴ 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 pool⁵⁵ 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 requires licensees to file a certificate upon license and renewal affirming their compliance, and gives authority to the Division of Hotels and Restaurants to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

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

CS/CS by Community Affairs on February 10, 2026:

The CS corrects a reference from "department" to "division," corrects an internal reference to non-violations, requires licensees to file a certificate upon license and renewal affirming their compliance, and removes a provision regarding the authority of local governments.

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.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment**

2
3 Delete line 42
4 and insert:
5 any safety feature required under paragraph (a) or paragraph (b)
6 by the tenant, a



455636

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 82 - 107

4 and insert:

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

7 (d) A licensee who violates this subsection commits a
8 misdemeanor of the second degree, punishable as provided in s.
9 775.082 or s. 775.083, except that it is not a violation of this
10 subsection if:



455636

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

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

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

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

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

21 2. "Vacation rental" has the same meaning as in s.

22 509.242(1)(c).

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

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

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

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

36 And the title is amended as follows:

37 Delete lines 12 - 14

38 and insert:



455636

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

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

580-02245-26

2026658c1

1 A bill to be entitled
 2 An act relating to water safety requirements for the
 3 rental of residential and vacation properties;
 4 amending s. 83.51, F.S.; requiring a landlord to equip
 5 certain rental properties with specified water safety
 6 features; providing criminal penalties; providing an
 7 exception; defining the terms "swimming pool" and
 8 "water body"; conforming a provision to changes made
 9 by the act; amending s. 509.211, F.S.; requiring a
 10 public lodging establishment licensed as a vacation
 11 rental to equip certain rental units with specified
 12 water safety features; providing criminal penalties;
 13 providing an exception; defining terms; providing
 14 construction; providing an effective date.

15
 Be It Enacted by the Legislature of the State of Florida:

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

19 83.51 Landlord's obligation to maintain premises.—

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

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

Page 1 of 4

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

580-02245-26

2026658c1

30 dwelling unit are equipped with a self-closing, self-latching
 31 device with a release mechanism placed no lower than 54 inches
 32 above the floor.

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

37 (c) A landlord who violates this subsection commits a
 38 misdemeanor of the second degree, punishable as provided in s.
 39 775.082 or s. 775.083, except that it is not a violation of this
 40 subsection if:

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

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

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

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

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

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

56 (5)(4) The landlord is not responsible to the tenant under
 57 this section for conditions created or caused by the negligent
 58 or wrongful act or omission of the tenant, a member of the

Page 2 of 4

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

580-02245-26

2026658c1

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

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

66 509.211 Safety regulations.—

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

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

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

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

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

84 (d) A licensee who violates this subsection commits a
 85 misdemeanor of the second degree, punishable as provided in s.
 86 775.082 or s. 775.083, except that it is not a violation of this
 87 subsection if:

Page 3 of 4

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

580-02245-26

2026658c1

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

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

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

96 (e) For the purposes of this subsection:

97 1. "Swimming pool" has the same meaning as in s. 515.25.
 98 2. "Vacation rental" has the same meaning as in s.

99 509.242(1)(c).

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

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

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

Page 4 of 4

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



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 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.

A blue ink signature of the name "Danny" in a cursive script.

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)

2/10/26

Meeting Date

Commonwealth Affairs

Committee

Name Brian Blautista

Address 123 S. Adams St.
Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AIRBANTS

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

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

The Florida Senate

03/10/2026

Meeting Date

Community Affairs

Committee

APPEARANCE RECORD

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

SB-658

Bill Number or Topic

Amendment Barcode (if applicable)

Name Amanda Altman

Phone 305-399-9001

Address 1265 NW 12th Ave.
Street

Email amaltman@rustihouse.org

Miami

FL

33136

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

2/10/28

Meeting Date

Com APPMIS

Committee

Name BRIAN BRAUN TA

Phone 850-671-440

Address 1023 S. Adams St.
Street

Email bwtsta@southwestgroup.com

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AIRBNB

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

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

2/10/2026

Meeting Date

Community Affairs

Committee

Name Judy Myring

Phone _____

Address 1992 Cawth Rd

Street

Email judyngyng@gmail.com

City Delta Fl

State

Zip 32738

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

2/10/26

Meeting Date

Community Affairs
Committee

Name Shannon Bryntyst

Phone 516 473 9290

Address 182 Poinciana Ln

Street

City DeHona

State FL

Zip 32738

Email _____

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

2/10/2026

Meeting Date

Community Affairs

Committee

Name Patricia Cohn

Phone 813-618-1425

Address 7903 Hampton Lake Dr
Street

Email pattyjohn1@gmail.com

Tampa

City

FL

State

33647

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

2/10/21

The Florida Senate
APPEARANCE RECORD

Meeting Date

Dem. Women's Club of FL
Committee

Name

Alyce (Alessi) Shelton Ritter

Phone

Address

3336 Sandbar Ln

Email

Street

Deltona, FL 32738

City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

08/10/2020

Meeting Date

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 658

Bill Number or Topic

Committee

Name LINDA J. KERO

Phone

847-708-9232

Amendment Barcode (if applicable)

Address 10220 BUMBLEBEE LN.

Street

LEESBURG JLFL 34788

City State Zip

Email

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (f1senate.gov)

2-9-26

Meeting Date

The Florida Senate
APPEARANCE RECORD

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SB 658

Bill Number or Topic

Committee

Name

Barbara Grimm

Phone

Address

1605 W. French Ave

Email

Street

Orange City, FL 32763

barbaragrimm@
brighthouse.com

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (f1senate.gov)

2/10/26

The Florida Senate

APPEARANCE RECORD

658

Meeting Date
Community Affairs
Committee

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

Bill Number or Topic

Name Nancy Hurlbert

Phone 954-254-1000

Amendment Barcode (if applicable)

Address 1959 Magnolia Cir

Email tnhurlbert@aol.com

Street
Tavares State FL Zip 32778

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

The Florida Senate
APPEARANCE RECORD

Meeting Date

January 12, 2022

Committee

Name *Dallas Thieson*

Phone

Address

Street

Email

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

*Florida Swimming
Pool Assoc.*

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

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

The Florida Senate
APPEARANCE RECORD

Meeting Date

06/08/2021

Committee

Comm Affairs

Name

Stacy Houghlin

Phone

954-261-3703

Address

5505 SW 111 Ave

Email

shoughlin2@fie.org

Street

Cooper City FL 33330

City

State

Zip

Speaking: For

Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

The Florida Senate
APPEARANCE RECORD

2-10-26

Meeting Date

Community Affairs
Committee

SB-658

Bill Number or Topic

Name Melissa Powermaster

Phone 352-634-0534

Address 4291 W. Mustang Blvd
Street

Email melissa@jessiesplacecitrus.org

City Beverly Hills State FL Zip 34465

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

2/10/26
Meeting Date
Community Affairs
Committee

The Florida Senate
APPEARANCE RECORD

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

Name Maria Martinez Phone _____

Address 14431 STAMFORD CIR Email m1mfz1@outlook.com
Street ORLANDO FL Zip 32826

City _____ State _____ Zip _____

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

2/10/26

Meeting Date

The Florida Senate
APPEARANCE RECORD

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Committee

Mike Trepper

Name

Phone

SB 658

Bill Number or Topic

Amendment Barcode (if applicable)

813-788-9468

Address

Street

7344 Little Road
New Port Richey FL

City

State

33556

Email

mtrepper@pascuflkidsfirst.org

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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 10, 2026 **REVISED:** _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 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

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 systems¹⁸ 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 plans²⁰ 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

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.

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

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

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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:

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

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

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59 term:

60 (4) "Compensating stormwater treatment" means a method of
 61 stormwater treatment for discharges from more than two parcels,
 62 implemented in accordance with the conditions established in s.
 63 373.4134.

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

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

72 373.4134 Water quality enhancement areas.—

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

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

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88 (3) WATER QUALITY ENHANCEMENT AREAS.—

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

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

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

98 (9) RULES.—The department shall adopt rules to implement
 99 this section. Pending the adoption of rules to implement this
 100 section, entities may apply for a water quality enhancement area
 101 provisional permit. The department must issue a water quality
 102 enhancement area provisional permit in response to such
 103 application if the applicant meets the statutory criteria of
 104 this section. The department shall allow the use of such
 105 enhancement credits from a water quality enhancement area
 106 established under a provisional permit as provided in this
 107 section and subject to compliance with s. 373.4134.

108 Notwithstanding any other provision of law or rule, a water
 109 management district issuing an environmental resource permit to
 110 applicants seeking to satisfy environmental resource permit
 111 performance standards must allow such applicants to use
 112 enhancement credits if the department has issued a provisional
 113 permit for the water quality enhancement area from which the
 114 enhancement credits are generated. After the department adopts
 115 rules to implement this section, the department may modify an
 116 issued water quality enhancement area provisional permit to

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

124 Section 3. Paragraph (b) of subsection (1) of section
 125 373.414, Florida Statutes, is amended to read:

126 373.414 Additional criteria for activities in surface
 127 waters and wetlands.—

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

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

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

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

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

194 2. The department and each water management district shall
 195 report by March 1 of each year, as part of the consolidated
 196 annual report required by s. 373.036(7), all cash donations
 197 accepted under subparagraph 1. during the preceding water
 198 management district fiscal year for wetland mitigation purposes.
 199 The report must exclude those contributions pursuant to s.
 200 373.4137. The report must include a description of the endorsed
 201 mitigation projects and, except for projects governed by s.
 202 373.4135(6), must address, as applicable, success criteria,
 203 project implementation status and timeframe, monitoring, long-

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

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

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

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

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

251 Section 4. Paragraph (d) of subsection (1) of section
 252 373.036, Florida Statutes, is amended to read:

253 373.036 Florida water plan; district water management
 254 plans.—

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

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

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

276 Section 5. Paragraph (a) of subsection (5) of section
 277 373.250, Florida Statutes, is amended to read:

278 373.250 Reuse of reclaimed water.—

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

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

289 2. Criteria for the use of substitution credits where a

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

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

305 373.421 Delineation methods; formal determinations.—

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

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

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

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349 403.813 Permits issued at district centers; exceptions.—

350 (1) A permit is not required under this chapter, chapter

351 373, chapter 61-691, Laws of Florida, or chapter 25214 or

352 chapter 25270, 1949, Laws of Florida, and a local government may

353 not require a person claiming this exception to provide further

354 department verification, for activities associated with the

355 following types of projects; however, except as otherwise

356 provided in this subsection, this subsection does not relieve an

357 applicant from any requirement to obtain permission to use or

358 occupy lands owned by the Board of Trustees of the Internal

359 Improvement Trust Fund or a water management district in its

360 governmental or proprietary capacity or from complying with

361 applicable local pollution control programs authorized under

362 this chapter or other requirements of county and municipal

363 governments:

364 (r) The removal of aquatic plants, the removal of tussocks,

365 the associated replanting of indigenous aquatic plants, and the

366 associated removal from lakes of organic detrital material when

367 such planting or removal is performed and authorized by permit

368 or exemption granted under s. 369.20 or s. 369.25, provided

369 that:

370 1. Organic detrital material that exists on the surface of

371 natural mineral substrate shall be allowed to be removed to a

372 depth of 3 feet or to the natural mineral substrate, whichever

373 is less;

374 2. All material removed pursuant to this paragraph shall be

375 placed on a self-contained, upland spoil site which will prevent

376 the escape of the spoil material into waters in the state except

377 when spoil material is permitted to be used to create wildlife

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378 islands in freshwater bodies of the state when a governmental

379 entity is permitted pursuant to s. 369.20 to create such islands

380 as a part of a restoration or enhancement project;

381 3. All activities are performed in a manner consistent with

382 state water quality standards; and

383 4. Activities under this exemption are not conducted in

384 wetland areas, as defined in s. 373.019(29) s. 373.019(27),

385 which are supported by a natural soil as shown in applicable

386 United States Department of Agriculture county soil surveys,

387 except when a governmental entity is permitted pursuant to s.

388 369.20 to conduct such activities as a part of a restoration or

389 enhancement project.

390

391 The department may not adopt implementing rules for this

392 paragraph, notwithstanding any other provision of law.

393 (u) Notwithstanding any provision to the contrary in this

394 subsection, a permit or other authorization under chapter 253,

395 chapter 369, chapter 373, or this chapter is not required for an

396 individual residential property owner for the removal of organic

397 detrital material from freshwater rivers or lakes that have a

398 natural sand or rocky substrate and that are not aquatic

399 preserves or for the associated removal and replanting of

400 aquatic vegetation for the purpose of environmental enhancement,

401 providing that:

402 1. No activities under this exemption are conducted in

403 wetland areas, as defined in s. 373.019(29) s. 373.019(27),

404 which are supported by a natural soil as shown in applicable

405 United States Department of Agriculture county soil surveys.

406 2. No filling or peat mining is allowed.

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

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

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

415 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.

418 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

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436 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.

444 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.

449 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.

455 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.

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

461 556.102 Definitions.—As used in this act:

462 (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,

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465 or intended to penetrate or disturb the surface of the earth,
 466 including land beneath the waters of the state, as defined in s.
 467 373.019(24) ~~s. 373.019(22)~~, and the term includes pipe bursting
 468 and directional drilling or boring from one point to another
 469 point beneath the surface of the earth, or other trenchless
 470 technologies.

471 Section 9. For the purpose of incorporating the amendment
 472 made by this act to section 373.414, Florida Statutes, in a
 473 reference thereto, paragraph (d) of subsection (6) of section
 474 373.4136, Florida Statutes, is reenacted to read:

475 373.4136 Establishment and operation of mitigation banks.—
 476 (6) MITIGATION SERVICE AREA.—The department or water
 477 management district shall establish a mitigation service area
 478 for each mitigation bank permit. The department or water
 479 management district shall notify and consider comments received
 480 on the proposed mitigation service area from each local
 481 government within the proposed mitigation service area. Except
 482 as provided in this section, mitigation credits may be withdrawn
 483 and used only to offset adverse impacts in the mitigation
 484 service area. The boundaries of the mitigation service area
 485 shall depend upon the geographic area where the mitigation bank
 486 could reasonably be expected to offset adverse impacts.
 487 Mitigation service areas may overlap, and mitigation service
 488 areas for two or more mitigation banks may be approved for a
 489 regional watershed.

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

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

511 1. A 1.0 multiplier shall be applied for use of in-kind
 512 credits within the service area.
 513 2. A 1.0 multiplier shall be applied for use of in-kind and
 514 out-of-service-area credits when the service area overlays part
 515 of the same regional watershed as the proposed impacts only
 516 after credit deficiency has been established by the procedure
 517 set forth in paragraph (f).
 518 3. A 1.2 multiplier shall be applied for use of in-kind and
 519 out-of-service-area credits located within a regional watershed
 520 immediately adjacent to the regional watershed overlain by a
 521 bank service area in which proposed impacts are located only
 522 after credit deficiency has been established by the procedure

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523 set forth in paragraph (f).

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

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

534 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,

A handwritten signature in blue ink that reads "Keith Truenow".

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

2/10/2026
Meeting Date
Community Affairs
Committee

Name Lori KILLINGER

Address 106 E College Ave
Street
Tallahassee FL 32301

Email lkillingr@lw-law.com

Phone 850 2225702

The Florida Senate
APPEARANCE RECORD

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

848

Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

The Florida Association of
Mihgahoi Bankers

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

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

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 934

INTRODUCER: Community Affairs Committee and Senator Rodriguez

SUBJECT: Areas of Critical State Concern

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shuler	Fleming	CA	Fav/CS
2.		FT	
3.		RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 934 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 Commission¹ 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.

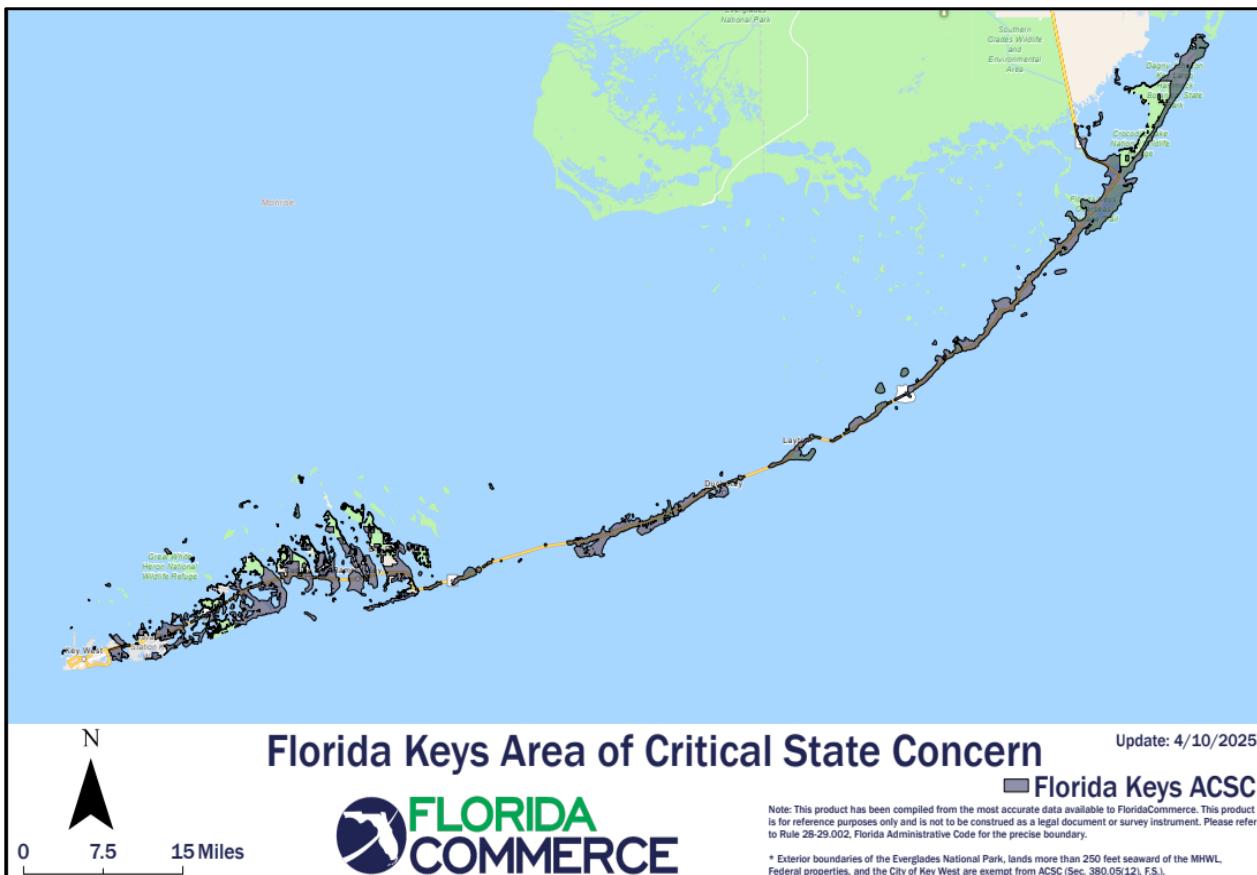
¹⁰ Regarding the principles for guiding development, DOC must recommend actions which state and regional agencies and local governments must accomplish to implement these principles. These actions may include, but are not limited to, revisions of the local comprehensive plan and adoption of land development 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-cmtv-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

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 lien¹⁸ on the property, provided the person complies with statutory procedures.¹⁹ A lienor is a contractor; subcontractor; sub-subcontractor, laborer, or materialman who furnishes materials under contract; or a professional lienor.²⁰

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.²¹ 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:²²

- 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.²³

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.²⁴

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 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).

¹⁹ Chapter 713, F.S.

²⁰ Section 713.01(19), (21), F.S.

²¹ Section 713.10(1), F.S.

²² *Id.*

²³ Section 713.10(2)(b), F.S.

²⁴ Section 713.10(2)(a), F.S.

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 record²⁵ 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.²⁶ 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.²⁷

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.²⁸ The payment bond must be furnished in at least the amount of the original 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.²⁹

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.³⁰ Families in need of decent, affordable housing apply for homeownership with their local Habitat for Humanity affiliate.³¹ Habitat for Humanity affiliates are independent local nonprofit organizations that coordinate all aspects of Habitat home building in their local areas.³² 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.³³

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

²⁵ 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.

²⁶ 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.

²⁷ 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.

²⁸ 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/her-comes-the-money-a-subcontractors-and-material-suppliers-guide-to-perfecting-construction-lien-and-bond-rights-under-florida-law/> (last visited Feb. 9, 2026).

²⁹ 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.

³⁰ Habitat for Humanity, *Frequently asked questions*, <https://www.habitat.org/about/faq> (last accessed Feb. 9, 2026).

³¹ *Id.*

³² *Id.*

³³ Habitat for Humanity, <https://www.habitat.org/local/affiliate-by-state?state=FL> (last accessed Feb. 9, 2026).

99 years.³⁴ An eligible family will then purchase the home from Habitat for Humanity without purchasing the land.³⁵ 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.³⁶

Florida Forever Trust Fund

The Florida Forever Program is the state's main conservation and recreation lands acquisition program.³⁷ The Florida Forever Act prescribes the uses and distribution of funds to the Florida Forever Program.³⁸

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.³⁹ Of this distribution:

- 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.⁴⁰

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.⁴¹

III. Effect of Proposed Changes:

Section 1 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.

³⁴ 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).

³⁵ Pensacola Habitat for Humanity, *Northwest Florida Community Land Trust*, <https://pensacolahabitat.org/nfclt> (last visited Feb. 9, 2026).

³⁶ *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).

³⁷ The Florida Department of Environmental Protection, *Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/florida-forever> (last visited Feb. 9, 2026).

³⁸ Section 259.105, F.S.

³⁹ Section 259.105(3)(b), F.S.

⁴⁰ *Id.*

⁴¹ *Id.*

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 2 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 3 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By providing an exemption from payment and performance bonds for those performing construction work on property subject to long-term ground leases with 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:

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:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 255.05 and 259.105 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Community Affairs on February 10, 2026:

The committee substitute removes the section of the bill amending s. 196.1978, F.S., which would have revised eligibility criteria for the Live Local property tax exemption for affordable housing properties in the Florida Keys Area of Critical State Concern.

B. Amendments:

None.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 17 - 46.

4

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

6 And the title is amended as follows:

7 Delete lines 3 - 6

8 and insert:

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

By Senator Rodriguez

40-01209-26

2026934

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

17 Section 1. Paragraph (b) of subsection (3) of section
18 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.-

20 (3)

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

29 2.a. Are within a newly constructed multifamily project

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2026934

30 that contains more than 70 units dedicated to housing natural
31 persons or families meeting the income limitations provided in
32 paragraph (d); or
33 b. One or more units are located within a newly constructed
34 ~~multifamily project in an area of critical state concern, as~~
35 designated by s. 380.0552 or chapter 28-36, Florida
36 Administrative Code, and are which contains more than 10 units
37 dedicated to housing natural persons or families meeting the
38 income limitations provided in paragraph (d).

39 3. Are rented for an amount that does not exceed the amount
40 as specified by the most recent multifamily rental programs
41 income and rent limit chart posted by the corporation and
42 derived from the Multifamily Tax Subsidy Projects Income Limits
43 published by the United States Department of Housing and Urban
44 Development or 90 percent of the fair market value rent as
45 determined by a rental market study meeting the requirements of
46 paragraph (1), whichever is less.

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

49 255.05 Bond of contractor constructing public buildings;
50 form; action by claimants.-

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2026934

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

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

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

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

79 Section 3. Paragraph (b) of subsection (3) of section
 80 259.105, Florida Statutes, is amended to read:

81 259.105 The Florida Forever Act.-

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

Page 3 of 4

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

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88 (b) Thirty-five percent to the Department of Environmental
 89 Protection for the acquisition of lands and capital project
 90 expenditures described in this section. Of the proceeds
 91 distributed pursuant to this paragraph, it is the intent of the
 92 Legislature that an increased priority be given to those
 93 acquisitions which achieve a combination of conservation goals,
 94 including protecting Florida's water resources and natural
 95 groundwater recharge. At a minimum, 3 percent, and no more than
 96 10 percent, of the funds allocated pursuant to this paragraph
 97 shall be spent on capital project expenditures identified during
 98 the time of acquisition which meet land management planning
 99 activities necessary for public access. Beginning in the 2017-
 100 2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~
 101 fiscal year, at least \$5 million of the funds allocated pursuant
 102 to this paragraph shall be spent on land acquisition within the
 103 Florida Keys Area of Critical State Concern as authorized
 104 pursuant to s. 259.045.

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

Page 4 of 4

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



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: 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.

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

Senator Ana Maria Rodriguez
Florida Senate, District 40

2/10/2026

Meeting Date

Community Affairs

Committee

Name **Robert Reyes**

Address **300 S. Duval St Ste 410**

Street

Tall

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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/CS/SB 1014

INTRODUCER: Community Affairs Committee, Regulated Industries Committee, and Senator Mayfield

SUBJECT: Provision of Municipal Utility Service to Owners Outside the Municipal Limits

DATE: February 11, 2026 **REVISED:** _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1014 prohibits municipal water and wastewater utilities from declining to extend water or wastewater service to a residential 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 municipality⁶ 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 residential property owner, association of residential property owners, or a developer of property to be used for residential purposes, 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, unless the property is subject to an annexation agreement or developer agreement on or before July 1, 2026. 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 treatment or disposal load, as applicable; and
- The property is within one-half mile of a main line of the municipal utility¹⁸, 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 section 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/CS by Community Affairs on February 10, 2026:

The committee substitute narrows the scope of the bill to consider only residential property and property being developed for residential use, provides that sufficient capacity refers to both water treatment and disposal, provides that the bill does not apply where property is already subject to an annexation or developer agreement, and corrects the factors requiring expansion of service territory to be inclusive ("and," rather than "or").

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.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
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The Committee on Community Affairs (Mayfield) recommended the following:

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 42 - 67

4 and insert:

5 4. "Owner" means a residential property owner, an
6 association of residential property owners, or a developer of
7 property to be used for residential purposes, including
8 supporting amenities.

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



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

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

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

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

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

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

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

37 And the title is amended as follows:

38 Delete line 7



40 and insert:
41 certain circumstances; providing an exception;
42 requiring a municipal utility

By the Committee on Regulated Industries; and Senator Mayfield

580-02458-26

20261014c1

1 A bill to be entitled
 2 An act relating to the provision of municipal utility
 3 service to owners outside the municipal limits;
 4 amending s. 180.19, F.S.; defining terms; prohibiting
 5 a municipal utility from declining to extend service
 6 to properties outside its corporate limits under
 7 certain circumstances; requiring a municipal utility
 8 to expand its service to an owner who makes such a
 9 request under certain circumstances; requiring the
 10 municipal utility to make a determination within a
 11 specified timeframe and provide such determination to
 12 the owner in writing; requiring the municipal utility
 13 to provide the owner with specified information and to
 14 connect properties in a timely manner; authorizing a
 15 municipal utility to establish minimum application
 16 filing requirements; authorizing owners to bring a
 17 civil action to enforce the act; authorizing a
 18 prevailing owner to collect certain fees and costs;
 19 requiring the court to order the utility to connect a
 20 prevailing owner's property; providing construction;
 21 providing an effective date.

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

23
 Section 1. Subsection (3) is added to section 180.19,
 24 Florida Statutes, to read:

25 180.19 Use by other municipalities and by individuals
 26 outside corporate limits.—

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

Page 1 of 4

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

580-02458-26

20261014c1

30 1. Controlling municipality means a municipality
 31 operating a utility pursuant to subsection (1) or a municipality
 32 that has granted a utility a privilege or franchise pursuant to
 33 subsection (2).
 34 2. Main line means a pipe or conduit that transports
 35 wastewater from, or transports potable water to, lateral lines
 36 serving multiple properties. The term does not include lateral
 37 lines, service connections, customer-owned plumbing or piping
 38 located on private property, or any pipe or conduit serving only
 39 a single property.
 40 3. Municipal utility means a water or sewer utility
 41 constituted on the basis of subsection (1) or subsection (2).
 42 4. Owner means a property owner or association of
 43 property owners.
 44 5. Property means lots or lands, or, in the case of an
 45 association of property owners, the contiguous group of lots or
 46 lands under the association of property owners.
 47 6. Sufficient capacity means a water or sewer utility
 48 having, as applicable, the infrastructure, water supply, and
 49 managerial and financial ability to reliably meet current and
 50 reasonably anticipated future water demands and treat wastewater
 51 flows while maintaining compliance with applicable state and
 52 federal drinking water and wastewater standards and
 53 requirements.
 54 (b) A municipal utility may not decline to extend service
 55 to property outside of its corporate limits on the sole basis
 56 that the owner refuses to assent or otherwise consent to such
 57 property being annexed by that municipal utility's controlling
 58 municipality.

Page 2 of 4

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

580-02458-26

20261014c1

59 (c) Upon application for service by an owner, a municipal
 60 utility must expand its service territory to allow an owner
 61 whose property is located outside of the municipal utility's
 62 service territory to connect to the municipal utility if:
 63 1. The property is not within the service territory of
 64 another water or wastewater utility, as applicable;
 65 2. The municipal utility has sufficient capacity to serve
 66 the property's anticipated water or wastewater load, as
 67 applicable; or
 68 3. The property is within one-half mile of a main line of
 69 the municipal utility, measured by the closest property boundary
 70 line from such main line.

71 (d) Upon application by an owner pursuant to paragraph (c),
 72 the municipal utility must:
 73 1. Within 90 days after receiving the application,
 74 determine whether it has sufficient capacity to provide service
 75 to the given property. Such determination may account for any
 76 anticipated development on such property. The municipal utility
 77 must provide, in writing, the owner with its determination and
 78 the reasons for such determination.
 79 2. If the municipal utility has sufficient capacity to
 80 serve the property, it must provide the owner with the
 81 anticipated fees, charges, contributions, and any other
 82 requirements to connect the property to the municipal utility
 83 under its existing fee, charge, and contribution structure.
 84 3. Upon satisfaction of the requirements set forth by the
 85 municipal utility pursuant to subparagraph 2., the municipal
 86 utility shall connect the property to its system in a timely
 87 manner.

Page 3 of 4

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

20261014c1

580-02458-26

88 (e) A municipal utility may establish reasonable minimum
 89 filing requirements for an application submitted pursuant to
 90 paragraph (c), including:
 91 1. A reasonable estimate of the anticipated water and
 92 wastewater load for the property, including accounting for any
 93 anticipated development on such property;
 94 2. The nature of any anticipated development on such
 95 property; and
 96 3. An application fee to cover the reasonable costs
 97 associated with conducting the capacity determination and
 98 assessing anticipated fees, charges, contributions, and other
 99 requirements, pursuant to subparagraphs (d)1. and 2.
 100 (f) If a municipal utility does not allow an owner to
 101 connect to such utility in violation of this subsection, the
 102 owner may bring a civil action to enforce this subsection in any
 103 court of competent jurisdiction. If the owner prevails in such
 104 enforcement action:
 105 1. The owner may recover reasonable attorney fees and court
 106 costs from the municipal utility; and
 107 2. The court shall order the municipal utility to connect
 108 to the owner's property in question.
 109 (g) This subsection may not be construed to prevent a
 110 municipal utility from collecting any rate, fee, charge, or
 111 contribution authorized under law, including those authorized
 112 pursuant to s. 180.191.

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

Page 4 of 4

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



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

2-10-26

Meeting Date

Community Affairs
Committee

Name Rebecca O'Hara Phone 850 222 9684

Address PO Box 1757 Email rohara@flcities.com
Street

Tallahassee FL 32302-1757
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Fla. League of Cities

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

2/10

Meeting Date

Community Affairs

Committee

Name

Vance Ahrens

Phone

Address

6945 Crepe Myrtle Dr

Street

Email

Grant

City

FL

State

32949

Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1102

INTRODUCER: Community Affairs Committee and Senator Massullo

SUBJECT: Funding for Body Cameras

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Tolmich	Fleming	CA	Fav/CS
2.		FT	
3.		AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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:

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.

- Operating a transportation system;³
- Financing local government infrastructure projects;⁴
- 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; and¹⁰
- 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.

³ Section 212.055(1), F.S.

⁴ Section 212.055(2), F.S.

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 February 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.”

- Instructional technology used solely in school district classrooms.¹⁸

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's²³ person that records audio and video data of the officer's law enforcement-related encounters and activities.

Law enforcement agencies²⁴ 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

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.

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/2025LDSRates.pdf> (last visited February 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.

- General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.³⁰

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:

CS/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 provides that counties that currently levy the local government infrastructure surtax can only use the revenue for body cameras and related expenses if the original referendum approving such levy included such use or the use is subsequently approved by referendum.

The bill takes effect July 1, 2026.

³⁰ Section 943.1718(2)(e), F.S.

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 February 9, 2026).

³⁸ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

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

CS by Community Affairs on February 10, 2026:

The committee substitute specifies that counties that currently levy the local government infrastructure surtax can only use the revenue for body cameras and related expenses if the original referendum approving such levy included such use or the use is subsequently approved by referendum.

B. **Amendments:**

None.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment (with title amendment)**

2 Between lines 154 and 155

3 insert:

4 Section 2. The amendment made by this act to s.

5 212.055(2) (d), Florida Statutes, authorizing additional uses of
6 surtax proceeds applies to a surtax in effect on the date this
7 act becomes a law only to the extent such use was authorized in
8 the original referendum adopting the surtax or is authorized
9 pursuant to a subsequent resolution conditioned to take effect



961614

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

13

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

15 And the title is amended as follows:

16 Delete line 5

17 and insert:

18 circumstances; providing applicability; providing an
19 effective date.

By Senator Massullo

11-01521-26

20261102

1 A bill to be entitled

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

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Paragraph (d) of subsection (2) of section
 10 212.055, Florida Statutes, is amended to read:

11 212.055 Discretionary sales surtaxes; legislative intent;
 12 authorization and use of proceeds.—It is the legislative intent
 13 that any authorization for imposition of a discretionary sales
 14 surtax shall be published in the Florida Statutes as a
 15 subsection of this section, irrespective of the duration of the
 16 levy. Each enactment shall specify the types of counties
 17 authorized to levy; the rate or rates which may be imposed; the
 18 maximum length of time the surtax may be imposed, if any; the
 19 procedure which must be followed to secure voter approval, if
 20 required; the purpose for which the proceeds may be expended;
 21 and such other requirements as the Legislature may provide.
 22 Taxable transactions and administrative procedures shall be as
 23 provided in s. 212.054.

24 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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

Page 1 of 6

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

11-01521-26

20261102

30 infrastructure; to acquire any interest in land for public
 31 recreation, conservation, or protection of natural resources or
 32 to prevent or satisfy private property rights claims resulting
 33 from limitations imposed by the designation of an area of
 34 critical state concern; to provide loans, grants, or rebates to
 35 residential or commercial property owners who make energy
 36 efficiency improvements to their residential or commercial
 37 property, if a local government ordinance authorizing such use
 38 is approved by referendum; or to finance the closure of county-
 39 owned or municipally owned solid waste landfills that have been
 40 closed or are required to be closed by order of the Department
 41 of Environmental Protection. Any use of the proceeds or interest
 42 for purposes of landfill closure before July 1, 1993, is
 43 ratified. The proceeds and any interest may not be used for the
 44 operational expenses of infrastructure, except that a county
 45 that has a population of fewer than 75,000 and that is required
 46 to close a landfill may use the proceeds or interest for long-
 47 term maintenance costs associated with landfill closure.

48 Counties, as defined in s. 125.011, and charter counties may, in
 49 addition, use the proceeds or interest to retire or service
 50 indebtedness incurred for bonds issued before July 1, 1987, for
 51 infrastructure purposes, and for bonds subsequently issued to
 52 refund such bonds. Any use of the proceeds or interest for
 53 purposes of retiring or servicing indebtedness incurred for
 54 refunding bonds before July 1, 1999, is ratified.

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

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

Page 2 of 6

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11-01521-26

20261102

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

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

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

78 d. Any fixed capital expenditure or fixed capital outlay
 79 associated with the improvement of private facilities that have
 80 a life expectancy of 5 or more years and that the owner agrees
 81 to make available for use on a temporary basis as needed by a
 82 local government as a public emergency shelter or a staging area
 83 for emergency response equipment during an emergency officially
 84 declared by the state or by the local government under s.
 85 252.38. Such improvements are limited to those necessary to
 86 comply with current standards for public emergency evacuation
 87 shelters. The owner must enter into a written contract with the

Page 3 of 6

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11-01521-26

20261102

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

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

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

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

Page 4 of 6

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11-01521-26

20261102

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

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

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

Page 5 of 6

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11-01521-26

20261102

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

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

Page 6 of 6

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



The Florida Senate
Committee Agenda Request

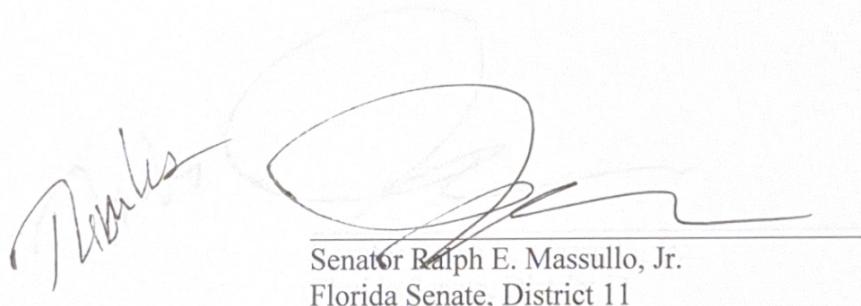
To: Senator Stan McClain, Chair
Committee on Community Affairs [\[link\]](#)

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.

A handwritten signature in black ink, appearing to read "Ralph Massullo", is written over a faint, larger printed signature of the same name. A horizontal line is drawn beneath the signature.

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

2/10
Meeting Date
Community Affairs
Committee

The Florida Senate
APPEARANCE RECORD

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

Name Vance Ahrens Phone _____

Address 6945 Crepe Myrtle Dr Email _____
Street
Grant FL 32949
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

February 10, 2026

Meeting Date

Community Affairs

Committee

Name **Barney Bishop**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

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

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

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	Favorable
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 regulations⁶ 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 densities⁹ and intensities¹⁰ 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 Florida 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 Marshal 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.

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](https://floridafire.gov/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.

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

By Senator Calatayud

38-00844A-26

20261264

1 A bill to be entitled

2 An act relating to private schools; amending s.
 3 1002.42, F.S.; requiring a private school that enrolls
 4 a certain number of students to be considered a
 5 permitted use for zoning purposes; providing that
 6 certain private schools may not be subject to
 7 additional building codes; requiring a fire official
 8 to use specified firesafety evaluation systems for
 9 existing private school facilities; providing that
 10 certain private schools are subject to specified fire
 11 code requirements; requiring that a sprinkler system
 12 that meets specified requirements be installed for
 13 certain private schools; providing an effective date.

14
 Be It Enacted by the Legislature of the State of Florida:

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

17 1002.42 Private schools.—

18 (19) FACILITIES.—

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

26 2. A private school enrolling 150 or fewer students may
 27 operate in a facility that is subject to and complies with the

28 Page 1 of 2

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

38-00844A-26

20261264

30 same occupancy requirements as a class A-1, A-3, B, or M
 31 occupancy as defined by the Florida Building Code and may not be
 32 subjected to any additional state or local health, safety, or
 33 welfare laws, codes, or rules beyond those applicable to a class
 34 A-1, A-3, B, or M occupancy facility.

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

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

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

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

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

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

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 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.

A handwritten signature in cursive ink that reads "Alexis Calatayud".

Senator Alexis Calatayud
Florida Senate, District 38

2-10-26

Meeting Date

COMM AFFAIRS

Committee

Name WILLIAM MATTOX

Phone (850) 241-4422

Address JAMES MADISON INSTITUTE

Street

TALLAHASSEE

FL

32303

Email bmattox@jamesmadison.org

City

State

Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

2-10-26

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

1264

Bill Number or Topic

Community Affairs
Committee

Name Daniel Martinez Phone 305-240-2917

Address 107 E College Ave Email DMartinez-2@AFPHQ.org
Street
Tallahassee State FL Zip 32301
City

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Americans for Prosperity

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

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

2/10/26

The Florida Senate

APPEARANCE RECORD

Meeting Date

Community Affairs
Committee

Name

Alexis Laroe - Step Up For Students

Phone

904-944-3232

Address

4655 Salisbury Rd

Street

Jacksonville

FL
State

32256
Zip

Email

alaroe@susf.org

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Step Up For Students

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

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

2-10-26

Meeting Date

Community Affairs
Committee

Name Nathan Hoffman

Address 215 South Monroe
Street

Tallahassee FL 32307
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Foundation for Florida's Future

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

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

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 1566

INTRODUCER: Community Affairs Committee and Senator DiCeglie

SUBJECT: Local Government Spending

DATE: February 12, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shuler	Fleming	CA	Fav/CS
2.		AEG	
3.		RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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. The bill revises timeframes for posting budget information and noticing public budget hearings.

The bill requires county and municipalities to reinvest utility service revenues back into the utility for purposes of operational integrity and specifies permissible investments. The bill provides Legislative intent that counties and municipalities provide utility services affordably, transparently, and reliably. County and municipal utilities are required to develop budget forecasts and strategies every 5 years that ensure maintenance and strategic improvements and anticipate increased demands.

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

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid⁴ and may order the addition or repair of infrastructure as necessary.⁵ The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities⁶ (defined as "public utilities" under ch. 366, F.S.).⁷ However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives.⁸ The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.⁹ For municipal gas utilities, the PSC has authority over territorial boundary disputes and agreements.¹⁰

Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards.¹¹ Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.¹²

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

A municipal electric or gas utility is an electric or gas utility owned and operated by a municipality. A "special gas district" is a dependent or independent special district, set up pursuant to ch. 189, F.S., to provide natural gas service.¹³ Chapter 366, F.S., provides the majority of electric and gas utility regulations for Florida. While ch. 366, F.S., does not provide a definition, *per se*, for a "municipal utility," variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric

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. 12, 2026).

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Feb. 12, 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 See s. 366.02(8), F.S.

⁹ Florida Public Service Commission, *About the PSC*, *supra* note 3.

¹⁰ *Id.*

¹¹ Section 180.13, F.S.

¹² Section 425.04, F.S.

¹³ See s. 366.02(8), F.S. Section 189.012(6), F.S., defines a "special district" as "a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet."

utilities that serve over 14 percent of the state's electric utility customers.¹⁴ Florida also has 27 municipally-owned gas utilities and four special gas districts.¹⁵

Current law authorizes municipalities to raise amounts of money which are necessary for the conduct of the municipal government. A municipality may do so by taxation and licenses authorized by Florida's constitution or general law, or by user charges or fees authorized by ordinance.¹⁶ Municipalities routinely transfer a portion of their utility earnings to their general funds for non-utility purposes, though the amounts and percentages may vary widely among municipalities.¹⁷ These transfers may be limited in some circumstances by ordinance, but they are not governed by state law.

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."¹⁸ In 2024, the PSC had jurisdiction over 153 investor-owned water and wastewater utilities in 40 of Florida's 67 counties.¹⁹

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: water and wastewater systems owned, operated, managed, or controlled by governmental authorities; 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; 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 without specific compensation, and others.²⁰ The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S.²¹ 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.

¹⁴ Florida Municipal Electric Association, *About Us*, <https://www.flpublicpower.com/about-us> (last visited Feb. 12, 2026).

¹⁵ Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, pg. 14, available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf> (last visited Feb. 12, 2026) [hereinafter "2025 Facts and Figures"].

¹⁶ Section 166.201, F.S.

¹⁷ Florida Municipal Electric Association, *FMEA Statement Regarding Proposed Committee Substitute for HB 1331, Amendment to SB 1380*, (Mar. 21, 2023), <https://www.flpublicpower.com/news/fmea-statement-regarding-proposed-committee-substitute-for-hb-1331-amendment-to-sb-1380> (last visited Feb. 12, 2026).

¹⁸ Section 367.021(12), F.S.

¹⁹ 2025 Facts and Figures, *supra* note 15 at 29.

²⁰ Section 367.022, F.S.

²¹ A county may choose, pursuant to adoption of a resolution, to relinquish its authority to regulate its water and sewer utilities to the PSC. Section 367.171, F.S.

Local Water and Sewer Utilities in Florida

A municipality²² 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.²³ A county is authorized to purchase or construct water supply and sewage disposal systems within its own boundaries or any adjoining county pursuant to resolution under s. 153.03, F.S.

The PSC does not generally have jurisdiction over county or municipal water and sewer utilities, and as such, has no authority over the rates or territories for such utilities.²⁴ County- and municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.²⁵

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.²⁶ 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.²⁷ 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.²⁸ 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.²⁹

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.³⁰ Upon

²² Defined by s. 180.01, F.S., “as any city, town, or village duly incorporated under the laws of the state.”

²³ Section 180.02, F.S., *see also* s. 180.06, F.S.

²⁴ Section 367.022, F.S. The PSC can 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.”

²⁵ Sections 153.03, and 180.13, F.S., *see also* s. 367.171(8), F.S.

²⁶ Section 129.01(1), F.S.

²⁷ *Id.*

²⁸ Section 129.01(2), F.S.

²⁹ Section 129.021, F.S.

³⁰ Section 129.03(2), F.S. Section 195.087(1) F.S., outlines the budget process for property appraisers in the state.

receipt of the tentative budgets and any revisions, the board prepares a summary of the adopted tentative budgets.³¹ Public hearings are held to explain tentative and final budgets and to entertain community requests and complaints prior to budget adoption.³² 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.³³ The final budget must be posted on the website within 30 days after adoption, and remain on the website for at least 2 years.³⁴ The tentative budgets, adopted tentative budgets, and final budgets are filed in the office of the county auditor as a public record.³⁵

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.³⁶ Except for certain amendments for specifically authorized purposes, the board may adopt an amendment by resolution or ordinance following a public hearing.³⁷ 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.³⁸ 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.³⁹

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.⁴⁰ 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.⁴¹ The final budget must be posted on the website within 30 days after adoption and remain on the website for at least 2 years.⁴²

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.⁴³

³¹ Section 129.03(3)(b), F.S.

³² Section 129.03(3)(c), F.S., also outlines public hearing practices and subsequent budget website posting and public record requirements.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Section 129.06(2), F.S.

³⁷ Section 129.06(2)(f), F.S.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Section 166.241(2), F.S.

⁴¹ Section 166.241(3), F.S.

⁴² *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.*

⁴³ 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.*

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.
- View 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.
- Review revenue and expense trends in the county’s chart of accounts, and view and compare such data on a comparison chart.
- View data submitted to the Office of Economic and Demographic Research related to government spending and debt per resident for the previous 5 fiscal years.
- Download budget data.
- View data in different graphical formats.
- View information for multiple departments, divisions, funds, or financial categories at the same time.
- View the average employee salary, the percentage of the budget spent on salaries and benefits for employees, and all employee salaries in a searchable format.

The bill revises the length of time for which each county and municipality must post certain budget information on its official website. Specifically, the bill would require:

- Tentative budgets to be posted 7 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 and be incorporated into the budget data required to be posted on the official website.

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.

County and Municipal Utility Revenues

The bill provides legislative intent that counties and municipalities provide utility services to residents in an affordable, transparent, and reliable manner that protects public health and state natural resources.

The bill defines “utility” to mean public entities providing water, wastewater, stormwater, electric, and gas utilities.

Counties and municipalities are required to 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.

County and municipal utilities are required to develop budget forecasts and strategies every 5 years that ensure maintenance and strategic improvements for optimal service at consistent rates. Forecasts and strategies must anticipate increased demand from population growth and new commercial industries, technology expenditures, and costs from disasters and shortages.

The effective date of the bill is July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. The mandate requirement does not apply to laws having an insignificant impact,⁴⁴ which for Fiscal Year 2026-2027⁴⁵ 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. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁴⁴ 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).

⁴⁵ 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 identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

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 list of permissible investments for county and municipal utility service revenues does not include the full range of operational functions of utilities and may therefore cause confusion in implementation.

VIII. Statutes Affected:

This bill substantially amends sections 129.03, 129.06, and 166.241 of the Florida Statutes. This bill creates sections 125.483 and 180.1901 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Community Affairs on February 10, 2026:

The committee substitute:

- Adds provisions regulating the use and budgeting of revenues by county and municipal utilities, including:
 - Specifying Legislative intent that counties and municipalities provide services affordably, transparently, and reliably while protecting public health and natural resources.
 - Requiring counties and municipalities to reinvest utility service revenues into the utility for operational integrity

- Requiring the utility to budget forecast and strategize every 5 years for continuous maintenance and strategic improvements. The forecast must anticipate increased demand, technology costs, and disaster costs.
- Revises provisions related to county and municipal tentative and final budget procedures, including:
 - Reducing the advance posting requirement for tentative budgets to 7 days before the hearing (rather than 14 days under the bill).
 - Revising the items and manner of display for website budget data posting requirements.
 - Deleting a requirement for a budget-cutting exercise.
 - Deleting an obsolete and redundant requirement for submission of budget data to EDR.
- Removes the section of the bill that would have prohibited local government expenditures on diversity, equity, and inclusion.

B. Amendments:

None.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. This act may be cited as the "Local Government
6 Financial Transparency and Accountability Act."

7 Section 2. Section 125.483, Florida Statutes, is created to
8 read:

9 125.483 County utility revenues.—

10 (1) As used in this section, the term "utility" includes



11 public entities providing water, wastewater, stormwater,
12 electric, and gas utilities.

13 (2) The Legislature intends for a county that provides
14 utility services to its residents to provide such services in an
15 affordable, transparent, and reliable manner that protects
16 public health and this state's natural resources.

17 (3) A county shall reinvest utility service revenues back
18 into the utility for purposes of operational integrity. Such
19 investments may include building, maintaining, renovating, or
20 otherwise improving the infrastructure of its utility
21 facilities.

22 (4) The utility must, every 5 years, develop a budget
23 forecast and strategies that ensure continuous maintenance, as
24 well as strategic improvements to provide optimal service
25 performance at consistent rates. The budget forecast and
26 strategies must anticipate increasing service demand due to
27 population growth and new commercial industries, expenditures on
28 advanced technologies, and costs incurred from damages and
29 complications arising from intensifying storms, floods, and
30 water shortages.

31 Section 3. Present paragraph (d) of subsection (3) of
32 section 129.03, Florida Statutes, is redesignated as paragraph
33 (e) and amended, a new paragraph (d) is added to that
34 subsection, and paragraph (c) of that subsection is amended, to
35 read:

36 129.03 Preparation and adoption of budget.—

37 (3) The county budget officer, after tentatively
38 ascertaining the proposed fiscal policies of the board for the
39 next fiscal year, shall prepare and present to the board a



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40 tentative budget for the next fiscal year for each of the funds
41 provided in this chapter, including all estimated receipts,
42 taxes to be levied, and balances expected to be brought forward
43 and all estimated expenditures, reserves, and balances to be
44 carried over at the end of the year.

45 (c) The board shall hold public hearings to adopt tentative
46 and final budgets pursuant to s. 200.065. The hearings shall be
47 primarily for the purpose of hearing requests and complaints
48 from the public regarding the budgets and the proposed tax
49 levies and for explaining the budget and any proposed or adopted
50 amendments. The tentative budget must be posted on the county's
51 official website at least 7 2 days before the public hearing to
52 consider such budget and must remain on the website for at least
53 45 days. The final budget must be posted on the website within
54 30 days after adoption and must remain on the website for at
55 least 5 2 years. The tentative budgets, adopted tentative
56 budgets, and final budgets shall be filed in the office of the
57 county auditor as a public record. Sufficient reference in words
58 and figures to identify the particular transactions must be made
59 in the minutes of the board to record its actions with reference
60 to the budgets.

61 (d) Each tentative budget, adopted tentative budget, and
62 final budget posted on the county's official website must allow
63 members of the public to do all of the following:

- 64 1. View budget data in a searchable format.
- 65 2. View and filter data according to categories in the
66 county's chart of accounts, including, but not limited to, fund,
67 department, division, program, or activity.
- 68 3. Review revenue and expense trends in the categories in



69 the county's chart of accounts, and view and compare such data
70 on a comparison chart.

71 4. View the data submitted to the Office of Economic and
72 Demographic Research under subparagraphs (e)1. and 2.

73 5. Download budget data.

74 6. View data in different graphical formats.

75 7. View information for one or more county departments,
76 divisions, funds, or financial categories at the same time.

77 8. View the average county employee salary, the percentage
78 of the budget spent on salaries and benefits for county
79 employees, and all county employee salaries in a searchable
80 format.

81 (e)-(d) By each October 15, the county budget officer shall
82 electronically submit the following information regarding the
83 final budget and the county's economic status to the Office of
84 Economic and Demographic Research in the format specified by the
85 office:

86 1. Government spending per resident, including, at a
87 minimum, the spending per resident for the previous 5 fiscal
88 years.

89 2. Government debt per resident, including, at a minimum,
90 the debt per resident for the previous 5 fiscal years.

91 3. Median income within the county.

92 4. The average county employee salary.

93 5. Percent of budget spent on salaries and benefits for
94 county employees.

95 6. Number of special taxing districts, wholly or partially,
96 within the county.

97 7. Annual county expenditures providing for the financing,



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98 acquisition, construction, reconstruction, or rehabilitation of
99 housing that is affordable, as that term is defined in s.
100 420.0004. The reported expenditures must indicate the source of
101 such funds as "federal," "state," "local," or "other," as
102 applicable. ~~The information required by this subparagraph must~~
103 ~~be included in the submission due by October 15, 2020, and each~~
104 ~~annual submission thereafter.~~

105 Section 4. Paragraph (f) of subsection (2) of section
106 129.06, Florida Statutes, is amended to read:

107 129.06 Execution and amendment of budget.—

108 (2) The board at any time within a fiscal year may amend a
109 budget for that year, and may within the first 60 days of a
110 fiscal year amend the budget for the prior fiscal year, as
111 follows:

112 (f) Unless otherwise prohibited by law, if an amendment to
113 a budget is required for a purpose not specifically authorized
114 in paragraphs (a)-(e), the amendment may be authorized by
115 resolution or ordinance of the board of county commissioners
116 adopted following a public hearing.

117 1. The public hearing must be advertised at least 7 2 days,
118 ~~but not more than 5 days,~~ before the date of the hearing. The
119 advertisement must appear in a newspaper of paid general
120 circulation and must identify the name of the taxing authority,
121 the date, place, and time of the hearing, and the purpose of the
122 hearing. The advertisement must also identify each budgetary
123 fund to be amended, the source of the funds, the use of the
124 funds, and the total amount of each fund's appropriations.

125 2. If the board amends the budget pursuant to this
126 paragraph, the adopted amendment must be posted on the county's



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127 official website within 7 5 days before after adoption and must
128 remain on the website for at least 5 2 years. The adopted
129 amendment must be incorporated into the budget data made
130 available to the public under s. 129.03(3) (d).

131 Section 5. Subsections (3) and (9) of section 166.241,
132 Florida Statutes, are amended to read:

133 166.241 Fiscal years, budgets, appeal of municipal law
134 enforcement agency budget, and budget amendments.—

135 (3) (a) The tentative budget must be posted on the
136 municipality's official website at least 7 2 days before the
137 budget hearing, held pursuant to s. 200.065 or other law, to
138 consider such budget and must remain on the website for at least
139 45 days. The final adopted budget must be posted on the
140 municipality's official website within 30 days after adoption
141 and must remain on the website for at least 5 2 years. If the
142 municipality does not operate an official website, the
143 municipality must, within a reasonable period of time as
144 established by the county or counties in which the municipality
145 is located, transmit the tentative budget and final budget to
146 the manager or administrator of such county or counties who
147 shall post the budgets on the county's website.

148 (b) Each tentative budget, adopted tentative budget, or
149 final budget posted on the municipality's official website or
150 the county's official website, as applicable, must allow members
151 of the public to do all of the following:

152 1. View budget data in a searchable format.
153 2. View and filter data according to categories in the
154 municipality's chart of accounts, including, but not limited to,
155 fund, department, division, program, or activity.



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156 3. Review revenue and expense trends in the categories in
157 the municipality's chart of accounts, and view and compare such
158 data on a comparison chart.

159 4. Download budget data.

160 5. View data in different graphical formats.

161 6. View information for one or more county departments,
162 divisions, funds, or financial categories at the same time.

163 7. View the average municipal employee salary, the
164 percentage of the budget spent on salaries and benefits for
165 municipal employees, and all municipal employee salaries in a
166 searchable format.

167 (9) If the governing body of a municipality amends the
168 budget pursuant to paragraph (8)(c), the adopted amendment must
169 be posted on the official website of the municipality within 7 ½
170 days before after adoption and must remain on the website for at
171 least 5 ½ years. If the municipality does not operate an
172 official website, the municipality must, within a reasonable
173 period of time as established by the county or counties in which
174 the municipality is located, transmit the adopted amendment to
175 the manager or administrator of such county or counties who
176 shall post the adopted amendment on the county's website. The
177 adopted amendment must be incorporated into the budget data made
178 available to the public under paragraph (3)(b).

179 Section 6. Section 180.1901, Florida Statutes, is created
180 to read:

181 180.1901 Municipal utility revenues.—

182 (1) As used in this section, the term "utility" includes
183 water, wastewater, stormwater, electric, and gas utilities.

184 (2) The Legislature intends for a municipality that



185 provides utility services to its residents to provide such
186 services in an affordable, transparent, and reliable manner that
187 protects public health and this state's natural resources.

188 (3) A municipality shall reinvest utility service revenues
189 back into the utility for purposes of operational integrity.
190 Such investments may include building, maintaining, renovating,
191 or otherwise improving the infrastructure of its utility
192 facilities.

193 (4) The utility must, every 5 years, develop a budget
194 forecast and strategies that ensure continuous maintenance, as
195 well as strategic improvements to provide optimal service
196 performance at consistent rates. The budget forecast and
197 strategies must anticipate increasing service demand due to
198 population growth and new commercial industries, expenditures on
199 advanced technologies, and costs incurred from damages and
200 complications arising from intensifying storms, floods, and
201 water shortages.

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

203
204 ===== T I T L E A M E N D M E N T =====
205 And the title is amended as follows:

206 Delete everything before the enacting clause
207 and insert:

208 A bill to be entitled
209 An act relating to local government spending;
210 providing a short title; creating s. 125.483, F.S.;
211 defining the term "utility"; providing legislative
212 intent; requiring counties to reinvest utility service
213 revenues back into a utility for specified purposes;



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214 requiring county utilities to develop budget forecasts
215 and strategies within a specified timeframe which meet
216 certain requirements; amending s. 129.03, F.S.;
217 revising the timeframe during which tentative budgets,
218 and the length of time for which final budgets, must
219 be posted on county websites; requiring the posting of
220 such budgets to allow members of the public to view,
221 review, and download certain information and data in
222 specified formats; deleting obsolete language;
223 amending s. 129.06, F.S.; revising the timeframe
224 during which a public hearing for an amendment to a
225 county budget must be advertised; revising the
226 timeframe during which, and the length of time for
227 which, an adopted amendment must be posted on the
228 county's website; requiring that the adopted amendment
229 be incorporated into budget data made available to the
230 public in a certain manner; amending s. 166.241, F.S.;
231 revising the timeframe during which tentative budgets,
232 and the length of time for which final budgets, must
233 be posted on municipal or county websites, as
234 applicable; requiring the posting of such budgets to
235 allow members of the public to view, review, and
236 download certain information and data in specified
237 formats; revising the timeframe during which, and the
238 length of time for which, an adopted amendment must be
239 posted on such website; requiring that the adopted
240 amendment be incorporated into budget data made
241 available to the public in a certain manner; creating
242 s. 180.1901, F.S.; defining the term "utility";



243 providing legislative intent; requiring municipalities
244 to reinvest utility service revenues back into a
245 utility for specified purposes; requiring municipal
246 utilities to develop budget forecasts and strategies
247 that meet certain requirements; providing an effective
248 date.

By Senator DiCeglie

18-00756B-26

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1 A bill to be entitled
2 An act relating to local government spending;
3 providing a short title; amending s. 129.03, F.S.;
4 revising the timeframe during which tentative budgets,
5 and the length of time for which final budgets, must
6 be posted on county websites; requiring the posting of
7 such budgets to allow members of the public to view,
8 review, and download certain information and data in
9 specified formats; requiring the county budget officer
10 to perform a certain exercise within a specified
11 timeframe before final adoption of a budget; requiring
12 the county budget officer to post such exercise on the
13 county's website; amending s. 129.06, F.S.; revising
14 the timeframe during which a public hearing for an
15 amendment to a county budget must be advertised;
16 revising the timeframe during which an adopted
17 amendment must remain posted on the county's website;
18 requiring that the posting of such adopted amendment
19 meet certain requirements; creating s. 163.212, F.S.;
20 prohibiting a local government from expending public
21 funds for the purpose of diversity, equity, and
22 inclusion; prohibiting a local government from
23 contracting with a private vendor for the provision of
24 services promoting, advocating for, or providing
25 training or education on diversity, equity, and
26 inclusion; providing that the inclusion of specified
27 language in certain contracts constitutes grounds for
28 termination of such contracts; requiring a local
29 government to provide written notice of termination of

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30 a contract under certain circumstances; requiring
31 local governments to annually make a specified
32 certification to the Chief Financial Officer,
33 beginning on a specified date; authorizing the Chief
34 Financial Officer to adopt rules; authorizing a person
35 to call the governmental efficiency hotline under
36 certain circumstances; requiring the Chief Financial
37 Officer to conduct a specified evaluation; authorizing
38 the Chief Financial Officer to impose administrative
39 fines under certain circumstances; requiring that such
40 fines be deposited in the Insurance Regulatory Trust
41 Fund; providing construction; defining the term
42 "diversity, equity, and inclusion"; amending s.
43 166.241, F.S.; revising the timeframe during which
44 tentative budgets, and the length of time for which
45 final budgets, must be posted on municipal or county
46 websites, as applicable; requiring the posting of such
47 budgets to allow members of the public to view,
48 review, and download certain information and data in
49 specified formats; requiring the municipal budget
50 officer to perform a certain exercise within a
51 specified timeframe before final adoption of a budget;
52 requiring that such exercise be posted on the
53 municipality's or county's website, as applicable;
54 revising the timeframe during which, and the length of
55 time for which, an adopted amendment must be posted on
56 such website; requiring that the posting of such
57 adopted amendment meet certain requirements; providing
58 an effective date.

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

60

61 Section 1. This act may be cited as the "Local Government
 62 Financial Transparency and Accountability Act."

63 Section 2. Paragraph (c) of subsection (3) of section
 64 129.03, Florida Statutes, is amended to read:

65 129.03 Preparation and adoption of budget.—

66 (3) The county budget officer, after tentatively
 67 ascertaining the proposed fiscal policies of the board for the
 68 next fiscal year, shall prepare and present to the board a
 69 tentative budget for the next fiscal year for each of the funds
 70 provided in this chapter, including all estimated receipts,
 71 taxes to be levied, and balances expected to be brought forward
 72 and all estimated expenditures, reserves, and balances to be
 73 carried over at the end of the year.

74 (c)1. The board shall hold public hearings to adopt
 75 tentative and final budgets pursuant to s. 200.065. The hearings
 76 shall be primarily for the purpose of hearing requests and
 77 complaints from the public regarding the budgets and the
 78 proposed tax levies and for explaining the budget and any
 79 proposed or adopted amendments. The tentative budget must be
 80 posted on the county's official website at least 14 2 days
 81 before the public hearing to consider such budget and must
 82 remain on the website for at least 45 days. The final budget
 83 must be posted on the website within 30 days after adoption and
 84 must remain on the website for at least 5 2 years.

85 2. Any tentative budget or final budget posted on the
 86 county's official website must allow members of the public to do

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88 all of the following:

- 89 a. View budget data in a searchable format.
- 90 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.
- 91 c. Download financial data and graphs.
- 92 d. View data in different graphical formats, including, but
not limited to, stacked line, trend line, bar graph, and pie
chart.
- 93 e. View information for multiple county departments,
divisions, funds, or financial categories simultaneously.
- 94 f. View and compare revenue and expense trends
simultaneously on the same graph for any level of financial
data.
- 95 g. View all county employee salaries in a searchable
format.
- 96 h. View all travel expenses for all county employees in a
searchable format.
- 97 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.
- 98 4. The tentative budgets, adopted tentative budgets, and

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117 final budgets shall be filed in the office of the county auditor
 118 as a public record. Sufficient reference in words and figures to
 119 identify the particular transactions must be made in the minutes
 120 of the board to record its actions with reference to the
 121 budgets.

122 Section 3. Paragraph (f) of subsection (2) of section
 123 129.06, Florida Statutes, is amended to read:

124 129.06 Execution and amendment of budget.—

125 (2) The board at any time within a fiscal year may amend a
 126 budget for that year, and may within the first 60 days of a
 127 fiscal year amend the budget for the prior fiscal year, as
 128 follows:

129 (f) Unless otherwise prohibited by law, if an amendment to
 130 a budget is required for a purpose not specifically authorized
 131 in paragraphs (a)-(e), the amendment may be authorized by
 132 resolution or ordinance of the board of county commissioners
 133 adopted following a public hearing.

134 1. The public hearing must be advertised at least 7 2 days,
 135 ~~but not more than 5 days~~, before the date of the hearing. The
 136 advertisement must appear in a newspaper of paid general
 137 circulation and must identify the name of the taxing authority,
 138 the date, place, and time of the hearing, and the purpose of the
 139 hearing. The advertisement must also identify each budgetary
 140 fund to be amended, the source of the funds, the use of the
 141 funds, and the total amount of each fund's appropriations.

142 2. If the board amends the budget pursuant to this
 143 paragraph, the adopted amendment must be posted on the county's
 144 official website within 7 5 days ~~before~~ after adoption and must
 145 remain on the website for at least 5 2 years. The adopted

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146 amendment must be posted in accordance with s. 129.03(3)(c)2.

147 Section 4. Section 163.212, Florida Statutes, is created to
 148 read:

149 163.212 Prohibiting local government expenditure of public
 150 funds for diversity, equity, and inclusion.—

151 (1) A local government may not expend public funds, or
 152 otherwise expend any funds derived from bequests, charges,
 153 deposits, donations, grants, gifts, income, receipts, or any
 154 other source of funds, for the purpose of diversity, equity, and
 155 inclusion.

156 (2)(a) A local government may not contract with a private
 157 vendor for the provision of services promoting, advocating for,
 158 or providing training or education on diversity, equity, and
 159 inclusion.

160 (b) If a contract between a local government and a private
 161 vendor includes language promoting, advocating for, or providing
 162 training or education on diversity, equity, and inclusion, such
 163 language constitutes grounds for immediate termination of the
 164 contract, in which case the local government shall provide a
 165 written notice of termination to the representative of the
 166 private vendor.

167 (3) By September 1, 2026, and annually thereafter, each
 168 local government must certify to the Chief Financial Officer
 169 that it is in compliance with this section. The Chief Financial
 170 Officer may adopt rules to implement this subsection.

171 (4)(a) A person may call the governmental efficiency
 172 hotline established pursuant to s. 17.325 if he or she believes
 173 that a local government has violated this section. Upon receipt
 174 of such information, the Chief Financial Officer shall conduct

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175 an evaluation pursuant to s. 17.325.

176 (b)1. If the Chief Financial Officer determines that a
177 local government has violated this section, the Chief Financial
178 Officer may impose the following administrative fines:

179 a. For a first violation, \$1,000 per day.

180 b. For a second or subsequent violation, \$5,000 per day.

181 2. The proceeds of the fines shall be deposited in the
182 Insurance Regulatory Trust Fund.

183 (5) This section does not prohibit the expenditure of
184 public funds through local government contracting which is
185 reasonably necessary for the normal operation of government
186 functions.

187 (6) For purposes of this section, the term "diversity,
188 equity, and inclusion" means any effort by a local government
189 to:

190 (a) Affect the composition of its employees as it relates
191 to race, sex, color, or ethnicity, other than to ensure
192 compliance with relevant state and federal antidiscrimination
193 laws;

194 (b) Promote differential treatment of or provide special
195 benefits to a person based on his or her race, sex, color, or
196 ethnicity;

197 (c) Promote or adopt policies or procedures designed or
198 implemented with reference to race, sex, color, or ethnicity,
199 other than policies or procedures approved in writing by the
200 Attorney General for the sole purpose of ensuring compliance
201 with any applicable court order or state or federal law;

202 (d) Promote or adopt training, programming, or activities
203 designed or implemented with reference to race, color,

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204 ethnicity, gender identity, or sexual orientation, other than
205 training, programming, or activities developed by an attorney
206 licensed in this state and approved in writing by the Attorney
207 General for the sole purpose of ensuring compliance with any
208 applicable court order or state or federal law;

209 (e) Promote, as the official position of a local government
210 agency, a particular opinion referencing unconscious or implicit
211 bias, cultural appropriation, allyship, transgender ideology,
212 microaggressions, group marginalization, antiracism, systemic
213 oppression, social justice, intersectionality, neopronouns,
214 heteronormativity, disparate impact, gender theory, racial or
215 sexual privilege, or any related formulation of such concepts;
216 or

217 (f) Advance, promote, entertain, or support fundamental
218 considerations of social justice, including, but not limited to,
219 critical race theory, or otherwise defend the concept that
220 mankind is inherently racist, sexist, or oppressive, whether
221 consciously or unconsciously, solely by virtue of his or her
222 race or sex. This also includes the concept that mankind is
223 responsible for the past actions of other members of the same
224 race or sex.

225 The term does not include equal opportunity or equal employment
226 opportunity materials designed to inform the public about the
227 prohibition on discrimination based on protected status under
228 state or federal law.

229 Section 5. Subsections (3) and (9) of section 166.241,
230 Florida Statutes, are amended to read:

231 166.241 Fiscal years, budgets, appeal of municipal law

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enforcement agency budget, and budget amendments.—

233 (3) (a) The tentative budget must be posted on the
 234 municipality's official website at least 14 2 days before the
 235 budget hearing, held pursuant to s. 200.065 or other law, to
 236 consider such budget and must remain on the website for at least
 237 45 days. The final adopted budget must be posted on the
 238 municipality's official website within 30 days after adoption
 239 and must remain on the website for at least 5 2 years. If the
 240 municipality does not operate an official website, the
 241 municipality must, within a reasonable period of time as
 242 established by the county or counties in which the municipality
 243 is located, transmit the tentative budget and final budget to
 244 the manager or administrator of such county or counties who
 245 shall post the budgets on the county's website.

246 (b) Any tentative budget or final budget posted on the
 247 municipality's official website or the county's official
 248 website, as applicable, must allow members of the public to do
 249 all of the following:

250 1. View budget data in a searchable format.

251 2. Review historical spending trends and filter data
 252 according to categories in the municipality's chart of accounts,
 253 including, but not limited to, fund, department, division,
 254 program, or activity.

255 3. Download financial data and graphs.

256 4. View data in different graphical formats, including, but
 257 not limited to, stacked line, trend line, bar graph, and pie
 258 chart.

259 5. View information for multiple municipal departments,
 260 divisions, funds, or financial categories simultaneously.

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262 6. View and compare revenue and expense trends
 263 simultaneously on the same graph for any level of financial
 264 data.

265 7. View all municipal employee salaries in a searchable
 266 format.

267 8. View all travel expenses for all municipal employees in
 268 a searchable format.

269 (c) At least 14 days before final adoption of the budget by
 270 the governing body of a municipality, the municipal budget
 271 officer must perform a budget-cutting exercise, identifying
 272 specific reductions to the tentative budget for the ensuing
 273 fiscal year which total 10 percent of the tentative budget,
 274 without compromising essential public services, such as law
 275 enforcement or fire services, or legal obligations. The
 276 municipal budget officer must post this exercise on the
 277 municipality's official website or the county's official
 278 website, as applicable, in accordance with paragraph (b).

279 (9) If the governing body of a municipality amends the
 280 budget pursuant to paragraph (8)(c), the adopted amendment must
 281 be posted on the official website of the municipality within 7 5
 282 days before ~~after~~ adoption and must remain on the website for at
 283 least 5 2 years. If the municipality does not operate an
 284 official website, the municipality must, within a reasonable
 285 period of time as established by the county or counties in which
 286 the municipality is located, transmit the adopted amendment to
 287 the manager or administrator of such county or counties who
 288 shall post the adopted amendment on the county's website. The
 289 adopted amendment must be posted in accordance with paragraph
 290 (3)(b).

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291

Section 6. This act shall take effect July 1, 2026.

2/10/2024

Meeting Date

Community Affairs

Committee

Name

Ryan Matthews

Phone

850 294 8591

Address

39 S. Bronough St #400

Street

Email

ryan.matthews@gray-
robinson.com

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Municipal
Electric Association

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

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

The Florida Senate

APPEARANCE RECORD

2-10-26

Meeting Date

Community Affairs

Committee

Name

Chris Doolin

Phone

850-508-5492

Address

1018 Thomasville Rd 102B

Email

cdoolin@doolinandassoc.com

Street

TALLAHASSEE, Fla.

City

32302

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:

Small County Coalition —

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

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

2-10-26

Meeting Date

Community Affairs
Committee

Name Patrick Bell

Phone 850-544-0784

Address P. O. Box 16242
Street

Email pbell@capitol.state.fl.us

City Tallahassee State FL Zip 32302

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Patrick Blounts town

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

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

02/10/26
~~02/10/26~~

Meeting Date

Community Affairs

Committee

Name

Matthew Gocholske

Address

Street

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

2/10/26

Meeting Date
Community Affairs

Committee

Name Terry Gibson

Address 4394 NE Skyline Drive
Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Deploy/US

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

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

02/10/2020

Meeting Date

Comm AFFAIRS

Committee

Name HANNAH CHRISTIAN

Phone (850) 413-4578

Address 200 E GAINES ST

Street

TALLAHASSEE

State

FL

Zip

Email HANNAH.CHRISTIAN@MYFLORIDA
CFO.COM

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

CFO BLAISE INOGOLIA

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (f1senate.gov)

2-10-26

Meeting Date

Community Affairs
Committee

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez26AfPHQ.org

Tallahassee FL 32301
City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Americans for Prosperity

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

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	Favorable
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), bridge 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

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 officer³¹ 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 individual⁴¹ 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 willfully 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.

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.

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

By Senator Rodriguez

40-00762A-26

20261622

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

12 Section 1. Paragraph (f) of subsection (8) of section
13 112.3144, Florida Statutes, is amended to read:

14 112.3144 Full and public disclosure of financial
15 interests.—

16 (8) Forms or fields of information for compliance with the
17 full and public disclosure requirements of s. 8, Art. II of the
18 State Constitution must be prescribed by the commission. The
19 commission shall allow a filer to include attachments or other
20 supporting documentation when filing a disclosure. The
21 commission shall give notice of disclosure deadlines and
22 delinquencies and distribute forms in the following manner:

23 (f) Except as provided in subparagraph 3., a Any person who
24 is required to file full and public disclosure of financial
25 interests and whose name is on the commission's list, and to
26 whom notice has been sent, but who fails to timely file is
27 assessed a fine of \$25 per day for each day late up to a maximum
28 of \$1,500; however this \$1,500 limitation on automatic fines
29 does not limit the civil penalty that may be imposed if the

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30 statement is filed more than 60 days after the deadline and a
31 complaint is filed, as provided in s. 112.324. The commission
32 must provide by rule the grounds for waiving the fine and the
33 procedures by which each person whose name is on the list and
34 who is determined to have not filed in a timely manner will be
35 notified of assessed fines and may appeal. The rule must provide
36 for and make specific that the amount of the fine due is based
37 upon when the disclosure is filed on the electronic filing
38 system created and maintained by the commission as provided in
39 s. 112.31446.

40 1. Upon receipt of the disclosure statement or upon accrual
41 of the maximum penalty, whichever occurs first, the commission
42 shall determine the amount of the fine which is due and shall
43 notify the delinquent person. The notice must include an
44 explanation of the appeal procedure under subparagraph 2. Such
45 fine must be paid within 30 days after the notice of payment due
46 is transmitted, unless appeal is made to the commission pursuant
47 to subparagraph 2. The moneys shall be deposited into the
48 General Revenue Fund.

49 2. Any reporting person may appeal or dispute a fine, based
50 upon unusual circumstances surrounding the failure to file on
51 the designated due date, and may request and is entitled to a
52 hearing before the commission, which may waive the fine in whole
53 or in part for good cause shown. Any such request must be in
54 writing and received by the commission within 30 days after the
55 notice of payment due is transmitted. In such a case, the
56 reporting person must, within the 30-day period, notify the
57 person designated to review the timeliness of reports in writing
58 of his or her intention to bring the matter before the

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59 commission. For purposes of this subparagraph, "unusual
 60 circumstances" does not include the failure to monitor an e-mail
 61 account or failure to receive notice if the person has not
 62 notified the commission of a change in his or her e-mail
 63 address.

64 3. A fine may not be assessed against a reporting person
 65 the first time a full and public disclosure of financial
 66 interests for which he or she is responsible for filing is not
 67 timely filed if the full and public disclosure of financial
 68 interests was filed before the reporting person accrued the
 69 maximum automatic fine for that filing year and the reporting
 70 person has not previously received a waiver of an automatic fine
 71 pursuant to this subparagraph or s. 112.3145(8)(f)3. The
 72 automatic fine shall be assessed, however, if the reporting
 73 person has in a previous year accrued the maximum automatic fine
 74 pursuant to this subparagraph or s. 112.3145(8)(f), or if he or
 75 she has previously received a waiver of an automatic fine
 76 pursuant to this subparagraph or s. 112.3145(8)(f)3. This
 77 subparagraph applies to fines that began to accrue pursuant to
 78 this paragraph after September 1, 2026.

79 Section 2. Paragraph (f) of subsection (8) of section
 80 112.3145, Florida Statutes, is amended to read:

81 112.3145 Disclosure of financial interests and clients
 82 represented before agencies.—

83 (8) Beginning January 1, 2024, forms for compliance with
 84 the disclosure requirements of this section and a current list
 85 of persons subject to disclosure must be created by the
 86 commission. The commission shall allow a filer to include
 87 attachments or other supporting documentation when filing a

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88 disclosure. Beginning January 1, 2024, the commission shall give
 89 notice of disclosure deadlines, delinquencies, and instructions
 90 in the following manner:

91 (f) Except as provided in subparagraph 3., a ~~Any~~ person
 92 required to file a statement of financial interests whose name
 93 is on the commission's list, and to whom notice has been sent,
 94 but who fails to timely file is assessed a fine of \$25 per day
 95 for each day late up to a maximum of \$1,500; however, this
 96 \$1,500 limitation on automatic fines does not limit the civil
 97 penalty that may be imposed if the statement is filed more than
 98 60 days after the deadline and a complaint is filed, as provided
 99 in s. 112.324. The commission must provide by rule the grounds
 100 for waiving the fine and procedures by which each person whose
 101 name is on the list and who is determined to have not filed in a
 102 timely manner will be notified of assessed fines and may appeal.
 103 The rule must provide for and make specific that the amount of
 104 the fine is based upon the date and time that the disclosure is
 105 filed on the electronic filing system as provided in s.
 106 112.31446.

107 1. Beginning January 1, 2024, for a specified state
 108 employee, state officer, or local officer, upon receipt of the
 109 disclosure statement by the commission or upon accrual of the
 110 maximum penalty, whichever occurs first, the commission shall
 111 determine the amount of the fine which is due and shall notify
 112 the delinquent person. The notice must include an explanation of
 113 the appeal procedure under subparagraph 2. The fine must be paid
 114 within 30 days after the notice of payment due is transmitted,
 115 unless appeal is made to the commission pursuant to subparagraph
 116 2. The moneys are to be deposited into the General Revenue Fund.

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117 2. Any reporting person may appeal or dispute a fine, based
118 upon unusual circumstances surrounding the failure to file on
119 the designated due date, and may request and is entitled to a
120 hearing before the commission, which may waive the fine in whole
121 or in part for good cause shown. Any such request must be in
122 writing and received by the commission within 30 days after the
123 notice of payment due is transmitted. In such a case, the
124 reporting person must, within the 30-day period, notify the
125 person designated to review the timeliness of reports in writing
126 of his or her intention to bring the matter before the
127 commission. For purposes of this subparagraph, the term "unusual
128 circumstances" does not include the failure to monitor an e-mail
129 account or failure to receive notice if the person has not
130 notified the commission of a change in his or her e-mail
131 address.

132 3. A fine may not be assessed against a reporting person
133 the first time a statement of financial interests for which he
134 or she is responsible for filing is not timely filed if the
135 statement of financial interests was filed before the reporting
136 person accrued the maximum automatic fine for that filing year
137 and the reporting person has not previously received a waiver of
138 an automatic fine pursuant to this subparagraph or s.
139 112.3144(8)(f)3. The automatic fine shall be assessed, however,
140 if the reporting person has in a previous year accrued the
141 maximum automatic fine pursuant to this subparagraph or s.
142 112.3144(8)(f), or if he or she previously received a waiver of
143 an automatic fine pursuant to this subparagraph or s.
144 112.3144(8)(f)3. This subparagraph applies to fines that began
145 to accrue pursuant to this paragraph after September 1, 2026.

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

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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.

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

Senator Ana Maria Rodriguez
Florida Senate, District 40

February 10, 2026

Meeting Date

Community Affairs

Committee

Name **Kerrie Stillman, Executive Director**

Phone **850-488-7864**

Address **325 John Knox Road, Bldg E, Suite 200**

Email **stillman.kerrie@leg.state.fl.us**

Street **Tallahassee**

City **FL**

Zip **32303**

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Commission on Ethics

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

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

2/10
The Florida Senate
APPEARANCE RECORD

Meeting Date
Community Affairs
Committee
Deliver both copies of this form to
Senate professional staff conducting the meeting

1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Vance Ahrens Phone _____

Address 6945 Crepe Myrtle Dr Email _____
Street
City Grant State FL Zip 32949

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (f1senate.gov)

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/CS/SB 1724

INTRODUCER: Community Affairs Committee, Regulated Industries Committee, and Senator Martin

SUBJECT: Utility Services

DATE: February 11, 2026 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1724 revises requirements for municipal utilities that provide water and wastewater, natural gas, 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 and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid⁴ and may order the addition or repair of infrastructure as necessary.⁵ The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities⁶ (defined as "public utilities" under ch. 366, F.S.).⁷ However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.⁸ For municipal gas utilities, the PSC has authority over territorial boundary disputes and agreements.

Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

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

A municipal electric or gas utility is an electric or gas utility owned and operated by a municipality. A "special gas district" is a dependent or independent special district, set up pursuant to ch. 189, F.S., to provide natural gas service.⁹ Chapter 366, F.S., provides the majority of electric and gas utility regulations for Florida. While ch. 366, F.S., does not provide a definition, *per se*, for a "municipal utility," variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric

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 Section 189.012(6), F.S., defines a "special district" as "a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet."

utilities that serve over 14 percent of the state's electric utility customers.¹⁰ Florida also has 27 municipally-owned gas utilities and four special gas districts.¹¹

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.¹²

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.¹³ 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 municipality¹⁴ 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.¹⁵

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.

¹⁰ Florida Municipal Electric Association, *About Us*, <https://www.flpublicpower.com/about-us> (last visited Feb. 9, 2026).

¹¹ Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, pg. 14, Apr. 2025 (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf>).

¹² Florida 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).

¹³ Section 367.022, F.S.

¹⁴ Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."

¹⁵ Section 180.02, F.S., *see also* s. 180.06, F.S.

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.¹⁶ Municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.

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).¹⁷ 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.¹⁸ 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.¹⁹

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

¹⁶ 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."

¹⁷ Section 180.191(1)(a), F.S.

¹⁸ Section 180.191(1)(b), F.S.

¹⁹ *Id.*

permanent or temporary injunction, restraining order, or other order.²⁰ A prevailing party under such an action may seek treble damages and, in addition, a reasonable attorney's fee as part of the cost.²¹

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 that municipality in what is now, since May 13, 2003,²² within the geographic boundaries of Miami Gardens.²³

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.²⁴

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?²⁵

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

²⁰ Section 180.191(2), F.S.

²¹ Section 180.191(4), F.S.

²² Miami Gardens was incorporated on May 13, 2003.

²³ *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.

²⁴ *Id.* at 651.

²⁵ *Id.*

- Sovereign immunity.²⁶

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;
- 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.²⁷

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.²⁸

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, natural gas, 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.²⁹ In addition, the agreement may not become effective until an appointed representative³⁰ of the municipality providing or intending to provide the utility service (serving municipality), has participated in a public meeting in conjunction with the governing body³¹ 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;

²⁶ *Id* at 653.

²⁷ *Id* at 653-58.

²⁸ *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).

²⁹ 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.”

³⁰ 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.”

³¹ 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.”

- 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.

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, natural gas, 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,³² which is \$2.4 million or less for Fiscal Year 2026-2027.³³

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.

³² 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).

³³ 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).

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:

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 Community Affairs on February 10, 2026:

The CS returns municipal natural gas utilities to fall under the bill's provisions.

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.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment**

2

3 Delete lines 46 - 143

4 and insert:

5 electric, water, natural gas, or sewer utility service at retail
6 pursuant to subsection (1) must be in writing. Such agreement
7 may not become effective before an appointed representative of
8 the municipality that provides the service or intends to provide
9 service, in conjunction with the governing body of each
10 municipality and unincorporated area served or to be served, has



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11 participated in a public meeting. Such meeting is not required
12 to be a separate public meeting, but it must be held within each
13 municipality and unincorporated area served or to be served for
14 purposes of providing information and soliciting public input
15 on:

16 1. The nature of the services to be provided or changes to
17 the services being provided;

18 2. The rates, fees, and charges to be imposed for the
19 services provided or intended to be provided, including any
20 differential with the rates, fees, and charges imposed for the
21 same services on customers located within the boundaries of the
22 serving municipality, the basis for the differential, and the
23 length of time that the differential is expected to exist;

24 3. The extent to which revenues generated from the
25 provision of the services will be used to fund or finance
26 nonutility government functions or services; and

27 4. Any other matter deemed relevant by the parties to the
28 agreement.

29 (b) Rates, fees, and charges imposed for water or sewer
30 utility services provided pursuant to subsection (1) must comply
31 with s. 180.191.

32 (c) A representative of each municipality that provides
33 electric, water, natural gas, or sewer utility services pursuant
34 to subsection (1), in conjunction with the governing body of
35 each municipality and unincorporated area in which it provides
36 services, shall annually conduct a public customer meeting. Such
37 meeting is not required to be a separate public meeting, but
38 must be held within each municipality and unincorporated area
39 for purposes of soliciting public input on utility-related



40 matters, including fees, rates, charges, and services.

41 (d) As used in this subsection, the term:

42 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.

43 2. "Governing body" means a:

44 a. Governing body of a municipality in which services are
provided or proposed to be extended; or

45 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.

46 Section 2. Subsection (1) of section 180.191, Florida
47 Statutes, is amended to read:

48 180.191 Limitation on rates charged consumer outside city
49 limits.—

50 (1) Any municipality within this the state operating a
51 water or sewer utility outside of the boundaries of such
52 municipality shall charge consumers outside the boundaries
53 rates, fees, and charges determined in one of the following
54 manners:

55 (a) It may charge the same rates, fees, and charges as
56 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
57 manner may shall not require a public hearing except as may be



69 provided for service to consumers inside the municipality.

70 (b) It may charge rates, fees, and charges that are just
71 and equitable and which are based on the same factors used in
72 fixing the rates, fees, and charges for consumers inside the
73 municipal boundaries. ~~In addition thereto, the municipality may~~
74 ~~add a surcharge not to exceed 25 percent of such rates, fees,~~
75 ~~and charges for said services to consumers outside the~~
76 ~~boundaries. However, the total of all such rates, fees, and~~
77 ~~charges for the services to consumers outside the boundaries may~~
78 ~~shall not be more than 25 50 percent in excess of the rates,~~
79 ~~fees, and charges total amount~~ the municipality charges
80 consumers served within the municipality for corresponding
81 service. ~~No~~ Such rates, fees, and charges ~~may not shall~~ be fixed
82 until after a public hearing at which all of the users of the
83 water or sewer systems; owners, tenants, or occupants of
84 property served or to be served thereby; and all others
85 interested shall have an opportunity to be heard concerning the
86 proposed rates, fees, and charges. Any change or revision of
87 such rates, fees, or charges may be made in the same manner as
88 such rates, fees, or charges were originally established, but if
89 such change or revision is to be made substantially pro rata as
90 to all classes of service, both inside and outside the
91 municipality, no hearing or notice shall be required.

92 (c) Notwithstanding paragraphs (a) and (b), a municipality
93 may continue to impose a surcharge on consumers outside the
94 municipal boundaries only to the extent necessary to comply with
95 the terms of bond covenants in effect as of July 1, 2024. Such
96 surcharges must be phased out upon retirement, expiration, or
97 refinancing of the applicable debt obligation.



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98 Section 3. Effective July 1, 2027, section 180.192, Florida
99 Statutes, is created to read:

100 180.192 Reporting requirements related to municipal utility
101 service.—

102 (1) By January 1, 2028, and annually thereafter, each
103 municipality that provides electric, water, natural gas, or
104 sewer utility

By the Committee on Regulated Industries; and Senator Martin

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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:

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59 services provided or intended to be provided, including any
 60 differential with the rates, fees, and charges imposed for the
 61 same services on customers located within the boundaries of the
 62 serving municipality, the basis for the differential, and the
 63 length of time that the differential is expected to exist;

64 3. The extent to which revenues generated from the
 65 provision of the services will be used to fund or finance
 66 nonutility government functions or services; and

67 4. Any other matter deemed relevant by the parties to the
 68 agreement.

69 (b) Rates, fees, and charges imposed for water or sewer
 70 utility services provided pursuant to subsection (1) must comply
 71 with s. 180.191.

72 (c) A representative of each municipality that provides
 73 electric, water, or sewer utility services pursuant to
 74 subsection (1), in conjunction with the governing body of each
 75 municipality and unincorporated area in which it provides
 76 services, shall annually conduct a public customer meeting. Such
 77 meeting is not required to be a separate public meeting, but
 78 must be held within each municipality and unincorporated area
 79 for purposes of soliciting public input on utility-related
 80 matters, including fees, rates, charges, and services.

81 (d) As used in this subsection, the term:

82 1. "Appointed representative" means an executive-level
 83 leadership employee of a municipality, or of such municipality's
 84 related and separate utility authority, board, or commission,
 85 specifically appointed by the governing body to serve as its
 86 representative for the purposes of this subsection.

87 2. "Governing body" means a:

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88 a. Governing body of a municipality in which services are
 89 provided or proposed to be extended; or
 90 b. Board of county commissioners of a county in which
 91 services are provided or proposed to be extended, if services
 92 are provided or proposed to be extended in an unincorporated
 93 area within the county.

94 Section 2. Subsection (1) of section 180.191, Florida
 95 Statutes, is amended to read:

96 180.191 Limitation on rates charged consumer outside city
 97 limits.—

98 (1) Any municipality within ~~this~~ the state operating a
 99 water or sewer utility outside of the boundaries of such
 100 municipality shall charge consumers outside the boundaries
 101 rates, fees, and charges determined in one of the following
 102 manners:

103 (a) It may charge the same rates, fees, and charges as
 104 consumers inside the municipal boundaries. ~~However, in addition~~
 105 thereto, the municipality may add a surcharge of not more than
 106 25 percent of such rates, fees, and charges to consumers outside
 107 the boundaries. Fixing of such rates, fees, and charges in this
 108 manner ~~may~~ shall not require a public hearing except as may be
 109 provided for service to consumers inside the municipality.

110 (b) It may charge rates, fees, and charges that are just
 111 and equitable and which are based on the same factors used in
 112 fixing the rates, fees, and charges for consumers inside the
 113 municipal boundaries. ~~In addition thereto, the municipality may~~
 114 add a surcharge not to exceed 25 percent of such rates, fees,
 115 and charges for said services to consumers outside the
 116 boundaries. However, the total of all such rates, fees, and

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117 charges for the services to consumers outside the boundaries may
 118 shall not be more than 25 50 percent in excess of the rates,
 119 fees, and charges total amount the municipality charges
 120 consumers served within the municipality for corresponding
 121 service. No Such rates, fees, and charges may not shall be fixed
 122 until after a public hearing at which all of the users of the
 123 water or sewer systems; owners, tenants, or occupants of
 124 property served or to be served thereby; and all others
 125 interested shall have an opportunity to be heard concerning the
 126 proposed rates, fees, and charges. Any change or revision of
 127 such rates, fees, or charges may be made in the same manner as
 128 such rates, fees, or charges were originally established, but if
 129 such change or revision is to be made substantially pro rata as
 130 to all classes of service, both inside and outside the
 131 municipality, no hearing or notice shall be required.

132 (c) Notwithstanding paragraphs (a) and (b), a municipality
 133 may continue to impose a surcharge on consumers outside the
 134 municipal boundaries only to the extent necessary to comply with
 135 the terms of bond covenants in effect as of July 1, 2024. Such
 136 surcharges must be phased out upon retirement, expiration, or
 137 refinancing of the applicable debt obligation.

138 Section 3. Effective July 1, 2027, section 180.192, Florida
 139 Statutes, is created to read:

140 180.192 Reporting requirements related to municipal utility
 141 service.—

142 (1) By January 1, 2028, and annually thereafter, each
 143 municipality that provides electric, water, or sewer utility
 144 services outside of its municipal boundaries shall provide a
 145 report to the Florida Public Service Commission which

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146 identifies, for each type of utility service provided by the
 147 municipality:
 148 (a) The number and percentage of customers that receive
 149 utility services provided by the municipality at a location
 150 outside the boundaries of the municipality;
 151 (b) The volume and percentage of sales made to such
 152 customers, and the gross revenues generated from such sales; and
 153 (c) Whether the rates, fees, and charges imposed on
 154 customers that receive services at a location outside the
 155 municipality's boundaries are different than the rates, fees,
 156 and charges imposed on customers within the boundaries of the
 157 municipality, and, if so, the amount and percentage of the
 158 differential.

159 (2) By March 31, 2028, and annually thereafter, the
 160 commission shall compile the information provided pursuant to
 161 subsection (1) and submit a report containing that information
 162 to the Governor, the President of the Senate, and the Speaker of
 163 the House of Representatives.

164 (3) Notwithstanding s. 367.171, the commission shall have
 165 jurisdiction over all utilities identified in subsection (1) for
 166 the limited purpose of enforcing the requirements of this
 167 section. This section does not otherwise modify or extend the
 168 authority of the commission provided by law with respect to any
 169 municipal utility that is required to comply with subsection
 170 (1).

171 Section 4. Except as otherwise expressly provided in this
 172 act, this act shall take effect July 1, 2026.

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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,

A handwritten signature in black ink, appearing to read "J. Martin".

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

02-10-26

Meeting Date

Sen. Comm Aff

Vice Mayor Name

Committee

Fortuna Smukler

Address

3207 NE 168 St

Street

North Miami Beach FL 33160

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

The Florida Senate

APPEARANCE RECORD

2-10-26 Meeting Date

Community Affairs Committee

1724 Bill Number or Topic

Name Rebecca O'Hara Phone 850-222-9484

Address PO Box 1757 Email rohara@flcities.com
 Street

Tallahassee, FL 32302-1757 City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: *Fla. League of Cities*

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1.2020-2022JointRules.pdf (flsenate.gov)