

Agenda Order

Tab 3	CS/SB 598 by BI, Truenow; Compare to CS/H 01231 Funeral, Cemetery, and Consumer Services				
557304	A	S	AEG, Truenow	Delete L.179 - 182:	02/24 01:47 PM
Tab 4	CS/SB 934 by CA, Rodriguez; Identical to CS/H 00755 Areas of Critical State Concern				
Tab 5	CS/SB 1260 by RI, DiCeglie; Compare to CS/H 01109 Building Code Inspection Services				
167684	D	S	AEG, DiCeglie	Delete everything after	02/24 01:47 PM
Tab 6	SB 1300 by Calatayud; Compare to CS/CS/H 00325 Education and Workforce Development for Current and Former Inmates				
Tab 7	CS/SB 1452 by BI, Truenow; Similar to CS/CS/H 01221 Department of Financial Services				
427888	D	S	AEG, Truenow	Delete everything after	02/24 01:47 PM
Tab 8	CS/SB 1510 by EN, Massullo; Similar to CS/CS/H 01417 Department of Environmental Protection				
511432	A	S	AEG, Massullo	btw L.146 - 147:	02/24 01:49 PM
891122	A	S	AEG, Massullo	Delete L.1080 - 1120:	02/24 01:49 PM
Tab 9	CS/SB 1566 by CA, DiCeglie; Similar to CS/H 01329 Local Government Spending				
534942	D	S	AEG, DiCeglie	Delete everything after	02/24 01:48 PM
Tab 10	CS/SB 1580 by RI, Martin; Similar to CS/CS/CS/H 00189 Illegal Gaming				
Tab 11	SB 1668 by Burton; Similar to CS/H 01291 Florida Birth-Related Neurological Injury Compensation Association				
149182	D	S	AEG, Burton	Delete everything after	02/24 01:49 PM
Tab 12	SB 7034 by EN; Ratification of Rules of the Department of Environmental Protection				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS COMMITTEE ON AGRICULTURE,
ENVIRONMENT, AND GENERAL GOVERNMENT**

Senator Brodeur, Chair
Senator Berman, Vice Chair

MEETING DATE: Wednesday, February 25, 2026

TIME: 1:30—4:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Arrington, DiCeglie, Grall, Massullo, McClain, Pizzo, Rodriguez, Sharief, and Truenow

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Governing Board of the Southwest Florida Water Management District			
2	Aungst, Brian J., Jr. (Clearwater)	03/01/2030	
Board of Pilot Commissioners			
1	Gramling, James Patrick (Tampa)	10/31/2028	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 598 Banking and Insurance / Truenow (Compare CS/H 1231)	Funeral, Cemetery, and Consumer Services; Prohibiting a licensee of funeral or cemetery services from entering into certain contracts, agreements, or arrangements; deleting an exception to the educational requirements for an applicant seeking licensure to be a funeral director; authorizing a licensee or a licensed facility to dispose of human remains in a specified manner if the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition, etc. BI 02/11/2026 Fav/CS AEG 02/25/2026 FP	
4	CS/SB 934 Community Affairs / Rodriguez (Identical CS/H 755)	Areas of Critical State Concern; Providing an exemption from specified payment and performance bond requirements for specified entities under specified conditions; extending the time period specific Florida Forever appropriations must be spent on land acquisition in the Florida Keys Area of Critical State Concern, etc. CA 02/10/2026 Fav/CS AEG 02/25/2026 RC	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Wednesday, February 25, 2026, 1:30—4:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	CS/SB 1260 Regulated Industries / DiCeglie (Compare CS/H 1109)	Building Code Inspection Services; Requiring the Department of Management Services to enter into and maintain state term contracts for building code inspection services, etc. RI 02/10/2026 Fav/CS AEG 02/25/2026 RC	
6	SB 1300 Calatayud (Compare CS/CS/H 325)	Education and Workforce Development for Current and Former Inmates; Authorizing the Department of Transportation to expend certain funds for all workforce development programs, rather than only construction workforce development programs; authorizing the department to use workforce development funds for certain certification and training opportunities; authorizing employers to apply to the Department of Financial Services for reimbursement of the cost of certain workers' compensation and automobile liability premiums, subject to appropriation; providing requirements and restrictions for reimbursement, etc. CJ 02/11/2026 Favorable AEG 02/25/2026 FP	
7	CS/SB 1452 Banking and Insurance / Truenow (Similar CS/CS/H 1221)	Department of Financial Services; Revising the Chief Financial Officer's rulemaking authority; revising eligibility requirements for a hurricane mitigation inspection under the My Safe Florida Home Program; authorizing the department to determine what property insurance coverage is necessary; revising the timeframe in which health care providers must petition the department to resolve utilization and reimbursement disputes; revising the timelines and conditions under which stock, other equity interests, or debt of a business association is considered abandoned, etc. BI 02/04/2026 Fav/CS AEG 02/25/2026 RC	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Wednesday, February 25, 2026, 1:30—4:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	CS/SB 1510 Environment and Natural Resources / Massullo (Similar CS/CS/H 1417)	Department of Environmental Protection; Deleting provisions creating the Environmental Regulation Commission; requiring that residential properties of a specified size located in a certain area connect to a central sewer system or upgrade to a specified type of nutrient-reducing wastewater treatment system; authorizing remediation plans for certain properties to have certain requirements related to existing conventional onsite sewage treatment and disposal systems; revising legislative findings and intent for the Florida Communities Trust; revising the approval criteria for certain onsite sewage treatment and disposal systems, etc. EN 02/03/2026 Fav/CS AEG 02/25/2026 FP	
9	CS/SB 1566 Community Affairs / DiCeglie (Similar CS/H 1329, Compare S 1420)	Local Government Spending; Citing this act as the "Local Government Financial Transparency and Accountability Act"; requiring counties to reinvest utility service revenues back into a utility for specified purposes; 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; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on municipal or county websites, as applicable, etc. CA 02/10/2026 Fav/CS AEG 02/25/2026 RC	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Wednesday, February 25, 2026, 1:30—4:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	CS/SB 1580 Regulated Industries / Martin (Similar CS/CS/CS/H 189, Compare H 591, CS/S 204, S 1164)	Illegal Gaming; Repealing a provision relating to penalties and violations related to illegal gambling; authorizing a person who is ineligible for employment with the commission to submit a waiver request to the commission asking to be considered eligible for employment if the person possesses certain expertise or experience; revising the standards of conduct for current and former commissioners and employees of the commission; providing criminal penalties for persons who stake, bet, or wager any money or other thing of value upon the result of certain games, contests, matches, races, or sports if such persons have knowledge that the outcome of the games, contests, matches, races, or sports is prearranged or predetermined; revising the criminal penalties for persons who keep a gambling house, are agents or employees of a keeper of a gambling house, and rent a house for gambling purposes, respectively; providing that violations of certain laws are deemed immediate and serious dangers to public health, safety, and welfare, etc. RI 02/10/2026 Fav/CS AEG 02/25/2026 RC	
11	SB 1668 Burton (Similar CS/H 1291)	Florida Birth-Related Neurological Injury Compensation Association; Requiring the agency to recover the full amount of medical assistance from the neurological injury compensation association; revising the exclusiveness of remedy under the Florida Birth-Related Neurological Injury Compensation Plan; requiring compensation for the costs of major medical health coverage; exempting expenses for professional custodial care in certain circumstances; requiring the association to submit quarterly estimates, etc. BI 01/28/2026 Favorable AEG 02/25/2026 RC	
12	SB 7034 Environment and Natural Resources	Ratification of Rules of the Department of Environmental Protection; Ratifying a specified rule relating to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs minimum flows and recovery strategy for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs, etc. AEG 02/25/2026 RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION

Other Related Meeting Documents



RON DeSANTIS
GOVERNOR

RECEIVED

2026 FEB -9 PM 1:59

FLORIDA ELECTIONS
TALLAHASSEE, FL



February 9, 2026

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Mr. Brian Aungst Jr.
2251 Lauren Lane
Clearwater, Florida 33759

as a member of the Southwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective March 2, 2026, for a term ending March 1, 2030.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/dw

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

2026 FEB 13 PM 1:26

NOTARIAL COMMISSIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Pinellas

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Southwest Florida Water Management District

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature B. J. Aungst, Jr.

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 12th day of February, 2026.

Valeria Sulecki

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name _____

Title _____

Court _____

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced M/A

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

2251 Lauren Lane

Street or Post Office Box

Clearwater, FL 33759

City, State, Zip Code

Brian J. Aungst, Jr.

Print Name

Signature B. J. Aungst, Jr.

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Brian J. Aungst, Jr.

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management
District**

for a term beginning on the Second day of March, A.D., 2026,
until the First day of March, A.D., 2030 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirteenth day of February, A.D., 2026.*

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2026 FEB -2 AM 11:35
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 30, 2026

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 310.011, Florida Statutes:

Mr. James "Patrick" Gramling
2619 South Bryant Circle
Tampa, Florida 33629

as a member of the Board of Pilot Commissioners, filling a vacant seat previously occupied by Robert Benson, subject to confirmation by the Senate. This appointment is effective January 30, 2026, for a term ending October 31, 2028.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/ch

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

2026 FEB -9 AM 11:17

STATE OF FLORIDA

County of Hillsborough

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

BOARD OF PILOT COMMISSIONERS

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 6 day of February, 2026.

[Signature]

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

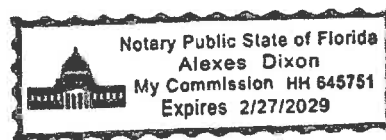
Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known ☐ OR Produced Identification ☒
Type of Identification Produced Florida Driver's License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

2619 South Bryant Circle

Street or Post Office Box

Tampa, Florida, 33629

City, State, Zip Code

J. Patrick Gramling

Print Name

Signature

[Signature]

1765

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

James Patrick Gramling

is duly appointed a member of the

Board of Pilot Commissioners

for a term beginning on the Thirtieth day of January, A.D.,
2026, until the Thirty-First day of October, A.D., 2028 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Tenth day of February, A.D., 2026.*

Secretary of State

DSDE 99 (3/03)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 598

INTRODUCER: Banking and Insurance Committee and Senator Truenow

SUBJECT: Funeral, Cemetery, and Consumer Services

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knudson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 598 revises chapter 497, Florida Statutes, the Florida Funeral, Cemetery, and Consumer Services Act (Act), which provides for the regulation of funeral and cemetery services.

The bill prohibits licensees from contracting to become the exclusive or sole provider of funeral, cremation, refrigeration, or removal services for any entity that provides medical, palliative, or other end-of-life care and services to the general public.

The bill allows licensees to dispose of human remains that have been in their lawful possession for at least 90 days if the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition. Licensees may not be held liable for doing so. The bill also provides that if, after 90 days (current law is 120 days) from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains.

The bill provides that the minimum acreage of a cemetery must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous, provided the parcels are in close geographic proximity and form a unified cemetery property.

To attract new practitioners of funeral and cemetery services in Florida, the bill revises licensure requirements under the Act, providing that:

- A licensure by endorsement as an embalmer, funeral director, or a combination funeral director and embalmer for an applicant that holds a valid license in another state and has at least five years' experience of licensed practice in that state does not require educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies.
- The educational requirements that a funeral director licensure applicant who has not completed the educational credentials required for the license are revised to remove passage of a college course in mortuary or funeral service law.
- Licensure as a combination funeral director and embalmer intern, a licensure that is available to applicants who have not completed the educational credentials required for a combination license as both a funeral director and embalmer, requires either an associate degree or higher from an accredited college or university or current enrollment in an accredited college in an accredited course of study in mortuary science.

The bill exempts prepaid funeral contracts from the insurable interest requirements of the Florida Insurance Code. The bill also allows a preneed licensee to send written notice to the last known e-mail or mailing address of the purchaser or beneficiary's legally authorized person that the preneed licensee intends to distribute funds related to unfulfilled services.

The bill does not impact state revenues and expenditures. *See Section V., Fiscal Statement below.*

The bill's effective date is July 1, 2026.

II. Present Situation:

Funeral, Cemetery, and Consumer Services

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (Act), provides for the regulation of funeral and cemetery services.¹ The Act authorizes the Board of Funeral, Cemetery, and Consumer Services (Board) within the Department of Financial Services (DFS) to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.²

Section 20.121(4), F.S., creates the Board of Funeral, Cemetery, and Consumer Services (Board) within the Division of Funeral, Cemetery, and Consumer Services of the DFS. The Board acts as the licensing and rulemaking authority for certain matters related to examinations and other substantive requirements for licensure within the death care industry under ch. 497, F.S., including facility requirements;³

¹ See Section 497.001, F.S.

² Sections 497.101 and 497.103, F.S.

³ See s. 497.103(1)(a)-(cc), F.S. Licenses available to natural persons include: embalmer apprentice and intern; funeral directors and intern; funeral director and embalmer, direct disposer, monument establishment sales agent, and preneed sales agent. Section 497.141(12)(a), F.S. Licenses available to natural persons, corporations, limited liability companies, and partnerships include: funeral establishment, centralized embalming facility, refrigeration facility, direct disposal establishment, monument establishment, cinerator facility, removal service, preneed sales business under s. 497.453, F.S., and cemetery. Section 497.141(12)(b)-(c), F.S.

The Board has broad authority over licensure and examination of applicants for various licenses including:

- Authority to determine any and all criteria for licensure;
- Authority to specify who may conduct practical examination;
- Authority to specify the content of examinations for licensure, both written and practical, and the relative weighting of areas examined, and grading criteria, and determination of what constitutes a passing grade;
- Authority to strike any examination question determined before or after an examination to be inappropriate for any reason;
- Authority to specify which national examinations or parts thereof shall or shall not be required or accepted regarding Florida licensure;
- Authority to determine time limits and substantive requirements regarding reexamination of applicants who fail any portion of a licensing examination; and
- Authority to determine substantive requirements and conditions relating to apprenticeships and internships, and temporary licensure pending examination.⁴

The Board must have 10 members, nine of whom are to be appointed by the Chief Financial Officer (CFO) and confirmed by the Senate and one member must be the State Health Officer, or his or her designee.⁵ The composition of the Board must be as follows:

- The State Health Officer;
- Two funeral directors who are:
 - Licensed under part III of ch. 497, F.S., as funeral directors, and
 - Associated with a funeral establishment;
- One funeral director who is:
 - Licensed under part III of ch. 497, F.S., and
 - Associated with a funeral establishment licensed under part III of ch. 497, F.S., that has a valid preneed license issued pursuant to ch. 497, F.S.
- Two persons whose primary occupation is associated with a licensed cemetery;
- Three consumers who:
 - Are residents of Florida;
 - Have never been licensed funeral directors or embalmers;
 - Are not connected with a cemetery or licensed cemetery company;
 - Are not connected to the death care industry or the practice of embalming, funeral directing, or direct disposition;
 - At least one of which is at least 60 years of age; and
 - At least one of which is a licensed certified public accountant; and
- One principal of a monument establishment licensed under ch. 497, F.S., as a monument builder.⁶

Two or more members may not be principals or employees of the same company or partnership, or group of companies or partnerships under common control.⁷ Board members are appointed for

⁴ Section 497.103(1)(a)-(g), F.S.

⁵ Section 497.101(1), F.S.

⁶ Section 497.101(2), F.S.

⁷ *Id.*

a four-year term; however, a member may not serve for more than eight consecutive years (except for the State Health Officer, who serves so long as he or she holds the office).⁸

Funeral Director and Embalmer Licensure

The practice of funeral services is divided into three relevant licenses. A person may be licensed as a funeral director,⁹ an embalmer,¹⁰ or with a combination license for the practice of funeral directing and embalming.¹¹

Applicants for an embalmer license must take courses in mortuary science, complete a one-year internship, and pass an examination on the subjects of the theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, public health and sanitation, and local, state, and federal laws and rules relating to the disposition of dead human bodies.¹² Applicants for a combination funeral directing and embalmer license must meet the requirements for an embalmer's license, as well as take approved courses in funeral service arts, and pass the funeral services arts section of the national board examination.¹³

Applicants for a funeral director-only license are required to take classes in both mortuary science and funeral service arts, complete a one year internship, pass the state and federal laws and rules examination relating to the disposition of human remains, and an examination on the theory and practice of funeral directing and funeral service arts.¹⁴

Funeral Establishment Licensure

Section 497.380, F.S., provides for the regulation of funeral establishments. Each licensed funeral establishment must have one full-time funeral director in charge.¹⁵ A funeral establishment must:

- Be a place at a specific street address or location;
- Consist of at least 1,250 contiguous interior square feet;
- Maintain or make arrangements for the refrigeration and storage of dead human bodies handled and stored by the establishment; and
- Maintain or make arrangements for a preparation room equipped with necessary ventilation and drainage and containing necessary instruments for embalming dead human bodies.¹⁶

Storage, Preservation, and Transportation of Human Remains

Human remains may only be stored at a licensed establishment or facility licensed under ch. 497, F.S., or a health care facility, medical examiner's facility, morgue, or cemetery holding facility.¹⁷ A dead human body may not be held in any place or in transit over 24 hours after death

⁸ Section 497.101(3), F.S.

⁹ Section 497.372, F.S.

¹⁰ Section 497.368, F.S.

¹¹ Section 497.376, F.S.

¹² Section 497.368, F.S.

¹³ Section 497.376, F.S.

¹⁴ Section 497.373, F.S.

¹⁵ Section 497.380(7), F.S.

¹⁶ Section 497.380(1), F.S.

¹⁷ Section 497.386(1), F.S.

or pending final disposition unless the body is maintained at a temperature of 40 degrees Fahrenheit or below or is embalmed or otherwise preserved in a manner approved by the licensing authority.¹⁸

In an emergency situation, including the abandonment of any licensed establishments or facilities, the DFS is authorized to enter and secure certain locations.¹⁹ In such a situation, the DFS may remove human remains and cremated remains.²⁰ These locations include:

- An establishment or facility licensed under ch. 497, F.S.
- Any medical examiner's facility or morgue; and
- A cemetery holding facility.²¹

Cremation

Cremation of human remains in Florida is governed by s. 497.607, F.S. Cremation of human remains requires written authorization from a legally authorized person.²² The cremation must be performed within 48 hours after a specified time which has been agreed to in writing by the person authorizing the cremation.²³ If, after a period of 120 days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains, which may include scattering them at sea or placing them in a licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule of the Board.²⁴

Cemetery Companies

A person seeking a cemetery license must apply for a license.²⁵ The proposed cemetery must contain at least 30 contiguous acres and the application must state the exact number of acres in the proposed cemetery.²⁶ Any land dedicated for use as a cemetery, which is in excess of a minimum of 30 contiguous acres, may be sold, conveyed, or disposed of by the licensee, after obtaining written approval of the DFS for use by the new owner for purposes other than as a cemetery.²⁷ All of the human remains that have been previously interred therein, if any, must first have been removed from the land proposed to be sold, conveyed, or disposed of.²⁸

Solicitation of Goods or Services

The Board is charged with protecting the public from solicitation of sales of burial rights, merchandise, or services by licensees which are intimidating, overreaching, fraudulent, or misleading; which utilizes undue influence; or which takes undue advantage of a person's

¹⁸ Section 497.386(2), F.S.

¹⁹ Section 497.386(5), F.S.

²⁰ *Id.*

²¹ *Id.*

²² Section 497.607(1), F.S.

²³ *Id.*

²⁴ Section 497.607(3)(a), F.S.

²⁵ Section 497.263(2)(a), F.S.

²⁶ Section 497.263(2)(g), F.S.

²⁷ Section 497.270(2), F.S.

²⁸ *Id.*

ignorance or emotional vulnerability.²⁹ At-need solicitation of sales of burial rights, merchandise, or services is prohibited. The family or next of kin of a deceased person may not be contacted to sell services or merchandise unless the person making contact has been initially called or contacted by the family or next of kin and requested to provide services or merchandise.³⁰

Preneed Contracts - Cancellation or Default

Part IV of ch. 497, F.S., governs preneed funeral merchandise or service contract businesses and preneed burial merchandise or service contract businesses. Such businesses are exempt from the Florida Insurance Code.³¹ A “preneed contract” is any arrangement or method for which the provider of funeral merchandise or services receives any payment in advance for funeral or burial merchandise and services after the death of the contract beneficiary.³² Persons who sell preneed contracts are licensed by the Board.³³ Any person who receives funds under a preneed contract for funeral services or merchandise or burial services or merchandise to deposit certain percentages of the amounts received with a trust company operating pursuant to ch. 660, F.S., with a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers.³⁴

A preneed licensee must provide to the purchaser or to the beneficiary’s legally authorized person written notice of the licensee’s intent to distribute funds if any obligation of the licensee remains to be fulfilled under the contract, upon the occurrence of the earliest of any of the following events:

- Fifty years after the date of execution of the preneed contract by the purchaser.
- The beneficiary of the preneed contract attains the age of 105 years of age or older.
- The social security number of the beneficiary of the preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.³⁵

Such written notice must be provided by certified mail, registered mail, or permitted delivery service, return receipt requested, to the last known mailing address of the purchaser or the beneficiary’s legally authorized person, whichever is applicable, as provided to the preneed licensee.³⁶

Insurable Interest; Personal Insurance

A person of legal capacity may procure or effect an insurance contract on his or her own life or body for the benefit of any person but may not procure or cause to be procured an insurance contract on the life of another individual unless the benefits under such contract are payable to the individual insured or his or her personal representatives, or to any person having, at the time

²⁹ Section 497.164(1) and (2), F.S.

³⁰ Section 497.164(5), F.S.

³¹ Section 497.450, F.S.

³² Section 497.005(62), F.S.

³³ Section 497.453, F.S.

³⁴ Section 497.458, F.S.

³⁵ Section 497.459(7)(a), F.S.

³⁶ Section 497.459(7)(b)1., F.S.

such contract was made, an insurable interest in the individual insured.³⁷ Other than a policy of group life insurance or group or blanket accident, health, or disability insurance, a contract of insurance upon a person may not be effectuated unless, on or before the time of entering into such contract, the person insured applies for or consents in writing to the contract and its terms.³⁸ Insurable interest requirements exist to prevent the moral hazard associated with third parties benefiting financially because of the death of the insured or because of damage to the insured's real or personal property.

III. Effect of Proposed Changes:

Section 1 amends s. 497.164, F.S., relating to solicitation of goods or services, to provide that a licensee under ch. 497, F.S., may not enter into a contract, agreement, or other arrangement in which that licensee or any affiliated licensee becomes the exclusive or sole provider of funeral, cremation, refrigeration, or removal services for any entity that provides medical, palliative, or other end-of-life care and services to the general public.

Sections 2 and 3 amend ss. 497.263 and 497.270, F.S., relating to cemetery companies and licenses required and minimum acreage and sale or disposition of cemetery lands, respectively, to provide that the minimum acreage of a cemetery must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous, provided the parcels are in close geographic proximity and form a unified cemetery property. The cemetery license application must state the exact number of acres in the proposed cemetery and must identify any public rights-of-way or roads dividing the parcels. Parcels located in separate or distant geographic areas, even if along the same roadway or corridor, do not satisfy the contiguity requirement.

Section 4 amends s. 487.369, F.S., relating to embalmers, to provide that licensure by endorsement as an embalmer for an applicant that holds a valid license in good standing to practice embalming in another state and has engaged in the full-time, licensed practice of embalming in that state for at least five years does not require any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under s. 497.368, F.S.

Section 5 amends s. 497.374, F.S., to provide that licensure by endorsement as a funeral director for an applicant that holds a valid license in good standing to practice funeral directing in another state and has engaged in the full-time, licensed practice of funeral directing in that state for at least five years does not require any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under s. 497.373(2)(b), F.S.

Section 6 amends s. 497.375, F.S., relating to funeral directing, to remove one of the three educational requirements that a funeral director licensure applicant must meet if seeking licensure despite not completing the educational credentials required for the license. The bill eliminates the requirement to receive a passing grade in a college credit course in mortuary law

³⁷ Section 627.404(1), F.S.

³⁸ Section 627.404(5), F.S.

or funeral service law and in a college credit course in ethics. The other two requirements retained by the bill are that the applicant must hold an associate degree or higher from an accredited college or university and must be enrolled in and attending a licensing authority-approved course of study in mortuary science or funeral service arts required for licensure as a funeral director.

Section 7 amends s. 497.376, F.S., relating to license as a funeral director and embalmer, to provide that an applicant for licensure for a combination license by endorsement as a funeral director and embalmer under ss. 497.373 and 497.369, F.S., respectively, is not required to meet any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under ss. 497.373(2)(b) and 497.369(4), F.S.

Section 8 amends s. 497.377, F.S., relating to combination funeral director and embalmer to revise the requirements for licensure as a combination funeral director and embalmer intern, a licensure that is available to applicants who have not completed the educational credentials required for a combination license as both a funeral director and embalmer. The bill provides that such applicants, to obtain the intern license, must:

- Hold an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education; or
- Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education (ABFSE) in a course of study in mortuary science accredited by ABFSE.

Current law requires that to obtain the intern license, the applicant must meet the latter of these requirements and must also have completed at least 75 percent of the course of study in mortuary science and have received a passing grade in a college course in mortuary law or funeral service law.

Section 9 amends s. 497.386, F.S., relating to storage, preservation, and transportation of human remains, to provide that if any human remains have been in the lawful possession of any licensee or licensed facility for 90 days or more, and the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition of the remains, the licensee or licensed facility may dispose of the human remains and licensee or licensed facility who disposes of such human remains pursuant to this subsection may not be held liable for any action arising out of such disposal.

Section 10 amends s. 497.459, F.S., relating to cancellation of, or default on, preneed contracts, to provide that for purposes of ensuring the performance of unfulfilled preneed contracts, the required written notice by the preneed licensee to the purchaser or to the beneficiary's legally authorized person of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract, if any obligation of the preneed licensee remains to be fulfilled under the contract, may be sent to the to the last known e-mail or mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee.

Section 11 amends s. 497.607, F.S., relating to cremation, to provide that if any person who intends to provide for the cremation of the deceased, if, after 90 days (current law is 120 days)

from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains as provided under s. 497.607, F.S.

Section 12 amends s. 627.404, F.S., to exempt prepaid funeral contracts from the requirement that an insurance contract may not be carried out unless, on or before the time of entering into such contract, the person insured, having legal capacity to contract, applies for or consents in writing to the contract and its terms.

Section 13 reenacts s. 497.260, F.S., relating to cemeteries and exemptions, investigations and mediation, for purposes of incorporating the amendment made by the bill to s. 497.263, F.S.

Section 14 provides that bill is effective 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:

Endorsement licensure applicants will no longer be required to pay for a national examination, which is administered in two parts, with each part costing \$285. The number of applicants financially impacted by the provisions within the bill is unknown and indeterminate.³⁹

³⁹ Department of Financial Services, *2026 Legislative Bill Analysis SB 598* (Jan. 5, 2026), pg. 4 (2026).

The bill provides an opportunity for experienced out of state deathcare providers to work in Florida as the bill amends educational requirements. This opportunity may have a positive, yet indeterminate, impact on Florida's funeral and cemetery industry.

C. Government Sector Impact:

The bill does not impact state expenditures or revenues.⁴⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 497.164, 497.263, 497.270, 497.369, 497.374, 497.375, 497.376, 497.377, 497.386, 497.459, 497.607, 627.404, 497.260

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Banking and Insurance on February 11, 2026:

The committee substitute:

- Deletes from the bill an amendment to s. 497.169, F.S., that would have limited total liability for damages to \$200,000 in a civil action for negligence brought against a licensee under ch. 497, F.S.
- Deletes from the bill amendments to ss. 497.602, 497.604, and 497.607, F.S., which would have eliminated licenses for direct disposers and direct disposer establishments. Licensed direct disposers may engage in a limited scope of practice that allows them to sell services to the public for lawfully facilitating cremation without preparation by embalming and without any attendant services or rites.

B. Amendments:

None.

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

⁴⁰ *Id.*



557304

LEGISLATIVE ACTION

Senate

.
.
.
.
.
.

House

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

Senate Amendment (with title amendment)

Delete lines 179 - 182
and insert:
facility may dispose of the human remains.

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

And the title is amended as follows:

Delete lines 27 - 29
and insert:



557304

11

amending s. 497.459, F.S.; revising the

By the Committee on Banking and Insurance; and Senator Truenow

597-02757-26

2026598c1

1 A bill to be entitled
 2 An act relating to funeral, cemetery, and consumer
 3 services; amending s. 497.164, F.S.; prohibiting a
 4 licensee of funeral or cemetery services from entering
 5 into certain contracts, agreements, or arrangements;
 6 amending s. 497.263, F.S.; revising the procedures for
 7 applicants seeking a cemetery license; amending s.
 8 497.270, F.S.; conforming a provision to changes made
 9 by the act; amending s. 497.369, F.S.; revising the
 10 requirements for an applicant seeking licensure by
 11 endorsement to be an embalmer; amending s. 497.374,
 12 F.S.; revising the requirements for an applicant
 13 seeking licensure by endorsement to be a funeral
 14 director; amending s. 497.375, F.S.; deleting an
 15 exception to the educational requirements for an
 16 applicant seeking licensure to be a funeral director;
 17 amending s. 497.376, F.S.; revising the requirements
 18 for an applicant seeking a license by endorsement as a
 19 combination funeral director and embalmer; amending s.
 20 497.377, F.S.; revising the educational requirements
 21 for licensure to be a combination funeral director and
 22 embalmer intern; amending s. 497.386, F.S.;
 23 authorizing a licensee or a licensed facility to
 24 dispose of human remains in a specified manner if the
 25 legally authorized person of the decedent fails,
 26 neglects, or refuses to direct the disposition;
 27 providing that the licensee or licensed facility is
 28 not liable for any action arising out of such
 29 disposal; amending s. 497.459, F.S.; revising the

Page 1 of 9

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

597-02757-26

2026598c1

30 method in which a preneed licensee must send written
 31 notice to cancel a preneed contract; authorizing the
 32 Board of Funeral, Cemetery, and Consumer Services to
 33 adopt rules; amending s. 497.607, F.S.; revising the
 34 timeframe after which a funeral or direct disposal
 35 establishment may dispose of cremated remains if the
 36 remains have not been claimed; amending s. 627.404,
 37 F.S.; revising the exceptions to the prohibition
 38 relating to personal insurance; reenacting s.
 39 497.260(5), F.S., relating to cemeteries, exemptions,
 40 investigations, and mediation, to incorporate the
 41 amendment made to s. 497.263, F.S., in a reference
 42 thereto; providing an effective date.
 43

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

45
 46 Section 1. Subsection (6) is added to section 497.164,
 47 Florida Statutes, to read:

48 497.164 Solicitation of goods or services.—

49 (6) A licensee under this chapter may not enter into a
 50 contract, agreement, or other arrangement in which such licensee
 51 or any affiliated licensee becomes the exclusive or sole
 52 provider of funeral, cremation, refrigeration, or removal
 53 services for any entity that provides medical, palliative, or
 54 other end-of-life care and services to the general public.

55 Section 2. Paragraph (g) of subsection (2) of section
 56 497.263, Florida Statutes, is amended to read:

57 497.263 Cemetery companies; license required; licensure
 58 requirements and procedures.—

Page 2 of 9

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

597-02757-26

2026598c1

(2) APPLICATION PROCEDURES.—

(g) The proposed cemetery must contain at least 30 ~~contiguous~~ acres. Such acreage must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous, provided the parcels are in close geographic proximity and form a unified cemetery property. The application must state the exact number of acres in the proposed cemetery and must identify any public rights-of-way or roads dividing the parcels. Parcels located in separate or distant geographic areas, even if along the same roadway or corridor, do not satisfy the contiguity requirement of this paragraph ~~The application shall state the exact number of acres in the proposed cemetery.~~

Section 3. Subsection (2) of section 497.270, Florida Statutes, is amended to read:

497.270 Minimum acreage; sale or disposition of cemetery lands.—

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which meet the criteria set forth in s. 497.263(2)(g) ~~are in excess of a minimum of 30 contiguous acres,~~ may be sold, conveyed, or disposed of by the licensee, after obtaining written approval pursuant to procedures and using ~~utilizing~~ forms specified by rule and consistent with subsection (3), for use by the new owner for other purposes than as a cemetery. All of the human remains which have been previously interred therein must ~~shall~~ first be ~~have been~~ removed from the lands proposed to be sold, conveyed, or disposed of; however, ~~the provisions of ss. 497.152(8)(e) and 497.384 must be complied with before prior to~~ any disinterment of human remains. ~~Any and~~

597-02757-26

2026598c1

All titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale must ~~shall~~ be conveyed to and revested in the licensee ~~before prior to~~ consummation of any such sale, conveyance, or disposition.

Section 4. Subsection (4) of section 497.369, Florida Statutes, is amended to read:

497.369 Embalmers; licensure as an embalmer by endorsement; licensure of a temporary embalmer.—

(4) Each applicant for licensure by endorsement shall ~~must~~ pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies ~~which is~~ required under s. 497.368 and which shall be given by the licensing authority. Licensure by endorsement under subparagraph (1)(b)1. does not require any educational or testing requirements other than those required in this subsection.

Section 5. Subsection (4) of section 497.374, Florida Statutes, is amended to read:

497.374 Funeral directing; licensure as a funeral director by endorsement; licensure of a temporary funeral director.—

(4) Each applicant for licensure by endorsement shall ~~must~~ pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies ~~which is~~ required under s. 497.373 and which shall be given by the licensing authority. Licensure by endorsement under subparagraph (1)(b)1. does not require education or testing requirements other than those required in s. 497.373(2)(b).

Section 6. Paragraph (b) of subsection (1) of section 497.375, Florida Statutes, is amended to read:

597-02757-26

2026598c1

117 497.375 Funeral directing; licensure of a funeral director
118 intern.-

119 (1)

120 (b)1. Except as provided in subparagraph 2., an applicant
121 must hold the educational credentials required for licensure of
122 a funeral director under s. 497.373(1)(d).

123 2. An applicant who has not completed the educational
124 credentials required for a funeral director license is eligible
125 for licensure as a funeral director intern if the applicant:

126 a. Holds an associate degree or higher in any field from a
127 college or university accredited by a regional accrediting
128 agency recognized by the United States Department of Education.

129 b. Is currently enrolled in and attending a licensing
130 authority-approved course of study in mortuary science or
131 funeral service arts required for licensure of a funeral
132 director under s. 497.373(1)(d)2.

133 ~~c. Has taken and received a passing grade in a college~~
134 ~~credit course in mortuary law or funeral service law and has~~
135 ~~taken and received a passing grade in a college credit course in~~
136 ~~ethics.~~

137 Section 7. Subsection (3) is added to section 497.376,
138 Florida Statutes, to read:

139 497.376 License as funeral director and embalmer
140 permitted.-

141 (3) An applicant for a combination license by endorsement
142 as a funeral director and embalmer under s. 497.373 and s.
143 497.369, respectively, is not required to meet any educational
144 or testing requirements other than those in ss. 497.373(2)(b)
145 and 497.369(4).

597-02757-26

2026598c1

146 Section 8. Paragraph (a) of subsection (2) of section
147 497.377, Florida Statutes, is amended to read:

148 497.377 Combination funeral director and embalmer
149 internships.-

150 (2)(a) An applicant who has not completed the educational
151 credentials required for a combination license as both funeral
152 director and embalmer is eligible for licensure as a combination
153 funeral director and embalmer intern if the applicant:

154 1. Holds an associate degree or higher in any field from a
155 college or university accredited by a regional accrediting
156 agency recognized by the United States Department of Education;
157 or

158 2. Is currently enrolled in and attending a college
159 accredited by the American Board of Funeral Service Education
160 (ABFSE) in a course of study in mortuary science accredited by
161 ABFSE.

162 ~~2. Has completed at least 75 percent of the course of study~~
163 ~~in mortuary science as certified by the college in which the~~
164 ~~applicant is currently enrolled.~~

165 ~~3. Has taken and received a passing grade in a college~~
166 ~~credit course in mortuary law or funeral service law and has~~
167 ~~taken and received a passing grade in a college credit course in~~
168 ~~ethics.~~

169 Section 9. Present subsections (6) and (7) of section
170 497.386, Florida Statutes, are redesignated as subsections (7)
171 and (8), respectively, and a new subsection (6) is added to that
172 section, to read:

173 497.386 Storage, preservation, and transportation of human
174 remains.-

597-02757-26

2026598c1

(6) If any human remains have been in the lawful possession of any licensee or licensed facility for 90 days or more, and the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition, the licensee or licensed facility may dispose of the human remains. Any licensee or licensed facility that disposes of human remains pursuant to this subsection may not be held liable for any action arising out of such disposal.

Section 10. Paragraph (b) of subsection (7) of section 497.459, Florida Statutes, is amended to read:

497.459 Cancellation of, or default on, preneed contracts; required notice.—

(7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

(b)1. The notice in paragraph (a) must be provided by certified mail, registered mail, or permitted delivery service, ~~return receipt requested~~, to the last known e-mail or mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee. If the notice is returned as undeliverable within 30 calendar days after the preneed licensee sent the notice, the trustee ~~must~~ shall perform a diligent search and inquiry to obtain a different e-mail or mailing address for the purchaser or the beneficiary's legally authorized person, whichever is applicable. The board may adopt rules to implement this subparagraph ~~For purposes of this subparagraph, any address known and used by the purchaser or the beneficiary's legally authorized person, whichever is applicable, for sending regular mailings or other communications from the purchaser or the beneficiary's legally authorized person, whichever is~~

597-02757-26

2026598c1

~~applicable, to the preneed licensee or any address produced through a current address service or searchable database shall be included with other addresses produced from the diligent search and inquiry, if any. If the trustee's diligent search and inquiry produces an address different from the notice address, the trustee shall mail a copy of the notice by certified mail, registered mail, or permitted delivery service, return receipt requested, to any and all addresses produced as a result of the diligent search and inquiry.~~

2. If the purchaser or the beneficiary's legally authorized person, whichever is applicable, fails to respond to such notice within 120 days after delivery of the last mailed notice under subparagraph 1., the funds held in trust must be distributed in accordance with the terms of the preneed contract, the trust agreement, and any applicable provisions of chapter 717.

Section 11. Paragraph (a) of subsection (3) of section 497.607, Florida Statutes, is amended to read:

497.607 Cremation; procedure required.—

(3)(a) With respect to any person who intends to provide for the cremation of the deceased, if, ~~after 90 a period of 120~~ days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains. Such disposal includes ~~shall include~~ scattering them at sea or placing them in a licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule.

Section 12. Subsection (5) of section 627.404, Florida Statutes, is amended to read:

627.404 Insurable interest; personal insurance.—

597-02757-26

2026598c1

233 (5) A contract of insurance upon a person, other than a
234 policy of prepaid funeral contract, group life insurance or
235 group or blanket accident, health, or disability insurance, may
236 not be ~~carried out~~ ~~effectuated~~ unless, on or before the time of
237 entering into such contract, the person insured, having legal
238 capacity to contract, applies for or consents in writing to the
239 contract and its terms, except that any person having an
240 insurable interest in the life of a minor younger than 15 years
241 of age or any person upon whom a minor younger than 15 years of
242 age is dependent for support and maintenance may obtain
243 ~~effectuate~~ a policy of insurance on the minor.

244 Section 13. For the purpose of incorporating the amendment
245 made by this act to section 497.263, Florida Statutes, in a
246 reference thereto, subsection (5) of section 497.260, Florida
247 Statutes, is reenacted to read:

248 497.260 Cemeteries; exemption; investigation and
249 mediation.—

250 (5) Any religious-institution-owned cemetery exempt under
251 subsection (1), except those cemeteries qualifying under
252 paragraph (1)(d), which becomes affiliated with a commercial
253 enterprise must meet the requirements of s. 497.263.

254 Section 14. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 934

INTRODUCER: Community Affairs Committee and Senator Rodriguez

SUBJECT: Areas of Critical State Concern

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 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.

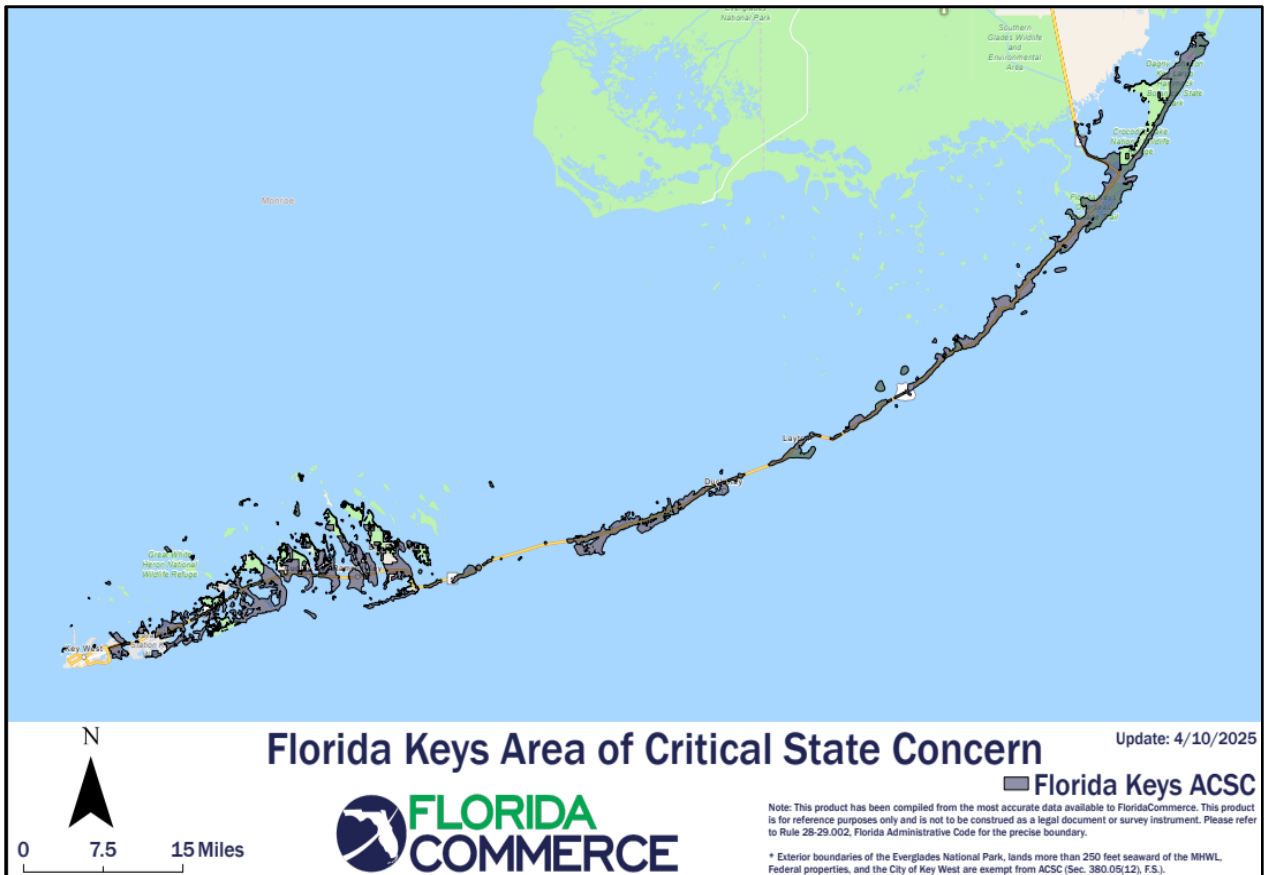
¹⁰ Regarding the principles for guiding development, DOC must recommend actions which state and regional agencies and local governments must accomplish to implement these principles. These actions may include, but are not limited to, revisions of the local comprehensive plan and adoption of land development 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-cmtty-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/here-comes-the-money-a-subcontractors-and-material-suppliers-guide-to-perfecting-construction-lien-and-bond-rights-under-florida-law/> (last visited Feb. 9, 2026).

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 from 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 three and ten 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.

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.

By the Committee on Community Affairs; and Senator Rodriguez

578-02728-26

2026934c1

A bill to be entitled

An act relating to areas of critical state concern; amending s. 255.05, F.S.; providing an exemption from specified payment and performance bond requirements for specified entities under specified conditions; amending s. 259.105, F.S.; extending the time period specific Florida Forever appropriations must be spent on land acquisition in the Florida Keys Area of Critical State Concern; providing an effective date.

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

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

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

(1) A person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority or private entity, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. A public entity may not require a contractor to secure a surety bond under this section from a specific agent or bonding company.

(h) A person may be exempted from executing the payment and

Page 1 of 3

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

578-02728-26

2026934c1

performance bond required under this subsection if the following conditions are met:

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

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

Section 2. Paragraph (b) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

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

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those

Page 2 of 3

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

578-02728-26

2026934c1

59 acquisitions which achieve a combination of conservation goals,
60 including protecting Florida's water resources and natural
61 groundwater recharge. At a minimum, 3 percent, and no more than
62 10 percent, of the funds allocated pursuant to this paragraph
63 shall be spent on capital project expenditures identified during
64 the time of acquisition which meet land management planning
65 activities necessary for public access. Beginning in the 2017-
66 2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~
67 fiscal year, at least \$5 million of the funds allocated pursuant
68 to this paragraph shall be spent on land acquisition within the
69 Florida Keys Area of Critical State Concern as authorized
70 pursuant to s. 259.045.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1260

INTRODUCER: Regulated Industries Committee and Senator DiCeglie

SUBJECT: Building Code Inspection Services

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1260 requires the Department of Management Services to enter into and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S., relating to alternative plans review and inspection.

The bill is not expected to negatively impact state government revenues and expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

The Division of Emergency Management (division) within the Executive Office of the Governor is the agency responsible for carrying out the provisions of ss. 252.31-252.90, F.S., relating to the implementation of the State Emergency Management Act (the act).

The division's duties include implementing "training programs to maintain this state's status as a national leader in emergency management."¹ These training programs may be provided by the division or, for county personnel, by a foundation that is a not-for-profit corporation under s. 501(c)(3) of the Internal Revenue Code and has a governing board that includes in its

¹ Section 252.35(2)(n), F.S.

membership county commissioners and professional county staff (foundation). If training is provided by a foundation, the division must approve the training.²

Each county and municipality is required to develop a poststorm permitting plan to expedite recovery and rebuilding by providing special building permit and inspection procedures after a hurricane or tropical storm. Such plans must include training requirements and protocols for supplemental personnel to ensure compliance with local floodplain management requirements that apply within the county or municipality.³

Building Code Inspectors

The Florida Building Code Administrators and Inspectors Board within the Department of Business and Professional Regulation regulates and certifies inspectors and plans examiners under part XII of ch. 468, F.S.

To qualify for certification as an inspector or plans examiner, a person must be at least 18 years of age, be of good moral character, and meet the experience and education requirements set forth in s. 468.609, F.S., which includes passing an examination.

Section 468.603(4), F.S., defines the term “building code inspector” to mean:

...any of those employees of local governments or state agencies, or any person contracted, with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

Building code inspectors include professionals in the following categories:⁴

- “Building inspector,” which means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.
- “Coastal construction inspector,” which means a person who is qualified to inspect and determine that buildings and structures are constructed to resist near-hurricane and hurricane velocity winds in accordance with the provisions of the governing building code.
- “Commercial electrical inspector,” which means a person who is qualified to inspect and determine the electrical safety of commercial buildings and structures by inspecting for compliance with the provisions of the National Electrical Code.
- “Electrical inspector,” which means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National Electrical Code.

² *Id.*

³ Section 252.381(2)(a), F.S.

⁴ Section 468.603(5), F.S.

- “Mechanical inspector,” which means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.
- “Plumbing inspector,” which means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.
- “Residential electrical inspector,” which means a person who is qualified to inspect and determine the electrical safety of one-family and two-family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.
- “Residential inspector,” which means a person who is qualified to inspect and determine that one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.

Section 468.603(8), F.S., defines the term “plans examiner” to mean:

...a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes.

Plans examiners include professionals in the following categories:

- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.

Private Providers

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code administrators, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.⁵ “Private provider” means a person licensed as a building code administrator, engineer, or as an architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.⁶

⁵ Ch. 2002-293, Laws of Fla.

⁶ Section 553.791(1)(n), F.S.

A private provider and their duly authorized representative⁷ may approve building plans and perform building code inspections, including single-trade inspections, as long as the plans' approval and building inspections are within the scope of the provider's or representative's license.⁸ All private provider services must be subject to a written contract between the private provider, or their firm, and the owner or the owner's contractor.⁹ Counties, municipalities, school districts, or independent special districts are authorized to use private providers for building code inspection services.¹⁰

A local government may establish, for private providers and duly authorized representatives working within the local government's jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.¹¹

If an owner or contractor opts to use a private provider for plans review or building inspection services, the local government must calculate the cost savings to its building department for not having to perform such services and reduce the building permit fees accordingly.¹² The reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a building department assesses the cost for its plans review or inspection services.¹³ Additionally, a local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee for the clerical and supervisory assistance required.¹⁴

A local government that provides access to permitting and inspection documents and reports using software that protects exempt documents from disclosure must provide equal access to private providers, owners, and contractors if a private provider is retained.¹⁵

An owner or contractor must notify the local government that a private provider has been contracted to perform building code inspection services, in writing on a form specifying the services to be provided, contact and licensure information, qualification statements or resumes, and an acknowledgement form from the owner or contractor. Such notice must be provided at the time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.¹⁶ After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, the owner or contractor may elect to use a private provider to perform inspection services by notifying the local building official by 2 p.m., two days before the next scheduled inspection.¹⁷

⁷ Section 553.791(1)(f), F.S., defines the term "duly authorized representative" to mean an agent of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building code administrator, inspector, or plans examiner.

⁸ Section 553.791(3), F.S.

⁹ Section 553.791(2)(a), F.S.

¹⁰ Section 553.791(22), F.S.

¹¹ Section 553.791(17)(b), F.S.

¹² Section 553.791(2)(b), F.S.

¹³ Section 553.791(2)(b), F.S.

¹⁴ Section 553.791(2)(b), F.S.

¹⁵ Section 553.791(2)(c), F.S.

¹⁶ Section 553.791(4), F.S.

¹⁷ Section 553.791(5), F.S.

A private provider performing required inspections must inspect each phase of construction as required by the applicable codes, and such inspection may be performed in person or virtually. A duly authorized representative of the private provider may perform the inspections, but the representative must be an employee of the private provider and entitled to receive reemployment assistance benefits under ch. 443, F.S., relating to reemployment assistance.¹⁸

Private providers are required to notify a building department of the approximate date and time of the inspection.¹⁹ However, private providers may perform emergency inspections of equipment replacements and repairs in emergency situations without notifying the local building official.²⁰ Local building officials may not prohibit private providers from performing inspections outside of the local building official's normal operating hours. The local building official is allowed to visit a building site as often as necessary to verify a private provider's performance of required inspections.²¹

For plans review, a private provider must review the plans to determine compliance with the applicable codes and prepare an affidavit certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.²² The affidavit may bear a written or electronic signature and be submitted electronically.²³ For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance.²⁴

Upon completion of the required inspections, a private provider is required to record the inspections on a form acceptable to the local building official which bears the provider's or their duly authorized representative's signature. The private provider must post and provide the inspection, indicating pass or fail to the local building official within two business days. The private provider may waive the requirements if the record is posted electronically or at the project site and all inspection records are submitted with the certificate of compliance. Unless the inspection records are posted electronically, the inspection records must be maintained at the building site and made available for review by the local building official.²⁵

The private provider must also prepare a certificate of compliance on a form acceptable to the local building official upon completion of the required inspections which summarizes the inspections and represents that the inspections were performed and the construction complies with the approved plans and codes.²⁶

Upon receipt of a building permit application and the required affidavit from the private provider, a building ^{official} has 20 business days, or five days if the permit application is related to

¹⁸ Section 553.791(8), F.S.

¹⁹ Section 553.791(9), F.S.

²⁰ Section 553.791(11), F.S.

²¹ Section 553.791(9), F.S.

²² Section 553.791(6), F.S.

²³ Section 553.791(6), F.S.

²⁴ Section 553.791(6), F.S.

²⁵ Section 553.791(12), F.S.

²⁶ Section 553.791 (13), F.S.

single-trade plans review for a single-family or two-family dwelling, to issue the permit or provide written notice of the plan features that do not comply with the codes.²⁷ If the local building official does not provide written notice of plan deficiencies within the prescribed time period, the permit application must be deemed approved and the permit must be issued on the next business day.²⁸ If the building official provides a written notice of plan deficiencies, the time period is tolled pending resolution of the matter.²⁹

Deficiency notices must be posted by the private provider, their duly authorized representative, or the building department. Local governments may not charge reinspection or reaudit fees resulting from the local government audit that occurs before a private provider performs their inspection, or for any other administrative matter involving the detection of Building Code or permit requirement violations.³⁰ The law further specifies the process for a private provider to submit revisions to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.³¹

Upon receipt of a request for a certificate of occupancy or certificate of completion and approval of all governmental approvals required by law, a building official has 10 business days, or two business days if the permit application is related to single-family or two-family dwellings, to issue the certificate of occupancy or certificate of completion or provide notice to the applicant identifying the specific deficiencies. If the local building official does not provide notice of the deficiencies within the required time period, the request is automatically granted the next business day, and the local building official must provide the written certificate of occupancy or certificate of completion within 10 days thereafter. Applicants are authorized to dispute any identified deficiencies or submit a corrected request.³²

Local building officials are authorized to deny permits or requests for certificates of occupancy or certificates of completion if they determine the construction or plans do not comply with applicable codes, subject to conditions to work with the private provider to resolve the dispute.³³ Section 553.791, F.S., does not limit the authority of local building officials to issue stop-work orders for any building project or portion thereof, if the official determines that a condition onsite constitutes an immediate threat to public safety and welfare.³⁴

A building department may audit private provider inspection services within its jurisdiction only after creating standard operating private provider audit procedures for internal staff. The same private provider or firm may not be audited more than four times per year unless the local building official determines the condition of a building is an immediate threat to public safety and welfare. Work may not be delayed for an audit by a building department.³⁵

²⁷ Section 553.791(7)(a), F.S.

²⁸ Section 553.791(7)(a), F.S.

²⁹ Section 553.791(7)(b), F.S.

³⁰ Section 553.791(9), F.S.

³¹ Section 553.791, F.S.

³² Section 553.791(14), F.S.

³³ Section 553.791(15), F.S.

³⁴ Section 553.791(17), F.S.

³⁵ Section 553.791(20), F.S.

All notices provided for under the law related to the regulation of private providers may be transmitted electronically and have the same legal effect as if physically posted or mailed.³⁶

Procurement of Commodities and Services

Chapter 287, F.S., regulates state agency procurement of personal property and services. The term “agency” is defined broadly to mean any unit of the executive branch of state government.³⁷ The Department of Management Services (DMS) is responsible for overseeing state purchasing activity, including professional and contractual services, as well as commodities needed to support agency activities.³⁸

The DMS is authorized to evaluate contracts let by the federal government, another state, or a political subdivision for the provision of commodities and contract services and, when it is determined to be cost effective and in the best interest of the state, to enter into written agreement authorizing a state agency to make purchases under such contract.³⁹ The DMS negotiates contracts and purchasing agreements that are intended to leverage the state’s buying power.

Section 287.056, F.S., requires agencies and permits eligible users⁴⁰ to purchase commodities and contractual services from purchasing agreements and state term contracts⁴¹ procured by the DMS.

III. Effect of Proposed Changes:

The bill amends s. 287.056, F.S., which relates to state agency purchases from purchasing agreement and state term contracts, to require the DMS to enter into and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S., relating to alternative plans review and inspection.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁶ Section 553.791(1)(h), F.S.

³⁷ Section 287.012(1), F.S. The term “agency” is defined as “any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. “Agency” does not include the university and college boards of trustees or the state universities and colleges.”

³⁸ See ss. 287.032 and 287.042, F.S.

³⁹ Section 287.042(16), F.S.

⁴⁰ Section 287.012(11), F.S., defines “eligible user” to mean any person or entity authorized by the Department of Management Services (DMS) pursuant to rule to purchase from state term contracts or to use the online procurement system.

⁴¹ Section 287.012(28), F.S., defines “state term contract” to mean a term contract that is competitively procured by the DMS pursuant to s. 287.057, F.S., and that is used by agencies and eligible users pursuant to s. 287.056, F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is not expected to negatively impact state government revenues and expenditures. The bill allows the DMS and other state agencies to purchase building code inspection services without additional procurements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 287.056 of the Florida Statute.

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

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

CS by Regulated Industries on February 10, 2026:

The committee substitute (CS):

- Requires the Department of Management Services to enter and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S.
- Changes the title of the bill from an act relating to building inspections during an emergency to an act relating to building code inspection services.

The CS deletes from the bill the provisions that:

- Amend s. 252.35(2)(n), F.S., to require the Division of Emergency Management to approve the training of the professionals listed in s. 468.634(2), F.S., if the training is provided by a foundation.
- Amend s. 252.381(2)(a), F.S., to require that the poststorm permitting plan that each county and municipality is required to develop include training programs for the professionals listed in s. 468.634(2), F.S.
- Create s. 468.634, F.S., to authorize the Governor to allow the listed professional to act in specified positions, if such persons are qualified for such work in a state that has a mutual aid agreement entered into pursuant to s. 252.40(2), F.S., and have taken a training program as described in the bill.

B. Amendments:

None.



167684

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (4) of section 287.056,
Florida Statutes, is redesignated as subsection (5), and a new
subsection (4) is added to that section, to read:

287.056 Purchases from purchasing agreements and state term
contracts; vendor disqualification.—

(4) For the purposes of recovery following a natural



167684

disaster that is subject to a state of emergency declared by the Governor, the department may enter into and maintain state term contracts with multiple vendors for the purpose of performing building code inspection services, as defined in s. 553.791(1), and debris removal services and make such services available to local governments during a state of emergency.

Section 2. Section 468.634, Florida Statutes, is created to read:

468.634 Certification by endorsement during a state of emergency.—

(1) Notwithstanding any other law, a person may act in any of the following positions under the direction of the local building official for a period of 1 year from the date of a declaration of a state of emergency issued by the Governor for a natural emergency, if such person has entered into a state term contract pursuant to s. 287.056, is qualified for such work in any state that has a mutual aid agreement pursuant to s. 252.40(2), or has held a valid license for such work in any state for 5 years immediately before the date of the declaration:

- (a) Building code inspector.
- (b) Building inspector.
- (c) Coastal construction inspector.
- (d) Commercial electrical inspector.
- (e) Electrical inspector.
- (f) Mechanical inspector.
- (g) Plumbing inspector.
- (h) Residential electrical inspector.
- (i) Residential inspector.



167684

(j) Plans examiner.

(k) Building plans examiner.

(l) Plumbing plans examiner.

(m) Mechanical plans examiner.

(n) Electrical plans examiner.

(2) As used in this section, the term "natural emergency" means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, a severe wave action, a drought, or an earthquake.

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

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

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to services during a state of
emergency; amending s. 287.056, F.S.; authorizing the
Department of Management Services to enter into state
term contracts for the provision of building code
inspection services and debris removal services;
creating s. 468.634, F.S.; authorizing individuals to
work in specified positions if they meet certain
requirements; defining the term "natural emergency";
providing an effective date.

By the Committee on Regulated Industries; and Senator DiCeglie

580-02717-26

20261260c1

1 A bill to be entitled
2 An act relating to building code inspection services;
3 amending s. 287.056, F.S.; requiring the Department of
4 Management Services to enter into and maintain state
5 term contracts for building code inspection services;
6 providing an effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Present subsection (4) of section 287.056,
11 Florida Statutes, is redesignated as subsection (5), and a new
12 subsection (4) is added to that section, to read:
13 287.056 Purchases from purchasing agreements and state term
14 contracts; vendor disqualification.—
15 (4) The department must enter into and maintain one or more
16 state term contracts with vendors for the purpose of providing
17 building code inspection services as defined in s. 553.791.
18 Section 2. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1300

INTRODUCER: Senator Calatayud

SUBJECT: Education and Workforce Development for Current and Former Inmates

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.	Sanders	Betta	AEG	Pre-meeting
3.			FP	

I. Summary:

SB 1300 amends s. 334.044, F.S., to expand duties of the Department of Transportation (DOT) to expend funds for a workforce development program. The bill allows the DOT to provide grants from the State Transportation Trust Fund to private educational providers and for certification and training opportunities within the Florida Transportation Academy.

The bill amends s. 334.62, F.S., to allow the DOT to coordinate with the Department of Corrections (DOC) to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and inmates who have two years or less remaining on their sentence. Such certification and training opportunities must include programs within the state correctional institutions or correctional facilities to train and license the specified inmates to operate a commercial motor vehicle. The bill requires the curriculum for such programs to include training for Class A and Class B commercial driver licenses.

The bill creates s. 446.55, F.S., to allow employers with 100 or fewer employees, to apply to the Department of Financial Services (DFS) for reimbursement of the proportionate cost of workers' compensation and automobile liability premiums paid during the fiscal year. The reimbursement applies to former inmates who have less than two years of commercial driving experience and who were hired during the previous fiscal year. The bill provides application for reimbursement requirements. Reimbursements are limited to \$5,000 per employee and \$20,000 per employer.

The bill amends s. 944.801, F.S., to allow the DOC's Correctional Education Program to develop and implement a vocational curriculum for implementation within the state correctional institutions or correctional facilities to train and license inmates to operate a commercial motor vehicle. Additionally, the bill requires the Correctional Education Program's annual report to contain specified information.

The bill amends ss. 945.091 and 945.0913, F.S., to allow an inmate to drive a state-owned vehicle if he or she is participating in, or a graduate of, a department career and technical education program or a contracted commercial driver license training program.

The bill has an indeterminate impact on state revenues and expenditures. *See Section V., Fiscal Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation:

Truck Driver Shortage

The United States continues to experience a persistent shortage of commercial truck drivers, with industry estimates indicating a shortfall in the tens of thousands of positions. In 2025, estimates placed the gap at more than 80,000 drivers, and projections suggest that long-term demand will require over 1.2 million new drivers over the next decade to replace retirees and keep pace with freight growth.¹ The shortage is driven in part by an aging workforce, high annual turnover, and challenges in attracting younger workers and addressing training barriers.²

Florida's labor market for CDL-A truck drivers includes an estimate of over 16,000 job openings statewide.³ State-level workforce development programs, including state colleges and district career centers, have highlighted the need for expanded training opportunities to address the shortage.⁴

Requirements to Obtain a Commercial Driver's License (CDL)

Federal law establishes minimum qualification standards for individuals operating commercial motor vehicles. Motor carriers are prohibited from permitting unqualified individuals to drive.⁵

To be qualified, a commercial driver must, among other requirements:⁶

- Be at least 21 years old;⁷

¹ TruckClub, *Trucking's Driver Shortage: What's Behind It and How the Industry is Responding* (Sept. 18, 2025), <https://www.truckclub.com/trucking-news/driver-shortage-in-trucking> (last visited Feb. 17, 2026).

² Freight Amigo, *The Ongoing US Truck Driver shortage: Impacts & Adaptions 2025*, <https://www.freightamigo.com/en/blog/logistics/the-ongoing-truck-driver-shortage-in-the-us-impacts-and-adaptations/> (last visited Feb. 17, 2026).

³ Florida Educator Preparation & Leadership Network 2025 Convening, *Florida' Labor Market Needs: CDL-A Truck Drivers*, p. 33, <https://www.fau.edu/education/academicdepartments/el/school-leaders/initiatives/leadership-learning-center/fepln/convening/2025-convening-presentation/documents/fepln-2025-day-1-ppt.pdf>. (last visited Feb. 17, 2026).

⁴ Spectrum News, Pinellas Technical College aims to bridge female truck driver gap, reduce storage, <https://baynews9.com/fl/tampa/news/2023/06/08/pinellas-technical-college-aims-to-bridge-female-truck-driver-gap--reduce-shortage> (last visited Feb. 17, 2026).

⁵ 49 C.F.R. s. 391.11(a).

⁶ 49 C.F.R. s. 391.11(b)(1)-(3).

⁷ An individual who is at least 18 years of age, but younger than 21, is restricted to intrastate operation only. <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/commercial-driver-license/> (last visited Feb. 17, 2026). *also*, 49 C.F.R. s. 383.71(a). A Commercial Learner's Permit can be issued to a person 18 years of age or older.

- Be able to read and speak the English language sufficiently to communicate with the general public, understand traffic signs and signals, respond to official inquiries, and accurately complete required reports and records; and
- Have the training, experience, or both, necessary to safely operate the type of commercial motor vehicle driven.

Drivers must also meet federal physical qualification standards, hold a valid commercial driver license issued by only one jurisdiction, not be subject to federal disqualification, and have successfully completed a road skills test or an equivalent licensing requirement accepted by the employing motor carrier.⁸

In Florida, CDLs are issued in three primary classes based on the type and weight of vehicle to be operated:⁹

- Class A licenses allow operation of any combination vehicle, such as e.g., tractor-trailers, with a gross vehicle weight rating of 26,001 pounds or more when the towed vehicle weighs more than 10,000 pounds;
- Class B licenses allow operation of a single vehicle with a gross vehicle weight rating of 26,001 pounds or more; and
- Class C licenses allow operation of vehicles not covered by Class A or B that either transport a specified number of passengers or hazardous materials.

Beginning, February 6, 2026, all driver license knowledge and skills examinations will be administered exclusively in English.¹⁰

Florida law prohibits the Department of Highway Safety and Motor Vehicles from issuing a driver license to a person who is an unauthorized alien or undocumented immigrant.¹¹

Florida Department of Transportation (FDOT)

The FDOT has several general powers and duties, including expending funds for a construction workforce development program, in consultation with affected stakeholders, for delivery of projects designated in the department's work program.¹² The FDOT may annually expend up to five million dollars from the State Transportation Trust Fund for fiscal years 2025-2026 through 2029-2030 in grants to state colleges and school districts, with priority given to state colleges and school districts in rural communities.¹³ These funds may be used for:

⁸ 49 C.F.R. s. 391.11(b)(4)-(7).

⁹ Florida Highway Safety and Motor Vehicles, License Classes, Endorsements & Designations, <https://www.flhsmv.gov/driver-licenses-id-cards/general-information/license-classes-endorsements-designations/> (last visited Feb. 17, 2026).

¹⁰ Florida Department of Highway Safety and Motor Vehicles, *Driver Licenses & ID Cards* (Jan. 30, 2026), <https://www.flhsmv.gov/2026/01/30/flhsmv-announces-driver-license-exams-to-be-administered-in-english-only/> (last visited Feb. 17, 2026).

¹¹ Section 322.033, F.S.

¹² Section 334.044(35), F.S.

¹³ See s. 288.0656(2), F.S. A rural community means a county with a population of 75,000 or fewer; a county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer; a municipality within a county described Florida statute; or an unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries,

- The purchase of equipment simulators with authentic original equipment manufacturer controls and a companion curriculum;
- The purchase of instructional aids for use in conjunction with the equipment simulators; and
- Supporting offering an elective course in heavy civil construction which must, at a minimum, provide the student with:
 - Occupational Safety and Health Administration 10-hour certification; and
 - Fill equipment simulator certification.¹⁴

Florida Transportation Academy (FTA)

In 2025, the Florida Legislature codified the FTA¹⁵ to prioritize the continued need for transportation industry workforce development programs. To support, promote, and sustain workforce development efforts in the transportation sector, the FDOT has the authority to coordinate with various entities,¹⁶ including the DOC. Coordination with the DOC is intended to identify and create certification and training opportunities for nonviolent inmates and to establish a process for notifying the FDOT when a nonviolent inmate seeking employment has a scheduled release date.¹⁷

Education for State Prisoners

The Bureau of Workforce Development within the DOC offers Career and Technical Education (CTE) programs throughout the state's correctional institutions and work camps.¹⁸ Currently, the DOC provides 92 CTE courses in 37 distinct vocational trades spanning 11 career clusters aligned to Florida's in-demand occupations. Expansion of programs has been achieved through contracted education partners, including state colleges, technical colleges, and community providers. Technical training, employability skill development, and industry-recognized credentialing are integrated into the CTE programs to ensure returning citizens are job-ready upon release.¹⁹

As part of these efforts, the DOC operates the (Correctional Education Program) CEP, which manages educational services in all state correctional facilities. The CEP develops, evaluates, and periodically updates CTE programs based on labor market demand and workforce needs.²⁰ In addition to curriculum development and evaluation, the CEP must annually report correctional education activities to the Secretary of Corrections.²¹ Current law does not specify the data elements that must be included in the report.

located in a county not defined as rural, which has at least three or more of the economic distress factors identified Florida statute and verified by the department.

¹⁴ Section 334.044(35), F.S.

¹⁵ Section 25, ch. 2025-155, L.O.F. *See also*, Florida Department of Transportation, *Florida Transportation Academy Construction Division*, <https://movingi4forward.com/workforce-development-landing-page/> (last visited Feb. 17, 2026).

¹⁶ *See* s. 334.62, F.S. The FDOT may coordinate with the DOC, the Department of Juvenile Justice, veteran's organizations, the Department of Commerce, CareerSource Florida, regional business communities, the American Council of Engineering Companies, and the Florida Transportation Builders Association.

¹⁷ Section 334.62(1), F.S.

¹⁸ Florida Department of Corrections, *Bureau of Workforce Development*, <https://www.fdc.myflorida.com/programs/bureau-of-workforce-development> (last visited Feb. 17, 2026).

¹⁹ *Id.*

²⁰ Section 944.801(1), (2), and 3(h) F.S.

²¹ Section 944.801(3)(f), F.S.

The CEP is authorized to establish specialized educational programs for inmates, including prison entrepreneurship programs and workforce certifications, and to adopt procedures for admitting student inmates. Programs may include in-prison education, development of business plans, graduation and certification of successful student inmates, and post release transitional or continuing education services. The DOC may implement programs in partnership with public or private colleges or universities, nonprofit organizations, or other authorized providers using existing resources.²²

Additionally, the CEP may work with the Department of Agriculture and Consumer Services, the Florida Forest Service Division, and the DFS, Division of State Fire Marshal to develop certifications and training programs, such as state forest staff training to protect homes, forestland, and natural resources from wildfires.²³

Department of Corrections Commercial Driver's License Training Opportunities

As part of broader workforce development efforts, vocational and pre-release programs may provide training related to CDLs. In Florida, workforce initiatives such as Florida HIREs, which involves CareerSource Florida and the DOC, have included training opportunities for in-demand occupations, including Class B commercial truck driving.²⁴ The Florida HIREs program currently operates at Kissimmee Community Release Center (Kissimmee CRC). Female inmates from Orlando Community Release Center that are eligible for the program are provided daily transport to and from Kissimmee CRC to participate in the program. Cohorts typically take six weeks to complete the program. The program is contracted for five cohorts for Fiscal Year 2025-2026, serving 75 total inmates for Class B CDLs.²⁵

Through contract with the Tallahassee State College, the DOC currently operates a Class A CDL program for work release inmates at Tallahassee Community Release Center. The 320-hour course is completed in over eight weeks. The program is contracted for two cohorts for Fiscal Year 2025-2026, serving 16 total inmates.²⁶

Inmate Transportation in Work-Released Program

An inmate is prohibited from driving a state-owned vehicle for the purpose of transporting other inmates who are participating in a work-release program that allows inmates to be gainfully employed in the community while remaining in the custody and supervision of the DOC.²⁷ Due to this prohibition and the required knowledge and skills tests, commercial vehicle driving programs are only offered to inmates housed at Work Release Centers, where testing and training

²² Section 944.801(5), F.S.

²³ Section 944.801(6), F.S.

²⁴ Florida Daily, CareerSource Florida, *Department of Corrections Honor Graduates of Commercial Driver License Program* (Feb. 2022), https://floridadaily.com/careersource-florida-department-of-corrections-honor-graduates-of-commercial-driver-license-program/#google_vignette (last visited Feb. 17, 2026).

²⁵ Florida Department of Corrections, *Agency Analysis of 2026 House Bill 325*, p. 2 (Nov. 21, 2025) (on file with the Senate Committee on Criminal Justice).

²⁶ *Id.*

²⁷ Section 945.0913, F.S.; see also s. 945.091(1)(b), F.S. and rule 33-601.605(9)(a), F.A.C.

facilities are available. Both Class A and Class B licenses require knowledge exams and skills tests, including pre-trip inspection, basic vehicle control, and on-road driving.²⁸

III. Effect of Proposed Changes:

The bill amends s. 334.044, F.S., to expand duties of the DOT to expend funds for a workforce development program. The bill allows for the DOT to expend funds from the State Transportation Trust Fund in grants to private educational providers and for certification and training opportunities within the Florida Transportation Academy.

The bill amends s. 334.62, F.S., to allow the DOT to coordinate with the DOC to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and inmates who have two years or less remaining on their sentence. Such certification and training opportunities must include programs within the state correctional institutions or correctional facilities to train and license the specified inmates to operate a commercial motor vehicle. The bill requires the curriculum for such programs to include training for Class A and Class B commercial driver licenses.

The bill creates s. 446.55, F.S., to allow employers, with 100 or fewer employees, to apply to the DFS for reimbursement of the proportionate cost of workers' compensation and automobile liability premiums paid during the fiscal year for former inmates who have less than two years of commercial driving experience and who were hired during the previous fiscal year. The bill requires the following information for the application for reimbursement:

- The number of employees for whom reimbursement is sought.
- Each employee's name, the date he or she was hired, the date on which he or she was issued a commercial driver license, the criminal offense for which the employee was convicted, and the final disposition of the employee's case.
- The total amount of reimbursement requested, and the method used by the employer to determine the proportionate share of the cost of premiums attributable to each employee.
- The employer's name, point of contact, and contact information.
- An attestation by the employer agreeing to maintain all documentation supporting the information provided in the application for at least five years.
- Any other information requested by the department.

The employee for whom reimbursement is sought must be a United States citizen or qualified noncitizen authorized to work in the United States who is proficient in English.

A reimbursement may not be sought for an employee who was convicted of any murder, manslaughter, sexual battery, robbery, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes.

Reimbursements are limited to \$5,000 per employee and \$20,000 per employer.

²⁸ Florida Department of Corrections, *Agency Analysis of 2026 House Bill 325*, (Nov. 21, 2025), pp. 2-3., (on file with the Senate Committee on Criminal Justice).

The bill amends s. 944.801, F.S., to allow the DOC's Correctional Education Program (CEP) to develop and implement a vocational curriculum for implementation within the state correctional institutions or correctional facilities to train and license inmates to operate a commercial motor vehicle. The curriculum must include training for Class A and Class B driver licenses, and participation is limited to prerelease inmates and inmates with two years or less remaining on their sentence. Additionally, the bill requires the CEP's annual report to include the following:

- The number of inmates who completed vocational training through the Correctional Education Program.
- The number of inmates who completed vocational training through the Correctional Education Program and were employed within six months after being released from prison.
- Statistics on whether the employed former inmates who completed training through the CEP are employed in an occupation aligned with their education and training received through the program.

The bill amends ss. 945.091 and 945.0913, F.S., to allow an inmate to drive a state-owned vehicle if he or she is participating in, or a graduate of, a department career and technical education program or a contracted commercial driver license training program.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The impact to the private sector is indeterminate as the number of inmates participating in the CEP is unknown. Additionally, Florida companies who apply for (and receive) the reimbursement of the proportionate cost of workers' compensations and automobile liability premiums paid for former inmates with less than two years of commercial driver experience, may experience a positive fiscal outcome. Trucking companies who participate in the hiring of former inmates who have completed the CDL training prescribed in the bill, may have a positive yet indeterminate fiscal impact, as training costs will be diminished.

C. Government Sector Impact:

There is an indeterminate negative impact on the DFS for reimbursement of the proportionate cost of workers' compensations and automobile liability premiums paid for former inmates with less than two years of commercial driver experience. Reimbursements are limited to \$20,000 per employer, however, it cannot be determined how many employers will apply for reimbursement.

There is an indeterminate negative impact on the DOC due to an increase in programming opportunities through the CEP, which may result in an increase in staffing or operational cost. The bill will require the DOC to update technology systems which can be absorbed within existing resources.²⁹

Additionally, the bill allows the DOT to annually expend up to \$5,000,000 in funds for a workforce development program, rather than solely for a construction workforce development program as previously specified.

VI. Technical Deficiencies:

The DOC's General Counsel raised a concern with Line 126 of the bill, stating:

It is not clear from the bill language if the intent is for the Department to only provide CDL training to inmates who are proficient in English or alternatively whether or how employers of inmates who are not proficient in English will get reimbursed as contemplated by Section 2 of the bill. Moreover, how proficiency will be established is not stated. Finally, it is not clear whether this provision is legally viable to the extent it may preclude fully trained inmates from finding employment by operation of the bill language.

In addition, the DOC, with regards to Lines 227-228, states "[I]t is not clear how an extension of the limits of confinement relates to or is necessary for implementation of s. 945.0913(2), F.S., since that provision restricts inmates to activities that take place on DOC [department] property or other state owned property." Further, the DOC indicates it is not clear from s. 945.0913(2), F.S., if the bill contemplates inmates leaving the limits of confinement.

²⁹ *Id.*

Furthermore, the DOC raises a concern with Lines 260-266, stating, “[I]t is not clear from the bill language whether the inmates described (1) must be licensed; (2) must be accompanied by an appropriately licensed driver while operating a motor vehicle if they are not licensed, or (3) are permitted to transport passengers, all of which could raise issues of DOC [Department] and inmate liability.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 334.044, 334.62, 944.801, 945.091, 945.0913.

This bill creates section 446.55 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Calatayud

38-00607A-26

20261300__

1 A bill to be entitled
 2 An act relating to education and workforce development
 3 for current and former inmates; amending s. 334.044,
 4 F.S.; authorizing the Department of Transportation to
 5 expend certain funds for all workforce development
 6 programs, rather than only construction workforce
 7 development programs; revising the entities to which
 8 and the purposes for which the department may provide
 9 certain grants; amending s. 334.62, F.S.; requiring
 10 that certification and training opportunities include
 11 training for specified commercial driver licenses for
 12 certain inmates; authorizing the department to use
 13 workforce development funds for certain certification
 14 and training opportunities; creating s. 446.55, F.S.;
 15 defining the term "employer"; authorizing employers to
 16 apply to the Department of Financial Services for
 17 reimbursement of the cost of certain workers'
 18 compensation and automobile liability premiums,
 19 subject to appropriation; providing requirements for
 20 the reimbursement application; providing requirements
 21 and restrictions for reimbursement; requiring the
 22 department to process an application and notify the
 23 applicant within a specified timeframe; requiring the
 24 department to coordinate with the employer for a
 25 certain purpose; providing reimbursement limits;
 26 amending s. 944.801, F.S.; requiring the Correctional
 27 Education Program under the Department of Corrections
 28 to include specified information in a report annually
 29 submitted to the Secretary of Corrections; authorizing

Page 1 of 10

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

38-00607A-26

20261300__

30 the Correctional Education Program to develop and
 31 implement a vocational curriculum in which certain
 32 inmates can earn specified commercial driver licenses;
 33 amending s. 945.091, F.S.; conforming a provision to
 34 changes made by the act; amending s. 945.0913, F.S.;
 35 authorizing inmates to drive a state-owned vehicle
 36 under certain circumstances; providing an effective
 37 date.
 38
 39 Be It Enacted by the Legislature of the State of Florida:
 40
 41 Section 1. Subsection (35) of section 334.044, Florida
 42 Statutes, is amended to read:
 43 334.044 Powers and duties of the department.—The department
 44 shall have the following general powers and duties:
 45 (35) To expend funds for a ~~construction~~ workforce
 46 development program, in consultation with affected stakeholders,
 47 for delivery of projects designated in the department's work
 48 program. The department may annually expend up to \$5 million
 49 from the State Transportation Trust Fund for fiscal years 2025-
 50 2026 through 2029-2030 in grants to state colleges, ~~and~~ school
 51 districts, and private educational providers, with priority
 52 given to state colleges and school districts in counties that
 53 are rural communities as defined in s. 288.0656(2), for
 54 certification and training opportunities within the Florida
 55 Transportation Academy, for the purchase of equipment simulators
 56 with authentic original equipment manufacturer controls and a
 57 companion curriculum, for the purchase of instructional aids for
 58 use in conjunction with the equipment simulators, and to support

Page 2 of 10

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

38-00607A-26

20261300

offering an elective course in heavy civil construction which must, at a minimum, provide the student with an Occupational Safety and Health Administration 10-hour certification and a fill equipment simulator certification.

Section 2. Subsection (1) of section 334.62, Florida Statutes, is amended to read:

334.62 Florida Transportation Academy.—The Legislature finds that the growth and sustainability of the transportation industry workforce is vital to the continued success and efficiency of the state's supply chain and economic competitiveness. In order to prioritize the continued need for transportation industry workforce development programs, the Florida Transportation Academy is established within the department. In order to support, promote, and sustain workforce development efforts in the transportation sector, the department may do all of the following:

(1) Coordinate with the Department of Corrections to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and inmates who have 2 years or less remaining on their sentence and create a notification process between the Department of Corrections and the department for nonviolent inmates with imminent scheduled-release dates who are expected to seek employment upon release. Such certification and training opportunities must include programs within the state correctional institutions or correctional facilities to train and license nonviolent, scheduled-release inmates and inmates who have 2 years or less remaining on their sentence to operate a commercial motor vehicle. The curriculum for such programs must include training

38-00607A-26

20261300

for Class A and Class B commercial driver licenses. The department's workforce development funds as described in s. 334.044(35) may be used to fund such certification and training opportunities.

Section 3. Section 446.55, Florida Statutes, is created to read:

446.55 Reimbursement for insurance premiums.—

(1) For purposes of this section, the term "employer" means an employer principally headquartered in this state which employed 100 or fewer employees as of the end of the calendar year immediately preceding the year in which reimbursement is sought.

(2) Subject to appropriation, employers may apply to the Department of Financial Services, in a format prescribed by the department, for reimbursement of the proportionate cost of workers' compensation and automobile liability premiums paid during the fiscal year for former inmates who have less than 2 years of commercial driving experience and who were hired during the previous fiscal year.

(a) An application for reimbursement must include all of the following information:

1. The number of employees for whom reimbursement is sought.

2. Each employee's name, the date he or she was hired, the date on which he or she was issued a commercial driver license, the criminal offense for which the employee was convicted, and the final disposition of the employee's case.

3. The total amount of reimbursement requested and the method used by the employer to determine the proportionate share

38-00607A-26

20261300__

of the cost of premiums attributable to each employee.

4. The employer's name, point of contact, and contact information.

5. An attestation by the employer agreeing to maintain all documentation supporting the information provided in the application for at least 5 years.

6. Any other information requested by the department.

(b) The employee for whom reimbursement is sought must be a United States citizen or qualified noncitizen authorized to work in the United States who is proficient in English.

(c) An employer may not request reimbursement for an employee who was convicted of any of the offenses in s. 945.091(5).

(3) Within 45 days after receipt of a completed application, the department must process the application and notify the applicant of approval or denial of the application. Before making its determination, the department must coordinate with the employer to verify the information on the application relating to the employer and the employees for whom reimbursement is sought.

(4) Reimbursements provided under this section are limited to \$5,000 per employee and \$20,000 per employer.

Section 4. Paragraph (h) of subsection (3) and subsections (5) and (6) of section 944.801, Florida Statutes, are amended to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(h) Develop a written procedure for selecting programs to

38-00607A-26

20261300__

add to or delete from the vocational curriculum. The procedure shall include labor market analyses that demonstrate the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the department shall evaluate the feasibility of adding vocational education programs that have been identified by the Department of Commerce, the Department of Education, or a regional coordinating council as being in undersupply in this state. The department shall periodically reevaluate the vocational education programs in major institutions to determine which of the programs support and provide relevant skills to inmates who could be assigned to a correctional work program that is operated as a Prison Industry Enhancement Program. The annual report of correctional education activities required under paragraph (f) must include all of the following information:

1. The number of inmates who completed vocational training through the Correctional Education Program.

2. The number of inmates who completed vocational training through the Correctional Education Program and were employed within 6 months after being released from prison.

3. Statistics on whether the employed former inmates who completed training through the Correctional Education Program are employed in an occupation aligned with their education and training received through the Correctional Education Program.

(5) The Correctional Education Program may:

(a) Establish a prison entrepreneurship program and adopt procedures for admitting student inmates. If the department elects to develop the program, it must include at least 180 days of in-prison education. The program curriculum must include a

38-00607A-26

20261300

component on developing a business plan, procedures for graduation and certification of successful student inmates, and at least 90 days of transitional and postrelease continuing educational services. Transitional and postrelease continuing educational services may be offered to graduate student inmates on a voluntary basis and are not a requirement for completion of the program. The department shall enter into agreements with public or private colleges or universities, other nonprofit entities, or other authorized providers under s. 1002.45(1)(a)1. to implement the program. The program must be funded with existing resources.

~~(b)(6) The Correctional Education Program may~~ Work in cooperation with the Department of Agriculture and Consumer Services, Florida Forestry Service Division, and the Florida Department of Financial Services, Division of State Fire Marshal to develop a program for implementation within state correctional institutions or correctional facilities to train and certify inmates as firefighters. The program should include, but not be limited to, certification of inmates as state forest staff trained to help protect homes, forestland, and natural resources from the effects of wildfires throughout the state.

(c) Develop and implement a vocational curriculum for implementation within the state correctional institutions or correctional facilities to train and license inmates to operate a commercial motor vehicle. The vocational curriculum must include training for Class A and Class B driver licenses, and participation in such curriculum is limited to prerelease inmates and inmates who have 2 years or less remaining to serve on their sentence.

38-00607A-26

20261300

Section 5. Paragraph (b) of subsection (1) of section 945.091, Florida Statutes, is amended to read:

945.091 Extension of the limits of confinement; restitution by employed inmates.—

(1) The department may adopt rules permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions and following investigation and approval by the secretary, or the secretary's designee, who shall maintain a written record of such action, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or nonprofit agency or faith-based service group in the community, while continuing as an inmate of the institution or facility in which the inmate is confined, except during the hours of his or her employment, education, training, or service and traveling thereto and therefrom. An inmate may travel to and from his or her place of employment, education, or training only by means of walking, bicycling, or using public transportation or transportation that is provided by a family member or employer. Contingent upon specific appropriations or as authorized in s. 945.0913(2), the department may transport an inmate in a state-owned vehicle if the inmate is unable to obtain other means of travel to his or her place of employment, education, or training.

1. An inmate may participate in paid employment only during

38-00607A-26

20261300

the last 36 months of his or her confinement, unless sooner requested by the Florida Commission on Offender Review or the Control Release Authority.

2. While working at paid employment and residing in the facility, an inmate may apply for placement at a contracted substance abuse transition housing program. The transition assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate. If an inmate requests and is approved for placement in a contracted faith-based substance abuse transition housing program, the specialist must consult with the chaplain before such placement. The department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an inmate toward a particular faith or religious preference.

Section 6. Section 945.0913, Florida Statutes, is amended to read:

945.0913 Inmates prohibited from driving state-owned vehicles to transport inmates in a work-release program; exception.—

(1) Except as provided in subsection (2), an inmate may not drive a state-owned vehicle for the purpose of transporting inmates who are participating in a work-release program authorized in s. 945.091(1)(b).

(2) An inmate may drive a state-owned vehicle if he or she is participating in, or a graduate of, a department career and

38-00607A-26

20261300

technical education program or a contracted commercial driver license training program. An inmate may only operate a state-owned vehicle on department property or other state-owned property that is specifically designated for career and technical education purposes.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1452

INTRODUCER: Banking and Insurance Committee and Senator Truenow

SUBJECT: Department of Financial Services

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1452 revises statutory provisions relating to the Department of Financial Services (DFS). The Chief Financial Officer (CFO) serves as the agency head of the DFS. The bill:

Division of Accounting and Auditing

- Provides rulemaking authority for the CFO to implement advance payments for multiyear software licenses and subscriptions.

Division of Funeral, Cemetery, and Consumer Services

- Clarifies licensure disqualification provisions for certain crimes. An applicant who has been found guilty of a felony of the first degree, felony involving prohibited conduct under ch. 497, F.S., (Funeral, Cemetery, and Consumer Services), ch. 787, F.S., (Kidnapping and Human Trafficking), ch. 794, F.S., (Sexual Battery), ch. 796, F.S., (Prostitution), ch. 800, F.S., (Lewdness and Indecent Exposure), ch. 825, F.S., (Abuse, Neglect, and Exploitation of an Elderly or Disabled Adult), ch. 827, F.S., (Abuse of Children), ch. 847, F.S., (Obscenity), or a felony involving moral turpitude is permanently barred from licensure.
- Provides that an applicant who is found guilty of a felony beyond the scope of the offenses listed above is barred from licensure for 10 years. An applicant who is guilty of a misdemeanor directly related to ch. 497, F.S., is barred for five years.

- Authorizes the Board of Funeral, Cemetery, and Consumer Services to adopt rules to implement these provisions.

The Division of Insurance Agent and Agency Services

- Streamlines the process for transferring an out-of-state license to Florida.
- Eliminates the license type, reinsurance intermediary, due to the license not being used.
- Authorizes the DFS to make provisions for applicants to voluntarily submit their cellular telephone number as part of the application process solely for the purpose of two-factor authentication of secure login to their licensing portal.
- Expands the exemption for an insurance application filing fee to include any veteran honorably discharged from the United States Armed Forces or their spouse, by removing the limitation within 24 months of discharge of the veteran.
- Removes the requirement for applicants to provide verification of home state license cancellation prior to being approved as a Florida resident licensee. Instead, the prior home state license must be cancelled within 30 days.
- Changes the grounds for compulsory the DFS action to include license reexamination under several circumstances in which the DFS deems the applicant or licensee is unqualified or has acted in bad faith.
- Changes the grounds for discretionary the DFS action to include requiring a license reexamination under circumstances for which disciplinary action is not compulsory.
- Clarifies a provision relating to title insurers and the applicability of ch. 626, F.S., to provide that title insurers, acting through corporate officers, are exempt from ch. 626, F.S., relating to title insurance licensing and appointment requirements.
- Requires a public adjuster to respond to a consumer's written or electronic request for information in 14 days, mirroring the existing timeline for a public adjuster to respond to the DFS.
- Eliminates the requirement of an applicant to submit a photo to the DFS as part of the bail bond application license.
- Clarifies that the insurer must obtain the Bail Bond Appointment Form to and secure all necessary certifications of the agent, rather than submitting them directly to the department, in an effort to minimize duplicative process.

The Division of Risk Management

- Authorizes the Division of Risk Management to determine what insurance coverage is necessary and procure insurance coverage directly rather than through the Department of Management Services. Further, the bill allows the DFS to contract with a broker directly, rather than procuring those services through the Department of Management Services.

The Division of Unclaimed Property

- Revises the short title of the Unclaimed Property Act to reflect the use of the term "abandoned property," aligning the title with the chapter's revised terminology and focus on property that has remained inactive for a defined period.

- Clarifies the meaning of the term, “abandoned property,” distinguish custodial holding from reporting status, and modernize terminology to reflect current business practices, electronic records, and evolving property types.
- Clarifies what constitutes an owner’s expression of continued interest in property. It provides a nonexclusive list of actions that rebut the presumption of abandonment, offering greater consistency in determining dormancy and reducing the likelihood that property will be reported despite meaningful owner engagement.
- Clarifies the conditions under which intangible property becomes subject to the custody of the DFS. It expressly ties custody to the expiration of the applicable dormancy period and the completion of required due diligence, reinforcing the distinction between property that is merely presumed abandoned and property that is reportable and transferable to state custody.
- Updates dormancy provisions for traveler’s checks, money orders, and checks to align owner-interest standards with those in s. 717.102, F.S. These changes promote uniform treatment across property types and reflect modern communication and recordkeeping practices.
- Revises dormancy triggers for equity and debt interests of business associations by reinstating returned mail as a dormancy trigger and extending the dormancy period tied to owner-initiated activity from three to five years. These changes better reflect meaningful owner inactivity and provide additional time and opportunity for owners to maintain or reestablish contact before the property is presumed abandoned.
- Strengthens holder due-diligence requirements by enhancing notice obligations and requiring more detailed, consumer-focused disclosures. For higher-value property (more than \$1,000), holders must send a second notice by certified mail. The bill also requires holders to certify that reports are complete and that all due diligence requirements have been satisfied, improving reporting accuracy and accountability. Additionally, the bill provides that securities identified as non-freely transferable or worthless are not reportable, reducing administrative burden and preventing delays in claims processing.
- Revises notice provisions of the DFS to ensure owners receive clear, accessible, and cost-effective notice after property is reported. It updates requirements for the publicly searchable electronic database to include owners with property valued at \$10 or more, improving transparency and owner access.
- Clarifies procedures for handling firearms discovered in abandoned safe-deposit boxes and requires a certified copy of a death certificate before the DFS may release wills or trust instruments, thereby protecting sensitive documents.
- Revises the structure governing the Unclaimed Property Trust Fund by eliminating the current \$15 million cap on the fund balance. The revised framework ensures sufficient funds are retained to pay claims and administer the program while continuing transfers to the State School Trust Fund in accordance with statutory forecasting.
- Strengthens claim verification requirements for certain claims, including those submitted on behalf of active corporations, by requiring additional identification.
- Strengthens claim verification requirements for certain claims, including those submitted on behalf of active corporations, by requiring additional identification. It clarifies the definition of “conflicting claim” and standardizes procedures for handling conflicting claims, promoting fairness and consistency in claims determinations.

- Clarifies which acts constitute violations of Chapter 717, F.S., and the procedures available to DFS for administrative and civil enforcement. These changes will improve consistency, transparency, and compliance without expanding enforcement authority.
- Reorganizes provisions governing the purchase of abandoned property by maintaining existing restrictions on claimant representatives while creating a new section governing purchases by persons or entities other than claimant representatives. The bill establishes detailed disclosure and documentation requirements, including minimum formatting standards, notarization, and consumer-protection safeguards to ensure owners receive a substantial portion of the property's value.
- Clarifies the public purpose underlying Chapter 717, F.S., reinforcing its role as a consumer protection program designed to safeguard abandoned property and facilitate its return to rightful owners through a custodial framework.
- Clarifies registration requirements and ongoing standards for claimant representatives, including disclosure obligations, minimum activity thresholds, and grounds for revocation. These changes strengthen oversight and promote accountability while maintaining access to representation for owners.

The Division of Workers' Compensation

- Changes the due date of the Three-Member Panel Report to the Legislature from every two years to every five years, which will provide the DFS additional time for the panel to assess and provide recommendations to improve the workers' compensation health care delivery system.
- Expands the methods by which health care providers can use to submit utilization and reimbursement dispute petitions to the DFS from the United States Postal Service certified mail to also include common carrier with verifiable tracking methods. The bill also extends the amount of time a provider has to file a petition with the DFS to resolve disputes from 45 days to 60 days after the receipt of notice of disallowance or adjustment of payment by the carrier.

My Safe Florida Home Program

- Revises eligibility on whether a residential property is attached or detached and its height, ensuring that applicants in attached residential properties of three stories or less may qualify for a full range of improvements, including roof replacements when recommended. These changes address inconsistencies in property appraiser classifications that can mislabel physically detached homes as condominiums, inadvertently disqualifying them from participation.
- Clarifies building-type definitions and how the age of a home is determined, relying on the construction date listed by property appraisers rather than the initial permit date, and codifies prior budget language eliminating an exemption that allowed certain higher-value homes to qualify based on income alone.
- Streamlines program administration and reduces disputes by reinforcing that only improvements recommended in the initial and final inspection reports are eligible for grant funding, including roof coverings when necessary to complete approved roof-related work.
- Establishes a 24-month deadline to submit a grant application after the initial inspection to eliminate a backlog of inactive applicants, extends the completion deadline for approved

improvements to 18 months without requiring an extension request, and allows applicants to certify their age directly to support program prioritization.

- Replaces the term “withdrawn” with “abandoned” to close out unresponsive applications and prevent reapplication, preserving grant funds for homeowners who actively participate and meet program requirements.

The bill has an indeterminate impact on state revenues and expenditures.

Provides the bill takes effect upon becoming a law.

II. Present Situation:

Department of Financial Services

The head of the Department of Financial Services (DFS) is the Chief Financial Officer (CFO) who may also be known as the Treasurer.¹ The CFO is the chief fiscal officer of the state and is responsible for settling and approving accounts against the state and keeping all state funds and securities.² Further, the CFO is designated as the State Fire Marshal.³ The DFS consists of the following divisions and offices:

- The Division of Accounting and Auditing.
- The Division of Consumer Services.
- The Division of Funeral, Cemetery, and Consumer Services.
- The Division of Insurance Agent and Agency Services.
- The Division of Investigative and Forensic Services.
- The Division of Public Assistance Fraud.
- The Division of Rehabilitation and Liquidation.
- The Division of Risk Management.
- The Division of State Fire Marshal.
- The Division of Treasury.
- The Division of Unclaimed Property.
- The Division of Workers’ Compensation.
- The Division of Administration.
- The Office of Insurance Consumer Advocate.

Payments, Warrants, and Invoices

Section 215.422, F.S., governs payments by state agencies or the judicial branch to vendors. An invoice submitted to a state agency or the judicial branch must be:

- Recorded in the financial systems of the state;
- Approved for payment by the agency or the judicial branch; and,
- Filed with the CFO no later than 20 days after receipt of the invoice with exceptions.⁴

¹ Section 20.121, F.S.

² Section 17.001, F.S.

³ Section 633.104, F.S.

⁴ Section 215.422(1), F.S.

In most cases, the DFS must approve payment of an invoice no later than 10 days after the agency the approved invoice.⁵ If a warrant in payment of an invoice is not issued within 40 days after receipt of the invoice and receipt, inspection, and approval of the goods and services, the agency or judicial branch must pay to the vendor interest at the statutory interest rate.⁶ Any interest that becomes due may only be paid from the appropriation charged for such goods or services.⁷

Payment for the use of perpetual software licenses is made within each appropriation year. However, software licenses and subscriptions are typically packaged in three-year or five-year increments, which allows for cost savings.

My Safe Florida Home Program

Background

Following the 2004 and 2005 hurricane seasons, where 2.8 million Florida homeowners suffered more than \$33 billion in insured property damage, 86 percent of the 4.4 million homes in Florida were built prior to the adoption of stronger building codes in 2002, and the average age of a home was 26 years, Florida began to experience a decline in the availability of property insurance and an increase in its cost.⁸ In 2006, the Legislature created the My Safe Florida Home Program (MSFH Program) within DFS.⁹ The original appropriation for the MSFH Program was \$250 million for a period not to exceed three years with any unused appropriated funds reverting to the General Revenue Fund on June 30, 2009.¹⁰

The MSFH Program was created with the intent to provide trained and certified inspectors to perform mitigation inspections for owners of site-built, single-family, residential properties, and mitigation grants to eligible applicants, subject to the availability of funds.¹¹ The Program was to “develop and implement a comprehensive and coordinated approach for hurricane damage mitigation...”¹² The Program allowed the DFS to undertake a public outreach and advertising campaign to inform consumers of the availability and benefits of the mitigation inspections and grants.¹³ From its inception to January 30, 2009, the Program received approximately 425,193 applications, performed more than 391,000 inspections and awarded 39,000 grants. From July 2007 through January 2009, MSFH Program expenditures totaled approximately

⁵ Section 215.422(2), F.S.

⁶ Section 215.422(3)(b), F.S.

⁷ Section 215.422(16), F.S.

⁸ Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Committee on Banking and Insurance).

⁹ The Legislature initially established the program as the Florida Comprehensive Hurricane Damage Mitigation Program (ch. 2006-12, L.O.F.) however, the name was subsequently changed in 2007 (ch. 2007-126, L.O.F.).

¹⁰ Chapter 2006-12, L.O.F.

¹¹ Section 215.5586, F.S.

¹² *Id.*

¹³ Section 215.5586(3), F.S.

\$151.9 million.¹⁴ Funding for the program ceased on June 30, 2009.¹⁵

Renewal and Funding of the MSFH Program

In May 2022, during Special Session 2022-D, and under a property insurance bill (SB 2-D), the Legislature reestablished the MSFH Program and appropriated \$150 million in nonrecurring funds from the General Revenue Fund designated for the following purposes:

- \$25 million for hurricane mitigation inspections;
- \$115 million for hurricane mitigation grants;
- Four million dollars for education and consumer awareness;
- One million dollars for public outreach to contractors, real estate brokers, and sales associates; and
- Five million dollars for administrative costs.¹⁶

During the 2023 Regular Legislative Session, the Legislature appropriated an additional \$100 million in nonrecurring funds from the General Revenue Fund for mitigation grants and \$2,065,000 for operations and administration costs.¹⁷ During Special Session 2023-C, the Legislature appropriated \$176,170,000 in nonrecurring funds from the General Revenue Fund for hurricane mitigation grants and \$5,285,100 for administrative costs. During the 2024 Regular Legislative Session, the Legislature appropriated \$200 million in nonrecurring funds from the General Revenue Fund for hurricane mitigation grants, inspections, and administrative costs.¹⁸ During the 2025 Regular Legislative Session, the Legislature appropriated \$280 million in nonrecurring funds from the General Revenue Fund for hurricane mitigation grants, inspections, and administrative costs.¹⁹

Division of Workers' Compensation

The Division of Workers' Compensation (DWC) provides regulatory oversight of Florida's workers' compensation system²⁰, which includes the enforcement of coverage requirements,²¹ administration of the workers' compensation health care delivery system,²² data collection,²³ and assisting injured workers, employers, insurers, and providers in fulfilling their responsibilities under ch. 440, F.S.²⁴ Whether an employer is required to have workers' compensation insurance depends upon the employer's industry and the number of its employees. Employers may secure coverage by purchasing a workers' compensation insurance policy or qualifying as a self-insurer.

¹⁴ Florida Auditor General, *Department of Financial Services, My Safe Florida Home Program, Operational Audit Report No. 2010-074* (Jan. 2010), https://flauditor.gov/pages/pdf_files/2010-074.pdf (last visited February 17, 2026).

¹⁵ Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Committee on Banking and Insurance).

¹⁶ Section 4, ch. 2022-268, L.O.F.

¹⁷ SB 2500 (2023); Specific Appropriations 2368A and 2368B, ch. 2023-239, Laws of Fla.

¹⁸ Section 2, ch. 2024-107, L.O.F.

¹⁹ SB 2500 (2025); Specific Appropriations 2139, 2140, 2141, and section 176 (ch. 2025-198, Laws of Fla.).

²⁰ Section 440.191, F.S.

²¹ Section 440.107(3), F.S.

²² Section 440.13, F.S.

²³ Sections 440.185 and 440.593, F.S.

²⁴ Section 440.191, F.S.

Florida's workers' compensation law provides for medically necessary treatment and care of injured employees, including medications.

Reimbursement for Health Care Providers

Health care providers must receive authorization from the insurer before providing treatment and must submit treatment reports to the insurer.²⁵ Insurers must reimburse an individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program at either the agreed-upon contract price or the maximum reimbursement allowance (MRA) in the appropriate schedule.²⁶

A three-member panel (panel) consisting of the CFO or his or her designee and two Governor's appointees sets the MRAs.²⁷ The DFS incorporates the statewide schedules of the MRAs by rule in reimbursement manuals. In establishing the MRA manuals, the panel considers the usual and customary levels of reimbursement for treatment, services, and care; the cost impact to employers for providing reimbursement that ensures that injured workers have access to necessary medical care; and the financial impact of the MRAs on healthcare providers and facilities.²⁸ Florida law requires the panel to develop MRA manuals that are reasonable, promote the workers' compensation system's health care cost containment and efficiency, and are sufficient to ensure that medically necessary treatment is available for injured workers.²⁹

Utilization and Reimbursement Disputes

A health care provider contesting the disallowance or adjustment of payment by a carrier must, within 45 days after receipt of notice of disallowance or adjustment of payment, petition the DFS to resolve the dispute.³⁰ Such petition must be served on the carrier and on all affected parties by certified mail.³¹ The petition must be accompanied by all documents and records that support the allegations contained in the petition.³²

Funeral, Cemetery, and Consumer Services

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (Act), provides for the regulation of funeral and cemetery services.³³ The Act authorizes the Board of Funeral, Cemetery, and Consumer Services (Board) within the DFS to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.³⁴

Section 20.121(4), F.S., creates the Board within the Division of Funeral, Cemetery, and Consumer Services of the DFS. The Board acts as the licensing and rulemaking authority for

²⁵ Section 440.13, F.S.

²⁶ Section 440.13(12)(a), F.S.

²⁷ *Id.*

²⁸ Section 440.13(12)(i), F.S.

²⁹ *Id.*

³⁰ Section 440.13(7)(a), F.S.

³¹ *Id.*

³² *Id.*

³³ See Section 497.001, F.S.

³⁴ Sections 497.101 and 497.103, F.S.

certain matters related to examinations and other substantive requirements for licensure within the death care industry under ch. 497, F.S., including facility requirements;³⁵

Funeral Director and Embalmer Licensure

The practice of funeral services is divided into three relevant licenses. Persons may be licensed as a funeral director,³⁶ an embalmer,³⁷ or with a combination license for the practice of funeral directing and embalming.³⁸

Applicants for an embalmer license must take courses in mortuary science, complete a one-year internship, pass state and federal law examinations, and pass the Funeral Services Science section of the national board examination prepared by the Conference of Funeral Service Examining Boards.³⁹ These applicants do not have to take courses in funeral service arts.

Applicants for a combination funeral directing and embalmer license must meet the requirements for an embalmer's license, as well as take approved courses in funeral service arts, and pass the funeral services arts section of the national board examination.⁴⁰

Similarly, applicants for a funeral director-only license are required to take classes in both mortuary science and funeral service arts whether or not the student wishes to apply for an embalming license or practice embalming. They must also complete a one-year internship, pass the state and federal laws and rules examination relating to the disposition of human remains, and pass the funeral services arts section of the national board examination.⁴¹

Division of Insurance Agent and Agency Services

Chapter 626, F.S., governs the regulation and licensure of insurance field representatives, navigators, insurance administrators, unauthorized insurers and surplus lines, viatical settlements, structured settlements, and operations.⁴² The powers and duties of the CFO and the DFS in part I of ch. 626, F.S., apply to insurance agents, insurance agencies, managing general agents, insurance adjusters, reinsurance intermediaries, viatical settlement brokers, customer representatives, service representatives, and agencies.⁴³

³⁵ See s. 497.103(1)(a)-(cc), F.S. Licenses available to natural persons include: embalmer apprentice and intern; funeral directors and intern; funeral director and embalmer, direct disposer, monument establishment sales agent, and preneed sales agent. Section 497.141(12)(a), F.S. Licenses available to natural persons, corporations, limited liability companies, and partnerships include: funeral establishment, centralized embalming facility, refrigeration facility, direct disposal establishment, monument establishment, cinerator facility, removal service, preneed sales business under s. 497.453, F.S., and cemetery. Section 497.141(12)(b)-(c), F.S.

³⁶ Section 497.372, F.S.

³⁷ Section 497.368, F.S.

³⁸ Section 497.376, F.S.

³⁹ Section 497.368, F.S.

⁴⁰ See s. 497.376(1), F.S.

⁴¹ Section 497.373, F.S.

⁴² This includes licensing and other requirements (part I), general lines agents (part II), life insurance agents (part III), health insurance agents (part IV), title insurance agents (part V), insurance adjusters (part VI), insurance administrators (part VII), and viatical settlements (part X).

⁴³ Section 626.016(1), F.S.

The Division of Insurance Agent and Agency Services (division) licenses and appoints individuals and entities authorized to transact insurance in Florida as provided in s. 626.016, F.S. Further, the division receives and reviews applications for insurance licenses and oversees the examination, licensing, and continuing education of licensees. The division conducts investigations of alleged violations of the Florida Insurance Code and refers suspected criminal violations to the Division of Criminal Investigations' Bureau of Insurance Fraud within the DFS or other law enforcement agencies as appropriate.⁴⁴ Further, DFS has jurisdiction to enforce provisions of parts VIII and IX of ch. 626, F.S., with respect to persons engaged in actions for which a license issued by DFS is required.⁴⁵

The DFS may not issue a license an agent, customer representative, adjuster, service representative, or reinsurance intermediary until the person has submits a written application, meets the necessary qualifications, and pays in advance all applicable fees.⁴⁶ Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have separated from service within 24 months before application, are exempt from the application fee.⁴⁷

- Section 626.292, F.S., provides that an individual licensed in good standing in another state may apply to have that license transferred to Florida for the same lines of authority covered by the license in the other state. To qualify for the transfer, the applicant must:
 - Become a Florida resident.
 - Have been licensed in the other state at least one year immediately preceding the date the individual became a Florida resident.
 - Submit a completed application, along with payment of the applicable fees.
 - Submit a certification from the other state identifying the type of license and lines of authority under the license and the applicant was in good standing at the time the license from that state was canceled; and a set of the applicant's fingerprints.
 - Satisfy any prelicensing education requirements.
 - Satisfy the examination requirement.⁴⁸

Grounds for Refusal, Suspension, or Revocation

Section 626.611, F.S., provides grounds for the mandatory denial of an application, suspension, revocation, or refusal to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent. One of these grounds is for "lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the license or appointment."⁴⁹

Section 626.621, F.S., provides grounds for the discretionary denial of an application, suspension, revocation, or refusal to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or

⁴⁴ Sections 624.307, 624.317, and 624.321, F.S.

⁴⁵ Section 626.016(3), F.S.

⁴⁶ Section 626.171(1), F.S.

⁴⁷ Section 626.171(6), F.S.

⁴⁸ Section 626.292(2), F.S.

⁴⁹ Section 626.611(1)(h), F.S.

managing general agent. One of these grounds is for the “[f]ailure to inform the department within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of one year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.”⁵⁰ These grounds do not include a finding that the applicant, licensee, or appointee had a resident license cancelled in another state.

Insurance Agents

In general, insurance agents transact insurance on behalf of an insurer or insurers. Insurance agents must be licensed by the DFS to act as an agent for an insurer, and be appointed (i.e., given the authority by an insurance company to transact business on its behalf) by at least one insurer to act as the agent for that particular appointing insurer or insurers.⁵¹

A “general lines agent” is an individual representing one or more of the following kinds of insurance: property insurance, casualty insurance, surety insurance, health insurance, or marine insurance.⁵² A “life agent” is an individual representing an insurer as to life insurance and annuity contracts, or acting as a viatical settlement broker.⁵³ A “health agent” is an individual representing a health maintenance organization or, as to health insurance only, an insurer transacting health insurance.⁵⁴ Any person applying to be a general lines agent, a health agent, or life agent, must be a “bona fide resident” of Florida.⁵⁵ An applicant that is a resident of another state at the time of application may be deemed a “bona fide resident” of Florida if the applicant furnishes a letter of clearance satisfactory to the DFS that the resident licenses from the other state have been canceled or changed to a nonresident basis and that such license is in good standing.⁵⁶

Public Adjuster

The DFS licenses public adjusters who meet pre-licensing requirements, which include submitting an application, paying required fees, complying with requirements as to knowledge, experience, or instruction, and submitting fingerprints. A policyholder who has sustained an insured loss may hire a public adjuster. The public adjuster will inspect the loss site, analyze the damages, assemble claim support data, review the insured’s coverage, determine current replacement costs, and confer with the insurer’s representatives to adjust the claim.⁵⁷ The definition of “public adjuster” excludes:

- A licensed health care provider or employee thereof who prepares or files a health insurance claim form on behalf of a patient.

⁵⁰ Section 626.621(10), F.S.

⁵¹ Section 624.112, (1), F.S.

⁵² See s. 626.015(7), F.S.

⁵³ Section 626.015(12), F.S.

⁵⁴ Section 626.015(8), F.S.

⁵⁵ Sections 626.731(1)(b), 626.785(1)(b), 626.831(1)(b), F.S.

⁵⁶ Sections 626.731(1)(b), 626.785(2), 626.831(2), F.S.

⁵⁷ Vukelich, L., *What is a public adjuster and what do they do?* (Sept. 08, 2025), Bankrate, <https://www.bankrate.com/insurance/homeowners-insurance/hiring-a-public-adjuster/#when-should-you-hire-a-public-adjuster> (last visited February 17, 2026).

- A licensed health insurance agent who assists an insured with coverage questions, medical procedure coding issues, balance billing issues, understanding the claims filing process, or filing a claim, as such assistance relates to coverage under a health insurance policy.
- A person who files a health claim on behalf of another and does so without compensation.⁵⁸

A public adjuster may not receive compensation for services provided before the date the insured receives an unaltered copy of the executed contract, or the date the executed contract is submitted to the insurer.⁵⁹ A public adjuster contract for a property and casualty claim must include:

- The full name, permanent business address, phone number, e-mail address, and license number of the public adjuster;
- The full name and license number of the public adjusting firm;
- The insured's full name, street address, phone number, and e-mail address;
- A brief description of the loss;
- The percentage of compensation for the public adjuster's services in minimum 18-point bold type before the space reserved in the contract for the signature of the insured;
- The type of claim, including an emergency claim, nonemergency claim, or supplemental claim;
- The initials of the named insured on every page that does not contain the insured's signature;
- The signatures of the public adjuster and all named insureds; and
- The signature date.⁶⁰

An unaltered copy of the executed contract must be provided to the insured at the time of execution and to the insurer, or the insurer's representative, within seven days after execution.⁶¹

A public adjusting firm that adjusts claims primarily for commercial entities with operations in more than one state and that does not directly or indirectly perform adjusting services for insurers or individual homeowners is deemed to comply with the contract requirements if, at the time a proof of loss is submitted, the public adjusting firm remits to the insurer an affidavit signed by the public adjuster or public adjuster apprentice that identifies:

- The full name, permanent business address, phone number, e-mail address, and license number of the public adjuster or public adjuster apprentice.
- The full name of the public adjusting firm.
- The insured's full name, street address, phone number, and e-mail address, together with a brief description of the loss.
- An attestation that the compensation for public adjusting services will not exceed the limitations provided by law.
- The type of claim, including an emergency claim, nonemergency claim, or supplemental claim.⁶²

⁵⁸ Section 626.854(2), F.S.

⁵⁹ Section 626.8796(3), F.S.

⁶⁰ Section 626.8796(2), F.S.

⁶¹ *Id.*

⁶² *Id.*

A public adjuster is required to provide to the insured or claimant a written estimate of the loss to assist in any claim for insurance proceeds within 60 days after the date of the contract.⁶³

Title Insurers

Title insurers are exempt from the provisions of ch. 626, F.S., relating to title insurance licensing and appointment requirements, and may only act through officers and agents.⁶⁴ However, a corporate office can occasionally issue and countersign binders, commitments, and policies.⁶⁵

Bail Bond Agents and Agencies

A bail bond is a guarantee by a third-party that a defendant in a criminal case will appear in court at all scheduled proceedings. A bail bond agent posts a surety bond to secure the defendant's release from custody; the defendant provides money or other collateral to secure the bail bond and forfeits the premium (10 percent of the amount of bail set by the court) if he or she fails to appear in court or comply with other conditions of the bond. Bail bond agents must be licensed by the DFS and appointed by insurance carriers to execute bail bonds. If a defendant fails to appear in court, the bail bond agent may apprehend and detain the defendant until the defendant is surrendered to the authorities.⁶⁶

Bail bond agents may execute or sign bonds, handle collateral receipts, deliver bonds to appropriate authorities, or operate an agency or branch agency at a separate location from the supervising bail bond agent, managing general agent, or insurer that employs the bail bond agent.⁶⁷

Licensure as a Bail Bond Agent

All applicants for bail bond licenses must submit fingerprints for a national criminal background check and pay an application fee. Bail bond agents may not have been convicted of a felony, must be age 18 or older, and must be eligible to work in the United States. A bail bond agent must be appointed by a licensed insurer, and the insurer must report the appointment to the DFS. A bail bond agent may not charge a premium other than the rate that has been approved by the Office of Insurance Regulation (OIR) and must retain records related to any bail bonds the agent has executed or countersigned for at least three years after the liability of the surety has been terminated. Additionally, bail bond agents must register with the sheriff and the clerk of the circuit court in the county where the bail bond agent resides. Bail bond agents may not solicit clients at a jail, prison, or courthouse, and may not pay fees for referrals from any person working in the law enforcement community.⁶⁸

⁶³ Section 626.854(12)(a), F.S.

⁶⁴ Section 626.8427(4), F.S.

⁶⁵ Section 626.8427(5), F.S.

⁶⁶ Sections 648.24 and 624.26, F.S. *See also* Department of Financial Services, Division of Consumer Services, *Bail Bonds Overview*, <https://www.myfloridacfo.com/division/consumers/understanding-insurance/bail-bonds-overview> (last visited February 17, 2026).

⁶⁷ Section 648.355, F.S.

⁶⁸ Sections 648.355, 648.33, 648.34, 648.35, 648.36, 648.382, 648.42, and 648.44, F.S.

Ownership of a Bail Bond Agency

The owner of a bail bond agency must be a licensed and appointed bail bond agent.⁶⁹ The owner or operator of a bail bond agency must designate a primary bail bond agent who is responsible for the overall operation and management of a bail bond agency location and file the name and license number of the primary bail bond agent and the address of the bail bond agency with the DFS. A primary bail bond agent may supervise only one location, is responsible for hiring employees and may not employ or contract with any person who has been found guilty of a felony.⁷⁰

Florida Disposition of Unclaimed Property Act

Chapter 717, F.S., is entitled the Florida Disposition of Unclaimed Property Act, which the DFS administers. The DFS collects and returns unclaimed property belonging to Florida residents. Unclaimed property is any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain number of years. Unclaimed property may include savings and checking accounts, money orders, travelers' checks, uncashed payroll or cashiers' checks, stocks, bonds, other securities, insurance policy payments, refunds, security and utility deposits, and contents of safe deposit boxes.⁷¹ Until claimed, unclaimed money is deposited into the State School Trust Fund to be used for public education.

A claimant representative, who must be a Florida-licensed attorney, a licensed Florida-certified public accountant (CPA), or a private investigator licensed under Chapter 493, F.S., is required to register with DFS.⁷² A claimant representative must register with DFS on a form designated by the DFS and provide certain documentation (including tax identification number, identification, electronic funds transfer information, business address, and employees and agents) and credentials as to their status as an attorney, certified public accountant, or private investigator.⁷³ In order to move forward in obtaining unclaimed property on a potential client's behalf, the representative must first obtain the client's authorization.

Chapter 717, F.S., details how to determine whether property held by a person belonging to another is unclaimed and how to dispose of it. Any intangible property or income held in the possession of a "holder"⁷⁴ for the benefit of another is presumed unclaimed if the owner fails to claim such property for more than five years after the property becomes payable or distributable.⁷⁵

Once the five year period elapses, the holder may file a petition with the DFS and request that the DFS accept custody of the property.⁷⁶ Upon delivery of property to the DFS, the state assumes custody and responsibility for the safekeeping of the property. So long as the person

⁶⁹ Section 648.285, F.S.

⁷⁰ Sections 648.25(6) and 648.387, F.S.

⁷¹ Sections 717.104-717.116, F.S.

⁷² Section 717.124, F.S.

⁷³ Section 717.1400, F.S.

⁷⁴ Section 717.101(12), F.S., defines "holder" as a person, wherever organized or domiciled, who is in possession of property belonging to another; a trustee in case of a trust; or indebted to another on an obligation.

⁷⁵ Section 717.102(1), F.S.

⁷⁶ Section 717.117(5), F.S.

who delivers the property to the DFS has done so in good faith, he or she is relieved of any liability to manage the property.⁷⁷ While the DFS serves as the custodian for the State of Florida, it does not assume legal ownership of the property.⁷⁸

To notify owners of their unclaimed property, the DFS employs various methods, including database searches.⁷⁹ Residents have the right to claim their property at any time, irrespective of the amount, without incurring any costs.⁸⁰ Unclaimed funds are deposited into the State School Trust Fund to support public schools.⁸¹ Importantly, the original amount reported as unclaimed can always be claimed by the owner or their heirs at no cost.⁸²

Recent Federal Litigation Relating to Florida’s Disposition of Unclaimed Property Act⁸³

On May 16, 2025, the U.S. Appeals Court for the 11th Circuit vacated a 2023 district court ruling in *Aleida Maron et al v. Chief Financial Officer of Florida*. Plaintiffs in the case alleged that the state’s Unclaimed Property Act (Act) violates the Takings Clause of the Fifth Amendment⁸⁴ by authorizing Florida to take their property without compensating them for their earnings.

Alieida Maron learned that she was entitled to unclaimed property that had been delivered to the DFS, premium refunds in the amount of \$26.24, based on Florida's online records. Because the Act, as Maron alleged, precludes her from obtaining earnings that accrued on her refund after it entered Florida's custody, she filed a class action complaint against Jimmy Patronis, the former Chief Financial Officer of the State of Florida, in his official capacity.

The district court dismissed the suit for failure to state a claim reasoning that, because the Act could have constitutionally escheated their property altogether, the state could keep custody of the property or return it without any compensation, let alone compensation for the property and earnings.

In its 2023 ruling, the district court wrote, “The Florida Disposition of Unclaimed Property Act requires the holder of property that is unclaimed for a specified period – property that appears to be abandoned – to turn the property over to the state... The Act gives the owner unlimited time to recover the property or the proceeds of the property’s sale or other conversion to money. But the Act does not require the state to pay interest or other compensation for the period when the property was abandoned. This does not violate the United States Constitution Fifth Amendment Taking Clause.”

⁷⁷ Section 717.1201(5), F.S.

⁷⁸ Sections 717.104-717.116, F.S.

⁷⁹ Florida Department of Financial Services, *Agency Analysis of Senate Bill 1434*, p. 1 (Feb. 9, 2021) (on file with the Senate Committee on Agriculture, Environment, and General Government).

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Aleida Maron et al v. Chief Financial Officer of Florida*, 136 F.4th 1322 (N.D. Fla. 2025) U.S. Court of Appeals for the Eleventh Circuit.

⁸⁴

The appeals court disagreed, writing, “The Act provides that after an owner fails to claim property for a set number of years, the property is ‘presumed unclaimed.’ It does not say that property unclaimed for several years becomes abandoned or ‘presumed abandoned.’ And, after the unclaimed property is placed in the state’s custody, the Act does not provide for a transfer of title but merely gives the state ‘custody and responsibility for the safekeeping of the property.’”

In vacating the dismissal and returning the case to the district court, the appeals court panel recommended that the parties focus on three issues:

- Whether the refund was the plaintiffs’ property, that is, whether they in fact abandoned their property before or when it entered the state’s custody and, if the Act itself effectuated an abandonment of property, whether the Act did so constitutionally.
- Whether the State “directly appropriated” the property “for its own use.”
- If the state appropriated the plaintiffs’ private property for the state’s own use, the Act fails to provide just compensation.

Florida’s Consensus Estimating Conference

Economic, demographic, resource-demand, and revenue forecasts are essential for a variety of governmental planning and budgeting functions. Revenue and resource-demand estimates are needed to ensure that Florida meets its constitutional balanced budget requirement. In this regard, the various forecasts are used primarily in the development of the constitutionally required Long-Range Financial Outlook, the Governor’s budget recommendations, and the General Appropriations Act. Economic and demographic forecasts are also used to support the other estimates of revenues and demands for state services.⁸⁵ Florida’s Consensus Estimating Conference includes the Economic Estimating Conference, the Demographic Estimating Conference, the Revenue Estimating Conference, the Education Estimating Conference, the Criminal Justice Estimating Conference, the Occupational Forecasting Conference, the Early Learning Programs Estimating Conference, the Self-Insurance Estimating Conference, the Florida Retirement System Actuarial Assumption Conference, and the Social Services Estimating Conference.⁸⁶

The Revenue Estimating Conference (REC) is responsible for developing anticipated state and local government revenues needed for the state planning and budget system. Each forecast includes, at a minimum, a 10 year time period. The Unclaimed Property/State School Trust Fund falls under the REC.⁸⁷ The REC discusses estimates of receipts and refunds to owners from unclaimed property and the subsequent distributions into the State School Trust Fund. The REC reviews available data and then publishes an executive summary, conference results and a financial outlook statement.⁸⁸

⁸⁵ Office of Economic and Demographic Research, Consensus Estimating Conference, <https://edr.state.fl.us/Content/conferences/index.cfm#revenue> (last visited Feb. 17, 2026).

⁸⁶ Office of Economic and Demographic Research, *Statutes Governing Estimating Conferences*, <https://edr.state.fl.us/Content/conferences/statute.pdf> (last visited Feb. 17, 2026). See ss. 216.133-216.138, F.S.; Consensus means the unanimous consent of all the principals of a consensus estimating conference.

⁸⁷ *Id.*

⁸⁸ Office of Economic and Demographic Research, Revenue Estimating Conference, Unclaimed Property/State School Trust Fund, <https://edr.state.fl.us/Content/conferences/stateschooltrustfund/index.cfm> (last visited Feb. 17, 2026).

Unclaimed Property/State School Trust Funds

Section 717.123(1), F.S., authorizes the Division of Unclaimed Property (division) to retain an ongoing balance of up to \$15 million in the Unclaimed Property Trust Fund. The trust fund is used for the prompt payment of claims and the division's administrative costs, with excess funds transferred to the State School Trust Fund. The funds deposited into the State School Trust Fund are used to support public schools.^{89v}

When there is a deficiency in any state fund provided for by s. 215.32, F.S., the Governor may order a temporary transfer of money from other funds within the State Treasury.⁹⁰

Historically, the division receives approximately eighty percent of its fiscal year receipts during the months of April, May and June. However, approximately 75 percent to 80 percent of the total claims paid for the fiscal year are paid out in March. To meet operating and administrative costs, the Unclaimed Property Trust Fund annually seeks a trust fund loan through the state's budget amendment process.⁹¹ The division applies the REC's projected claim payment to the historical percentage of claims through March to yield an amount for a trust fund loan. The loan must be reimbursed by the end of the operating fiscal year.⁹²

III. Effect of Proposed Changes:

Payments, Warrants, and Invoices

Section 1 amends s. 215.422, F.S., relating to payments, warrants and invoices, to authorize the advanced payment of multi-year software licenses. Currently, the state is allowed to purchase subscriptions, and perpetual software licenses each fiscal year. This practice does not consider that prepayments of software subscriptions for multiple years may provide cost savings for the state. In recent years, the practices of the technology industry have significantly changed, including how software licenses are packaged, often being packaged in three- or five-year increments at a reduced cost per year.

My Safe Florida Home Program (Program)

Section 2 amends s. 215.5586, F.S., relating to the My Safe Florida Home Program to:

- Define the terms “attached,” “detached,” and “single-family”.
- Provide that a home for which the inspection is sought must be a single-family unit on an individual parcel of land that is:
 - A detached residential property; or
 - An attached residential property not exceeding three stories.
- Provide that an applicant may submit a subsequent hurricane mitigation inspection application for the same home if more than 24 months have passed since the applicant

⁸⁹ FLTreasureHunt.Gov, *General Questions*, <https://www.fltreasurehunt.gov/UP-Web/sitePages/FAQs.jsp> (last visited Feb. 17, 2026).

⁹⁰ Section 215.18(1), F.S.

⁹¹ Section 215.18, F.S.

⁹² Budget Amendment Request, Fiscal Year 2024-2025, Department of Financial Services, *EOG Log Number: 00024* (May 21, 2024), Temporary Trust Fund Loan – Stat. Auth. 215.18, F.S. (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government). *See also*, s. 215.18, F.S.

received a hurricane mitigation inspection under this section, and the applicant has not received a grant payment through the program for that inspection.

- Provide that a grant may be spent on replacing a roof covering.
- Provide that improvements must be identified by the final hurricane mitigation inspection to receive grant funds.
- Provide that the Program may accept a certification directly from an applicant attesting to his or her age if the applicant provides such certification in a signed or electronically verified statement made under penalty of perjury.

Coordinating Council

Section 3 amends s. 215.96, F.S., relating to the Coordinating Council (Council), to add the executive director of the Department of Revenue and to eliminate members of obsolete organizations. The Council must review and recommend to the Financial Management Information Board solutions and policy alternatives to ensure coordination between functional owners of the various information subsystems described in ss. 215.90-215.96, F.S. The section also revises and reorganizes the duties and powers of the Council as it relates to the Florida Financial Management Information System to include:

- Review and coordinate annual workplans to ensure that the Florida Financial Management Information System remains aligned across participating entities.
- Must ensure that each participating entity submits an annual work plan by October 1 of each year.
- Review and discuss the workplans, identify potential impacts or conflicts, facilitate resolutions when practicable, and expedite unresolved issues as appropriate.

Procurement of Insurance, Excess Insurance, Reinsurance, and Services

Section 4 amends s. 284.08, F.S., relating to insurance coverage of state buildings, to authorize the Department of Financial Services (DFS) to determine necessary property insurance coverage and to directly purchase insurance, excess insurance, and reinsurance rather than through the Department of Management Services (DMS), notwithstanding the requirements of s. 287.022(1), F.S. This provision provides that the procedures for purchasing insurance, whether the purchase is made by the Department of Management Services or by the agencies, must be the same as those established for the purchase of commodities. The DFS is also authorized to contract with an insurance broker or reinsurance broker to market the insurance program, and to facilitate the purchase of insurance, reinsurance, and excess insurance on behalf of the DFS. Currently, such coverage must be procured through the Department of Management Services, pursuant to part I of ch. 287, F.S.

Section 5 amends s. 284.33, F.S., relating to the procurement of insurance, reinsurance, and services, to authorize the DFS to directly purchase insurance, reinsurance, and excess insurance as necessary, rather than through the DMS, notwithstanding the provisions of s. 287.022(1), F.S. This provision provides that the procedures for purchasing insurance, whether the purchase is made by the DMS or by the agencies, must be the same as those established for the purchase of commodities. Further, the DFS may contract with an insurance or reinsurance broker to market the insurance program and facilitate the purchase of insurance, excess insurance, and reinsurance

on behalf of the DFS. Currently, such coverage must be procured through the DMS, pursuant to part I of ch. 287, F.S.

Workers' Compensation Utilization and Reimbursement Disputes and the Three-Member Panel

Section 6 amends s. 440.13, F.S., relating to medical services and supplies, to allow reimbursement dispute petitions to be served via U.S. Post Office certified mail or by common carrier with verifiable tracking methods. The section lengthens the response time a provider has to petition the Division of Workers' Compensation to resolve a dispute from 45 days to 60 days after receipt of notice of disallowance or adjustment of a payment by a carrier. This section is further amended to require the DFS to submit a three-member panel biennial report every five years, rather than every two years.

Funeral, Cemetery, and Consumer Services Licensure

Section 7 creates s. 497.1411, F.S., relating to disqualification of applicants and licenses, to provide the DFS the authority to permanently disqualify a licensure applicant who has been found guilty of or has pleaded guilty or nolo contendere to, regardless of adjudication, a felony of the first degree, any felony directly or indirectly involving conduct regulated under ch. 497, F.S., or a felony involving moral turpitude. An applicant who has been found guilty of or has pleaded guilty or nolo contendere to some other crime, regardless of adjudication, is subject to:

- A 10-year disqualifying period for all felonies not requiring permanent disqualification; however, an applicant who has completed at least one-half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if, during that time, the applicant has not been found guilty of, or has not entered a plea of guilty or nolo contendere to, any offense.
- A five-year disqualifying period for all misdemeanors directly related to ch. 497, F.S.

The Board of Funeral, Cemetery, and Consumer Services (Board) is required to adopt rules to administer these provisions. Such rules must provide for additional disqualifying periods due to the commitment of multiple crimes and may include other factors reasonably related to the applicant's criminal history and must provide for mitigating and aggravating factors. However, mitigation may not reduce any disqualifying period to less than five years and may not be applied to reduce the five-year disqualifying period for all misdemeanors directly related to ch. 497, F.S.

The disqualifying period begins upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence. The Board may not approve issuance of a license to an applicant until the applicant provides proof that all related fines, court costs, fees, and court-ordered restitution have been paid.

After the disqualifying period has expired, the applicant has the burden to demonstrate that he or she has been rehabilitated, does not pose a risk to the public, is fit and trustworthy to engage in business regulated by ch. 497, F.S., and is otherwise qualified for licensure. An applicant who has been found guilty of, or has pleaded guilty or nolo contendere to, a crime in subsection (2) or subsection (3), and who has subsequently been granted a pardon or the restoration of civil rights

is not barred or disqualified from licensure; however, such a pardon or restoration of civil rights does not require the Board to award such license.

If an applicant clearly and convincingly demonstrates that he or she would not pose a risk to persons or property if licensed, the Board may grant an exemption from such disqualification to any person disqualified under subsection (3) if:

- The applicant has paid in full any fee, fine, fund, lien, civil judgment, restitution, or cost of prosecution imposed by the court as part of the judgment and sentence for any disqualifying offense; and
- At least two years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for a disqualifying offense.

The disqualification periods do not apply to the renewal of a license or to a new application for licensure if the applicant has an active license as of July 1, 2026, and the applicable criminal history was considered by the board on the prior approval of any active license or licenses held by the applicant.

Section 8 amends s. 497.142, F.S., to remove the 10-year limitation on the disclosure of an applicant's criminal history and to require the disclosure of any felony, not just those felonies directly or indirectly related to or involving any aspect of the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery operations, or cemetery monument or marker sales or installation.

Division of Insurance Agent and Agency Services

Section 10 amends s. 626.171, F.S., relating to application for license as an agent, to remove reference to the unused licensure category of "reinsurance intermediary" and to authorize the DFS to accept the uniform application for resident agents and adjusters. The bill further provides that the submission by applicants of cellular telephone numbers to the DFS for the purpose of two-factor authentication of secure login credentials is voluntary. The bill also expands the current exemption for an insurance agent application filing fee to include any veteran honorably discharged from the United States Armed Forces or their spouses by removing the limitation of the exemption from the fee if the application is submitted within 24 months of their separation of service.

Section 11 amends s. 626.292, F.S., relating to transfer of a license from another state, to remove the requirement for persons transferring a license from another state to cancel the license in another state before the DFS issues the license in Florida for resident agent or all-lines adjuster. The bill provides that an applicant may hold a resident license in another state for 30 days after the Florida resident license has been issued to facilitate the transfer of licensure between states.

Grounds for Refusal, Suspension, or Revocation

Section 12 amends s. 626.611, F.S., relating to the penalties the DFS may impose for actions that constitute grounds for mandatory refusal, suspension, or revocation of licensure, to include

requiring license reexamination. The bill also specifies that the ground for discipline for failure to pass to the satisfaction of the DFS any examination required under the Florida Insurance Code includes cheating on an examination required for licensure or violating test center or examination procedures.

Section 13 amends s. 626.621, F.S., regarding the penalties the DFS may impose for actions that constitute grounds for a discretionary action against a licensee or applicant for licensure, to provide that in addition to application denial, renewal denial, suspension, or revocation of a license or an appointment of an agent, adjuster, customer representative, service representative, or managing general agent, for a violation of this section, the DFS may require license reexamination. This section provides that cheating on an examination required for licensure or violating test center or examination procedures published orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator is a violation of the section.

Insurance Agents

Section 14 amends s. 626.731, F.S., relating to qualifications for general lines agent's license, to remove the provision that an applicant from another state for a general lines agent's license may be deemed a "bona fide resident" of Florida if the applicant furnishes a letter of clearance satisfactory to the DFS that the resident licenses from the other state have been canceled or changed to a nonresident basis and that such license is in good standing.

Section 15 amends s. 626.785, F.S., relating to qualifications for license, to remove the provision that an applicant from another state for a life insurance agent's license may be deemed a "bona fide resident" of Florida if the applicant furnishes a letter of clearance satisfactory to the DFS that the resident licenses from the other state have been canceled or changed to a nonresident basis and that such license is in good standing.

Section 16 amends s. 626.831, F.S., relating to qualifications for license, to remove the provision that an applicant from another state for a health insurance agent's license may be deemed a "bona fide resident" of Florida if the applicant furnishes a letter of clearance satisfactory to the DFS that the resident licenses from the other state have been canceled or changed to a nonresident basis and that such license is in good standing.

Public Adjuster

Section 18 amends s. 626.854, F.S., relating to public adjuster defined and prohibitions, to provide that a public adjuster, public adjuster apprentice, or public adjusting firm must respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within 14 days after the date of the request and shall document in the file the response or information provided.

Title Insurers

Section 9 amends s. 626.0428, F.S., relating to agency personnel powers, duties, and limitations, to provide a technical conforming change to remove a reference to s. 626.0428(5), F.S., which is deleted in **Section 17** of the bill.

Section 17 amends s. 626.0428, F.S., relating to title insurance agent licensure and exemptions, to clarify that title insurers, acting through corporate officers, or attorneys are exempt from licensing and appointment requirements under ch. 626, F.S., relating to title insurance licensing and appointment requirements. Subsection (5) of s. 626.0428 is deleted since it conflicted with subsection (4), which is amended, as described above.

Section 19 repeals s. 627.797, F.S., relating to exempt agent list, which requires insurers to file a list of attorney agents with DFS. However, the report appears to be obsolete since the Division of Agent and Agency Services does not use the list.

Bail Bond Agents and Agencies

Section 20 amends s. 648.34, F.S., relating to bail bond agents and qualifications, to remove the requirement that a bail bond applicant must provide a recent photograph as part of the application process since their photo is already taken by the examination vendor who issues the license badge.

Section 21 amends s. 648.382, F.S., relating to appointment of bail bond agents and bail bond agencies, to require that prior to any insurer or managing general agent appointing a bail bond agent or bail bond agency, the insurer or agent must obtain, rather than submit, all of the required information.

Florida Disposition of Unclaimed Property Act

(Sections 22 through 73)

The Unclaimed Property Act (Act), which is codified in ch. 717, F.S., is substantially revised by replacing the term, “unclaimed property,” with the term, “abandoned property.” **Section 22** renames the Act the “Florida Disposition of Abandoned Personal Property Act.” Technical, conforming changes are made in the Act to use the term, “apparent owner,” instead of “owner.”

Section 23 amends s. 717.101, F.S., to revise and create definitions. The bill creates a definition of the term, “abandoned property,” which means property held by a holder for which all the following are true:

- The apparent owner has shown no activity or indication of interest for the duration of the applicable dormancy period established under this chapter.
- The holder has complied with the due diligence requirements set forth in this chapter, including the issuance of notice to the apparent owner, and has received no response or contact sufficient to demonstrate continued interest in the property.

The bill defines “abandoned property purchase agreement” to mean the form adopted by the DFS pursuant to s. 717.135, F.S., which must be used, without modification or amendment, by a claimant representative to obtain consent to purchase abandoned property from an owner.

The bill defines “abandoned property recovery agreement” to mean the form adopted by the DFS pursuant to s. 717.135, F.S., which must be used, without modification or amendment, by a claimant representative to obtain consent and authority to recover abandoned property on behalf of a person.

The bill revises the definition of the term, “apparent owner,” to mean the person whose name appears on the record of the holder as the owner of the abandoned property, but whose status as the true owner entitled to receive the property may be subject to change due to the passage of time or changes in circumstances.

The bill defines the term “authorized representative” to mean a person or entity legally empowered to act on behalf of the apparent owner or his or [her] estate, including but not limited to, an agent, a fiduciary, a personal representative, a trustee, a legal heir, a guardian, or any other individual or entity authorized by law or agreement.

The term “banking organization” is revised to include financial organizations including savings associations, banking organizations, international bank agencies, cooperative banks, building and loan associations.

The definition of the term, “claimant,” is revised to expressly exclude locators, who engage in locating owners of abandoned property for a fee but are not registered with the DFS. A locator is defined to mean a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. A locator is not an employee or agent of the state and is not registered with the DFS.

The definition of the term, “holder,” is revised to mean a person who is in possession of property belonging to another or whom owes a debt or an obligation to another person, including but not limited to, financial institutions, insurance companies, corporations, partnerships, fiduciaries, and government agencies.

The definition of the term, “intangible property,” is amended to specify the term does not include a non-freely transferable security; or a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder’s or owner’s ability to receive, transfer, sell, or otherwise negotiate the security.

The bill provides the term “locator” to mean a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. The bill specifies locators are not employees or agents of the state and are not registered with the DFS.

The bill creates a definition of the term, “non-freely transferable security” to mean a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

The bill revises the definitions of the terms, “owner,” “lawful charges” and “record.” The bill repeals obsolete terms.

Section 24 amends s. 717.102, F.S., relating to property presumed unclaimed, to provide that, unless otherwise specified, the dormancy period is five years from the date the property becomes

payable or distributable. Property must be considered payable or distributable property once the holder's obligation to pay or deliver the property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment. This section also makes technical changes to include references to abandoned property versus unclaimed property.

Further, the section provides that a presumption that property is abandoned may be rebutted by the affirmative demonstration of continued interest by the apparent owner or authorized representative. The section clarifies how an apparent owner may demonstrate continued interest in the property. Routine automatic transactions previously excluded are not considered an indication of continued interest.

Section 25 amends s. 717.103, F.S., relating to general rules for taking custody of intangible unclaimed property, to clarify the conditions under which intangible property becomes subject to the custody of the DFS. It expressly ties custody to the expiration of the applicable dormancy period and the completion of required due diligence by the holder, reinforcing the distinction between property that is merely presumed abandoned and property that is reportable and transferable to state custody. The section makes technical changes related to the term abandoned property versus unclaimed property.

Section 26 repeals s. 717.1035, F.S., an obsolete provision.

Section 27 amends s. 717.104, F.S., relating to traveler's checks and money orders, to update dormancy provisions for traveler's checks and money orders to align owner-interest standards with s. 717.102, F.S. These changes promote uniform treatment across property types and reflect modern communication and recordkeeping practices

Sections 28, 29, 31 through 34, 36 through 41, 45, 46, 48 through 50, 52-53, 55 through 66, 68 through 71, and 73 through 74. These sections make technical updates to reflect the change from "unclaimed property" to "abandoned property," as well as updating the term, "owner" with the term, "apparent owner," and use of the term, "authorized representative," and other terms.

Section 30 amends s. 717.106, F.S., relating to bank deposits and funds in financial organizations, to update dormancy provisions for bank deposits to align owner-interest standards with those in s. 717.102, F.S. These changes promote uniform treatment across property types and reflect modern communication and recordkeeping practices.

Section 35 amends s. 717.1101, F.S., relating to unclaimed equity and debt of business associations, to revise dormancy triggers for equity and debt interests of business associations by reinstating returned mail as a dormancy trigger and extending the dormancy period tied to owner-initiated activity from three to five years. The bill provides that stock, other equity interests, or debt of a business association is presumed abandoned if on the date of the earliest of any of the following:

- Three years after the communication sent by the holder by first class mail is returned to holder undelivered by the United States Postal Service. If such returned communication is resent within one month to the apparent owner, the three-year dormancy period does not begin until the day the resent item is returned undeliverable.

- Five years after the most recent communication of any account was initiated by the apparent owner or their authorized representative which demonstrates continued interest in the account.

The bill provides that if a holder does not send communications to the apparent holder of a security by first class mail annually, the holder must attempt to confirm the apparent owner's interest in the equity interest by sending the apparent owner an e-mail communication not later than three years after the apparent owner's or authorized representative's last demonstration of continued interest.

The holder is required to attempt to contact the apparent owner promptly by first class mail if the holder does not have an email address or believes the email address is invalid. If the holder's first class mail is returned to the holder, the equity interest is presumed abandoned.

The bill provides that routine automatic reinvestments or other routine transactions previously authorized by the apparent owner or authorized representative do not prevent, interrupt, or reset the dormancy period and do not constitute an affirmative demonstration of continued interest. These changes are intended to reflect meaningful owner inactivity and provide additional time and opportunity for owners to maintain or reestablish contact before the property is presumed abandoned.

The section makes technical changes related to the term abandoned property versus unclaimed property.

Section 42 amends s. 717.117, F.S., to enhance holder due-diligence requirements by enhancing notice obligations and requiring more detailed, consumer-focused disclosures. Holders of property presumed abandoned that has a value of \$50 or more must use due diligence to locate and notify apparent owners by first class mail. For higher-value property of \$1,000 or more, holders must send a second notice by certified mail. Property is presumed abandoned upon the expiration of the applicable dormancy period in ch. 717, F.S., The section also requires holders to certify that reports are complete and that all due diligence requirements have been satisfied, improving reporting accuracy and accountability. Additionally, the section provides that securities identified as non-freely transferable or worthless are not reportable, reducing administrative burden and preventing delays in claims processing.

Section 43 amends s. 717.118, F.S., to revise the notice provisions provided by the DFS to ensure owners receive clear, accessible, and cost-effective notice after property is reported. The DFS must use cost-effective means to make at least one active attempt to notify apparent owners of abandoned property valued at \$50 or more, abandoned tangible property and abandoned shares of stock for which a reported address or taxpayer identification number is available. It updates requirements for the publicly searchable electronic database to include owners with property valued at \$10 or more, improving transparency and owner access.

Section 44 amends s. 717.119, F.S., to clarify procedures for handling firearms discovered in abandoned safe-deposit boxes and requires a certified copy of a death certificate before the department may release wills or trust instruments, thereby protecting sensitive documents.

Section 47 amends s. 717.123, F.S., relating to deposit of funds, to revise the structure governing the Unclaimed Property Trust Fund by eliminating the current \$15 million balance cap. The bill requires the Revenue Estimating Conference to determine the amount of funds the DFS needs to retain on an annual basis to make prompt payment of claims and the administrative costs incurred by the DFS in administering and enforcing the provisions of ch. 717, F.S. The Revenue Estimating Conference (REC) is also tasked with determining the amount of funds that the DFS must transfer to the State School Fund on annual basis. The revised framework ensures sufficient funds are retained to pay claims and administer the program while continuing transfers to the State School Trust Fund in accordance with statutory forecasting. Before the close of each fiscal year, the DFS is required to the State School Trust Fund no more than the transfer amount estimated by the REC. The bill also renames the Unclaimed Property Trust Fund to the Abandoned Property Trust Fund.

Section 51 amends s. 717.12404, F.S., to strengthen the claim verification requirements for certain claims, including those submitted on behalf of active corporations to include a valid driver's license of the person acting on behalf of the corporation, business entity, or trust.

Section 54 amends s. 717.1241, F.S., to strengthen the claim verification requirements for conflicting claims for the same abandoned property, including those submitted on behalf of active corporations, by requiring additional identification. It clarifies the definition of "conflicting claim" and standardizes procedures for handling conflicting claims, promoting fairness and consistency in claims determinations.

Sections 67 and 70 amend ss. 717.1322 and 717.1341, F.S., respectively, to clarify which acts constitute violations of ch. 717, F.S., and the procedures available to the DFS for administrative and civil enforcement.

Section 72 creates s. 717.1356, F.S., relating to purchase of abandoned property, to specify agreements for purchases of abandoned property reported to the DFS shall be valid only if all of the following conditions are met:

- The agreement is entitled "Florida Abandoned Property Purchase Agreement" and is in writing, in minimum 12-point type.
 - The agreement includes the social security number or taxpayer identification number of the seller, if a number has been issued to the seller; a valid e-mail address, mailing address, and telephone number for the seller; and is manually signed and dated by the seller with the signature notarized.
 - The agreement discloses with specificity the nature and value of the abandoned property, including the name of the apparent owner as shown by the records of the DFS, the name of the holder who remitted the property, the date of last contact, and the property category. With respect to the value of the abandoned property, the agreement must contain the following:
 - The total dollar amount of all abandoned property to be sold.
 - The total percentage of the value of the abandoned property to be paid as net gain to the purchaser.
 - The total net dollar amount to be received by the seller
 - The agreement states the abandoned property account number for each abandoned property account sold.

- The purchase price does not discount the total value of all abandoned property subject to the sale by more than 30 percent.
- The agreement states that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.
- The agreement includes the name, address, e-mail address, and phone number of the purchaser.
- The agreement states that the abandoned property is currently in the DFS' custody and that the seller can claim the property directly from the DFS on its electronically searchable website without being charged a fee. The agreement must provide the DFS' website address.
- A seller may cancel a purchase agreement without penalty or obligation within 15 business days after the date on which the agreement was executed. The agreement must contain the following language in minimum 12-point type: "You may cancel this agreement for any reason without penalty or obligation to you within 15 days after the date of this agreement by providing notice to ... (name of purchaser) ..., submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address or e-mail address specified in the agreement."
- A copy of an executed Florida Abandoned Property Purchase Agreement must be filed with the purchaser's claim, along with proof that the purchaser has made payment in full, and all other required documentation. If proof of payment is not provided, the DFS may not approve the claim.
- A purchase agreement under this section that discounts the value of abandoned property by more than the amount authorized in paragraph (1)(e) is enforceable only by the seller.

Sections 75 amends s. 717.139, F.S., to provide Legislative intent and findings and clarify the public purpose underlying ch. 717, F.S., reinforcing the program's role as a consumer protection program designed to safeguard abandoned property and facilitate its return to rightful owners through a consistent custodial framework. The section provides that it is the intent of the Legislature that property reported under ch. 717, F.S., remains the property of the owner, and the State of Florida acts solely as a custodian, not as the owner, of such property.

Section 76 amends s. 717.1400, F.S., to clarify registration requirements and ongoing standards for claimant representatives, including disclosure obligations, minimum activity thresholds, and grounds for revocation.

Sections 77 and 78 provide technical conforming changes to update statutory cross references in ss. 197.582 and 626.9541, F.S.

Section 79 reenacts s. 772.13, F.S., for the purpose of incorporating a change within s. 717.101, F.S.

Effective Date

Section 80 provides that the bill takes effect upon becoming a law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The increased due diligence requirements for abandoned property may result in increased administrative costs on holders of financial accounts and securities.

C. Government Sector Impact:

The bill has an indeterminate impact on state revenues and expenditures. According to the Department of Financial Services, the following provisions will have a fiscal impact:

- Authorizing the state to prepay for multiyear licenses is expected to save 10 to 20 percent from advance pay from a one-year contract to a three-year period.
- Extending the length of time members of the military, veterans, and their spouses would be exempt from the insurance agent application licensing fee beyond 24 months is expected to have a minimum fiscal impact on revenues.
- Revising provisions of the unclaimed property program, such as enhanced owner notification requirements, including additional written notice for higher value property, will increase postage, mailing, and data research costs.⁹³

⁹³ Department of Financial Services, *2026 Legislative Bill Analysis of SB 1452* (Jan. 28, 2026) (on file with Banking and Insurance Committee staff).

The Revenue Estimating Conference (REC) currently forecasts the Unclaimed Property/State School Trust Fund. Removing the Unclaimed Property Trust Fund \$15 million balance cap would negate the need for a trust fund loan. The bill requires the REC to determine the amount of funds the DFS needs to retain on an annual basis to make prompt payment of claims and the administrative costs incurred by the DFS in administering and enforcing the provisions of ch. 717, F.S. The REC is also tasked with determining the amount of funds that the DFS must transfer to the State School Fund on an annual basis.

VI. Technical Deficiencies:

Sections 3 and 4 of the bill provide “notwithstanding the requirements of s. 287.022(1), F.S., the Department of Financial Services (DFS) is authorized to procure insurance coverage directly without going through the Department of Management Services’ (DMS) procurement process. However, s. 287.022(1), F.S., provides that the procedures for purchasing insurance, whether the purchase is made by the DMS or by the agencies, shall be the same as those set forth herein for the purchase of commodities. It appears that this provision may exempt the DFS from the general procurement provisions of ch. 287, F.S., for the procurement of insurance coverage and insurance and reinsurance brokers.

Line 3738 refers to a “Florida-certified public account,” instead of a Florida-certified public accountant.

Language contained on lines 1429 and 1430 appear to be missing a word. The language should read, “his or her estate.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of Florida Statutes: 215.422, 215.5586, 215.96, 284.08, 284.33, 440.13, 497.142, 626.0428, 626.171, 626.292, 626.611, 626.621, 626.731, 626.785, 626.831, 626.8417, 626.854, 648.34, 648.382, 717.001, 717.101, 717.102, 717.103, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 717.109, 717.1101, 717.111, 717.112, 717.1125, 717.113, 717.115, 717.116, 717.117, 717.118, 717.119, 717.1201, 717.122, 717.123, 717.1235, 717.124, 717.12403, 717.12404, 717.12405, 717.12406, 717.1241, 717.1242, 717.1243, 717.1244, 717.1245, 717.125, 717.126, 717.1261, 717.1262, 717.129, 717.1301, 717.1315, 717.132, 717.1322, 717.133, 717.1333, 717.1341, 717.135, 717.138, 717.1382, 717.139, 717.1400, 197.582, 626.9541, 772.13.

This bill creates sections 497.1411 and 717.1356 of the Florida Statutes.

This bill repeals sections 627.797 and 717.1035 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 Banking and Insurance on February 4, 2026:

The CS clarifies a provision relating to title insurers and the applicability of ch. 626, F.S., to provide that title insurers, acting through corporate officers, are exempt from title insurance licensure and appointment requirements of ch. 626, F.S. A technical conforming cross-reference is also made.

The CS also repeals an obsolete reporting requirement relating to the submission of a list of attorney agents to the Department of Financial Services.

- B. **Amendments:**

None.



427888

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

(2) The Chief Financial Officer shall also cause to have reported from the Financial Management ~~Florida Accounting Information Resource~~ Subsystem no less than quarterly the



427888

disbursements which agencies made to small businesses, as defined in the Florida Small and Minority Business Assistance Act; to certified minority business enterprises in the aggregate; and to certified minority business enterprises broken down into categories of minority persons, as well as gender and nationality subgroups. This information shall be made available to the agencies, the Office of Supplier Diversity, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Each agency shall be responsible for the accuracy of information entered into the Financial Management ~~Florida Accounting Information Resource~~ Subsystem for use in this reporting.

Section 2. Section 17.13, Florida Statutes, is amended to read:

17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

(1) The Chief Financial Officer is required to replace ~~duplicate~~ any Chief Financial Officer's warrants that may have been lost or destroyed, or may hereafter be lost or destroyed, upon the owner thereof or the owner's agent or attorney presenting the Chief Financial Officer the statement, under oath, reciting the number, date, and amount of any warrant or the best and most definite description in his or her knowledge and the circumstances of its loss; if the Chief Financial Officer deems it necessary, the owner or the owner's agent or attorney shall file in the office of the Chief Financial Officer a surety bond, or a bond with securities, to be approved by one of the judges of the circuit court or one of the justices of the Supreme Court, in a penalty of not less than twice the amount of any warrants so replaced ~~replaced duplicated~~, conditioned to indemnify



427888

the state and any innocent holders thereof from any damages that may accrue from such replacement ~~duplication~~.

(2) The Chief Financial Officer is required to replace ~~duplicate~~ any Chief Financial Officer's warrant that may have been lost or destroyed, or may hereafter be lost or destroyed, when sent to any payee via any state agency when such warrant is lost or destroyed prior to being received by the payee and provided the director of the state agency to whom the warrant was sent presents to the Chief Financial Officer a statement, under oath, reciting the number, date, and amount of the warrant lost or destroyed, the circumstances surrounding the loss or destruction of such warrant, and any additional information that the Chief Financial Officer shall request in regard to such warrant.

(3) Any replacement ~~duplicate~~ Chief Financial Officer's warrant issued in pursuance of the above provisions shall be of the same validity as the original was before its loss.

Section 3. Subsection (1) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(1) The normal pay period for salaries of state officers and employees shall be 1 month. The Department of Financial Services shall issue either monthly or biweekly salary payments by state warrants or by direct deposit pursuant to s. 17.076 ~~or make semimonthly salary payments by direct deposit pursuant to s. 17.076~~, as requested by the head of each state agency and approved by the Executive Office of the Governor and the Department of Financial Services.



427888

69 Section 4. Subsection (16) of section 215.422, Florida
70 Statutes, is amended to read:

71 215.422 Payments, warrants, and invoices; processing time
72 limits; dispute resolution; agency or judicial branch
73 compliance.—

74 (16) ~~Nothing contained in~~ This section may not ~~shall~~ be
75 construed to be an appropriation. Any interest which becomes due
76 and owing pursuant to this section must be paid ~~shall only be~~
77 ~~payable~~ from the appropriation charged for such goods or
78 services. However, if sufficient funds are not available within
79 the appropriation charged for such goods or services, the agency
80 must pay the interest from a similar or appropriate
81 appropriation category.

82 Section 5. Paragraphs (a) through (e) of subsection (1),
83 subsections (2) and (3), paragraph (a) of subsection (8), and
84 subsection (10) of section 215.5586, Florida Statutes, are
85 amended to read:

86 215.5586 My Safe Florida Home Program.—There is established
87 within the Department of Financial Services the My Safe Florida
88 Home Program. The department shall provide fiscal
89 accountability, contract management, and strategic leadership
90 for the program, consistent with this section. This section does
91 not create an entitlement for property owners or obligate the
92 state in any way to fund the inspection or retrofitting of
93 residential property in this state. Implementation of this
94 program is subject to annual legislative appropriations. It is
95 the intent of the Legislature that, subject to the availability
96 of funds, the My Safe Florida Home Program provide licensed
97 inspectors to perform hurricane mitigation inspections of



427888

eligible homes and grants to fund hurricane mitigation projects on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(a) 1. For the purposes of this paragraph, the term:

a. "Attached" means a dwelling unit that shares a wall with another dwelling unit.

b. "Detached" means a dwelling that does not share a wall with another dwelling unit or building and has greater than zero clearance between it and any other building. This term includes a garage that is located under a contiguous roof with a residence.

c. "Single-family" means a residence designed for and containing only one dwelling unit.

2. An applicant is To be eligible for a hurricane mitigation inspection under the program if all of the following conditions are met:

a. ~~1.~~ The A home for which the inspection is sought is ~~must~~ be a single-family~~y~~ unit on an individual parcel of land that is:

(I) A detached residential property; or



427888

(II) An attached residential property not exceeding three stories. ~~A townhouse as defined in s. 481.203;~~

~~b.2. The~~ A home for which the inspection is sought is ~~must~~
~~be~~ site-built and owner-occupied. ~~and~~

~~c.3. The~~ applicant is homeowner ~~must have been~~ granted a homestead exemption on the home under chapter 196.

(b)1. An application for a hurricane mitigation inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one inspection application on the home or that the application is allowed under subparagraph 2., and the application must have documents attached which demonstrate that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent hurricane mitigation inspection application for the same home only if:

a. The original hurricane mitigation inspection application has been denied or withdrawn because of material errors or omissions in the application;

b. The original hurricane mitigation inspection application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for an inspection at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the home~~ now ~~is~~ eligible for an inspection; ~~or~~

c. The program's eligibility requirements for an inspection have changed since the original application date, and the applicant reasonably believes that her or she ~~the home~~ is eligible under the new requirements; ~~or~~

d. More than 24 months have passed since the applicant



427888

received a hurricane mitigation inspection under this section,
and the applicant has not received a grant payment through the
program for that inspection.

(c) An applicant meeting the requirements of paragraph (a)
may receive an inspection of the a home through ~~under~~ the
program without being eligible for a grant under subsection (2)
or applying for such grant.

(d) Licensed inspectors are to provide initial ~~home~~
inspections of eligible homes to determine ~~what mitigation~~
~~measures are needed,~~ what insurance premium discounts may be
available, and what improvements to existing residential
properties are needed to reduce the property's vulnerability to
hurricane damage. ~~An inspector may inspect a townhouse as~~
~~defined in s. 481.203 to determine if opening protection~~
~~mitigation as listed in subparagraph (2)(c)1. would provide~~
~~improvements to mitigate hurricane damage.~~

(e) The department shall contract with wind certification
entities to provide hurricane mitigation inspections. The
initial inspections provided to applicants ~~homeowners~~, at a
minimum, must include:

1. A home inspection and report that summarizes the
inspection results and identifies recommended improvements an
applicant ~~a homeowner~~ may make ~~take~~ to mitigate hurricane
damage.

2. A range of cost estimates regarding the recommended
mitigation improvements.

3. Information regarding estimated premium discounts,
correlated to the current mitigation features and the
recommended mitigation improvements identified by the



427888

inspection.

(2) HURRICANE MITIGATION GRANTS.—Financial grants shall be used by applicants ~~homeowners~~ to make improvements recommended by an initial inspection which increase a home's resistance to hurricane damage.

(a) An applicant ~~A homeowner~~ is eligible for a hurricane mitigation grant if all of the following criteria are met:

1. The applicant ~~home~~ must be eligible for an inspection under subsection (1).

2. The home must be a dwelling with an insured value of \$700,000 or less. ~~Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.~~

3. The home must undergo an initial ~~acceptable~~ hurricane mitigation inspection through the program as provided in subsection (1) within the 24 months immediately preceding the date of application.

4. The ~~building permit application for initial construction of the~~ home must have been built ~~made~~ before January 1, 2008, as reflected on the county property appraiser's website.

5. The applicant ~~homeowner~~ must agree to make his or her home available for a final inspection once a mitigation project is completed.

6. The applicant ~~homeowner~~ must agree to provide to the department information received from the applicant's ~~homeowner's~~ insurer identifying the discounts realized by the applicant ~~homeowner~~ because of the mitigation improvements funded through the program.

7.~~a.~~ The applicant ~~homeowner~~ must be a low-income person or moderate-income person as defined in s. 420.0004.



427888

~~b. The hurricane mitigation inspection must have occurred within the previous 24 months from the date of application.~~

~~c. Notwithstanding subparagraph 2., homeowners who are low-income persons, as defined in s. 420.0004(11), are not exempt from the requirement that the home must be a dwelling with an insured value of \$700,000 or less.~~

~~d. This subparagraph expires July 1, 2026.~~

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one grant application or that the application is allowed under subparagraph 2., and the application must have documents attached demonstrating that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for a grant at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the home~~ now is eligible for a grant; or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is ~~an~~ eligible ~~homeowner~~ under the new requirements.

3. A grant application must include a statement from the applicant ~~homeowner~~ which contains the name and state license number of the contractor that the applicant ~~homeowner~~



427888

acknowledges as the intended contractor for the mitigation work.
The program must ~~electronically~~ verify that the contractor's
state license number is valid ~~accurate and up to date before~~
~~grant approval.~~

(c) All grants must be matched on the basis of \$1 provided
by the applicant for \$2 provided by the state up to a maximum
state contribution of \$10,000 toward the actual cost of the
mitigation project, except as provided in paragraph (h).

(d) All hurricane mitigation performed under the program
must be based upon the securing of all required local permits
and inspections and must be performed by properly licensed
contractors.

(e) When recommended by an initial ~~a~~ hurricane mitigation
inspection, grants for eligible applicants ~~homes~~ may be used for
all of the following improvements:

1. Opening protection improvements, including:

a. Exterior doors. ~~7~~

b. Garage doors. ~~7~~

c. Windows. ~~7~~ and

d. Skylights.

2. Roof improvements, including:

a. Reinforcing roof-to-wall connections.

b.3. Improving the strength of roof-deck attachments.

c.4. Installing secondary water resistance for roof and
replacing the roof covering.

(f) Improvements must be identified by the final hurricane
mitigation inspection to receive grant funds ~~When recommended by~~
~~a hurricane mitigation inspection, grants for townhouses, as~~
~~defined in s. 481.203, may only be used for opening protection.~~



427888

(g) The department may require that improvements be made to all openings, including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing an applicant ~~a homeowner~~ approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) ~~or paragraph (f)~~.

(h) Low-income applicants ~~homeowners~~, as defined in s. 420.0004(11), who otherwise meet the applicable requirements of this subsection are eligible for a grant of up to \$10,000 and are not required to provide a matching amount to receive the grant.

(i)1. The department shall develop a process that ensures the most efficient means to collect and verify inspection applications and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

2. The department shall prioritize the review and approval of such inspection applications and grant applications in the following order:

a. First, applications from low-income persons, as defined in s. 420.0004, who are at least 60 years old;

b. Second, applications from all other low-income persons, as defined in s. 420.0004;

c. Third, applications from moderate-income persons, as defined in s. 420.0004, who are at least 60 years old; and

d. Fourth, applications from all other moderate-income persons, as defined in s. 420.0004; ~~and~~



427888

~~e. Last, all other applications.~~

3. The department shall start accepting inspection applications and grant applications no earlier than the effective date of a legislative appropriation funding inspections and grants, as follows:

a. Initially, from applicants prioritized under sub-subparagraph 2.a.;

b. From applicants prioritized under sub-subparagraph 2.b., beginning 15 days after the program initially starts accepting applications;

c. From applicants prioritized under sub-subparagraph 2.c., beginning 30 days after the program initially starts accepting applications; and

d. From applicants described in sub-subparagraph 2.d., beginning 45 days after the program initially starts accepting applications; ~~and~~

~~e. From all other applicants, beginning 60 days after the program initially starts accepting applications.~~

4. The program may accept a certification directly from a low-income applicant homeowner or moderate-income applicant homeowner who meets the requirements of s. 420.0004(11) or (12), respectively, if the applicant homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.

5. The program may accept a certification directly from an applicant attesting to his or her age if the applicant provides such certification in a signed or electronically verified statement made under penalty of perjury.

(j) An applicant ~~A homeowner~~ who receives a grant shall



427888

330 finalize construction and request a final inspection, ~~or request~~
331 ~~an extension for an additional 6 months,~~ within 18 months ~~1 year~~
332 after grant application approval. If an applicant ~~a homeowner~~
333 fails to comply with this paragraph, his or her application is
334 deemed abandoned and the grant money reverts to the department.

335 (3) REQUESTS FOR INFORMATION.—The department may request
336 that an applicant provide additional information. An application
337 is deemed abandoned ~~withdrawn~~ by the applicant if the department
338 does not receive a response to its request for additional
339 information within 60 days after the notification of any
340 apparent error or omission.

341 (8) CONTRACT MANAGEMENT.—

342 (a) The department may contract with third parties for
343 grants management, inspection services, contractor services for
344 low-income applicants ~~homeowners~~, information technology,
345 educational outreach, and auditing services. Such contracts are
346 considered direct costs of the program and are not subject to
347 administrative cost limits. The department shall contract with
348 providers that have a demonstrated record of successful business
349 operations in areas directly related to the services to be
350 provided and shall ensure the highest accountability for use of
351 state funds, consistent with this section.

352 (10) REPORTS.—The department shall make an annual report on
353 the activities of the program that shall account for the use of
354 state funds and indicate the number of inspections requested,
355 the number of inspections performed, the number of grant
356 applications received, the number and value of grants approved,
357 and the estimated average annual amount of insurance premium
358 discounts and total estimated annual amount of insurance premium



427888

discounts applicants ~~homeowners~~ received from insurers as a result of mitigation funded through the program. The report must be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 6. Subsection (3) of section 215.89, Florida Statutes, is amended to read:

215.89 Charts of account.—

~~(3) REPORTING STRUCTURE.—~~

~~(a) The Chief Financial Officer shall accept comments from state agencies, local governments, educational entities, entities of higher education, and other interested parties regarding the proposed charts of account until November 1, 2013.~~

~~(b) By January 15, 2014, the Chief Financial Officer, after consultation with affected state agencies, local governments, educational entities, entities of higher education, and the Auditor General, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report recommending a uniform charts of account which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report must include the estimated cost of adopting and implementing a uniform enterprise-wide charts of account.~~

Section 7. Subsections (1) and (5) of section 215.93, Florida Statutes, are amended to read:

215.93 Florida Financial Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida Financial Management Information System. The Florida Financial Management



427888

Information System shall be fully implemented and shall be upgraded as necessary to ensure the efficient operation of an integrated financial management information system and to provide necessary information for the effective operation of state government. Upon the recommendation of the coordinating council and approval of the board, the Florida Financial Management Information System may require data from any state agency information system or information subsystem or may request data from any judicial branch information system or information subsystem that the coordinating council and board have determined to have statewide financial management significance. Each functional owner information subsystem within the Florida Financial Management Information System shall be developed in such a fashion as to allow for timely, positive, preplanned, and prescribed data transfers between the Florida Financial Management Information System functional owner information subsystems and from other information systems. The principal unit of the system shall be the functional owner information subsystem, and the system shall include, but shall not be limited to, the following:

(a) Planning and Budgeting Subsystem.

~~(b) Florida Accounting Information Resource Subsystem.~~

(b)~~(e)~~ Financial Management Subsystem.

(c)~~(d)~~ Purchasing Subsystem.

(d)~~(e)~~ Personnel Information System.

(5) Functional owners are legally responsible for the security and integrity of all data records existing within or transferred from their information subsystems. Each agency and the judicial branch shall be responsible for the accuracy of the



427888

information entered into the Florida Financial Management Information System. A request for a copy of a document or an accounting record, whether made by public records request or subpoena, must be made to the state entity for which the document or accounting record is recorded. The request may not be made to the functional owner of the subsystem unless the document or accounting record was recorded for such entity.

Section 8. Subsections (2) and (3) of section 215.94, Florida Statutes, are amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(2) The Department of Financial Services shall be the functional owner of the Financial Management ~~Florida Accounting Information Resource~~ Subsystem established pursuant to ss. 17.03, 215.86, 216.141, and 216.151 and further developed in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, the following functions:

(a) Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.

(b) Auditing and settling claims against the state.

~~(3) The Chief Financial Officer shall be the functional owner of the Financial Management Subsystem. The Chief Financial Officer shall design, implement, and operate the subsystem in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, functions for:~~

(c) ~~(a)~~ Recording and reconciling credits and debits to



427888

treasury fund accounts.

~~(d)-(b)~~ Monitoring cash levels and activities in state bank accounts.

~~(e)-(c)~~ Monitoring short-term investments of idle cash.

~~(f)-(d)~~ Administering the provisions of the Federal Cash Management Improvement Act of 1990.

Section 9. Subsections (2) and (3) of section 215.96, Florida Statutes, are amended to read:

215.96 Coordinating council and design and coordination staff.—

(2) The coordinating council shall consist of the Chief Financial Officer; the Commissioner of Agriculture; the Attorney General; the Secretary of Management Services; the state chief information officer; the executive director of the Department of Revenue; and the Director of Planning and Budgeting, Executive Office of the Governor, or their designees. The Chief Financial Officer, or his or her designee, shall be chair of the council, and the design and coordination staff shall provide administrative and clerical support to the council and the board. ~~The design and coordination staff shall maintain the Minutes of each meeting shall be and make such minutes~~ available to any interested person. The Auditor General, the State Courts Administrator, ~~a an executive officer of the Florida Association of state agency administrative services director selected by the council~~ Directors, and ~~a an executive officer of the Florida Association of state budget officer selected by the council~~ Officers, or their designees, shall serve without voting rights as ex officio members of the council. The chair may call meetings of the council as often as necessary to transact



427888

business; however, the council shall meet at least once a year. Action of the council shall be by motion, duly made, seconded and passed by a majority of the council voting in the affirmative for approval of items that are to be recommended for approval to the Financial Management Information Board.

(3) The coordinating council, assisted by the design and coordination staff, shall have the following duties, powers, and responsibilities pertaining to the Florida Financial Management Information System:

(a) To review and coordinate annual workplans to ensure that the Florida Financial Management Information System remains aligned across participating entities. The coordination council shall ensure that each participating entity submits an annual workplan by October 1 of each year. The coordinating council shall review and discuss the workplans, identify potential impacts or conflicts, facilitate resolutions when practicable, and expedite unresolved issues as appropriate.

(b) To conduct such studies and to establish committees, workgroups, and teams to develop recommendations for rules, policies, procedures, principles, and standards to the board as necessary to assist the board in its efforts to design, implement, and perpetuate a financial management information system, including, but not limited to, the establishment of common data codes, and the development of integrated financial management policies that address the information and management needs of the functional owner subsystems. The coordinating council shall make available a copy of the approved plan in writing or through electronic means to each of the coordinating council members, the fiscal committees of the Legislature, and



427888

any interested person.

~~(c)(b) To recommend to the board solutions, policy alternatives, and legislative budget request issues that will provide ensure a framework for the timely, positive, preplanned, and prescribed data transfer between information subsystems and to recommend to the board solutions, policy alternatives, and legislative budget request issues that ensure the availability of data and information that support state planning, policy development, management, evaluation, and performance monitoring.~~

~~(c) To report to the board all actions taken by the coordinating council for final action.~~

~~(d) To review the annual work plans of the functional owner information subsystems by October 1 of each year. The review shall be conducted to assess the status of the Florida Financial Management Information System and the functional owner subsystems in regard to the provisions of s. 215.91. The coordinating council, as part of the review process, may make recommendations for modifications to the functional owner information subsystems annual work plans.~~

Section 10. Paragraph (a) of subsection (4) of section 215.985, Florida Statutes, is amended to read:

215.985 Transparency in government spending.—

(4) The Executive Office of the Governor, in consultation with the appropriations committees of the Senate and the House of Representatives, shall establish and maintain a website that provides information relating to the approved operating budget for each branch of state government and state agency.

(a) At a minimum, the information must include:

1. Disbursement data for each appropriation by the account



427888

value ~~object code~~ associated with each expenditure established within the Financial Management ~~Florida Accounting Information Resource~~ Subsystem. Expenditure data must include the name of the payee, the date of the expenditure, the amount of the expenditure, and the voucher ~~statewide document~~ number. Such data must be searchable by the name of the payee, the paying agency, and fiscal year, and must be downloadable in a format that allows offline analysis.

2. For each appropriation, any adjustments, including vetoes, approved supplemental appropriations included in legislation other than the General Appropriations Act, budget amendments, other actions approved pursuant to chapter 216, and other adjustments authorized by law.

3. Status of spending authority for each appropriation in the approved operating budget, including released, unreleased, reserved, and disbursed balances.

4. Position and rate information for positions provided in the General Appropriations Act or approved through an amendment to the approved operating budget and position information for positions established in the legislative branch.

5. Allotments for planned expenditures of state appropriations established by state agencies in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem, and the current balances of such allotments.

6. Trust fund balance reports, including cash available, investments, and receipts.

7. General revenue fund balance reports, including revenue received and amounts disbursed.

8. Fixed capital outlay project data, including original



427888

appropriation and disbursements throughout the life of the project.

9. A 10-year history of appropriations indicated by agency.

10. Links to state audits or reports related to the expenditure and dispersal of state funds.

11. Links to program or activity descriptions for which funds may be expended.

Section 11. Subsections (1) and (2) and paragraph (f) of subsection (3) of section 216.102, Florida Statutes, are amended to read:

216.102 Filing of financial information; handling by Chief Financial Officer; penalty for noncompliance.—

(1) By September 30 of each year, each agency supported by any form of taxation, licenses, fees, imposts, or exactions, the judicial branch, and, for financial reporting purposes, each component unit of the state as determined by the Chief Financial Officer shall prepare, using generally accepted accounting principles, and file with the Chief Financial Officer the financial and other information necessary for the preparation of annual financial statements for the State of Florida as of June 30. In addition, each such agency and the judicial branch shall prepare financial statements showing the financial position and results of agency or branch operations as of June 30 for internal management purposes.

(a) Each state agency and the judicial branch shall record the receipt and disbursement of funds from federal sources in a form and format prescribed by the Chief Financial Officer. The access to federal funds by the administering agencies or the judicial branch may not be authorized until:



427888

1. The deposit has been recorded in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem using proper, consistent codes that designate deposits as federal funds.

2. The deposit and appropriate recording required by this paragraph have been verified by the office of the Chief Financial Officer.

(b) The Chief Financial Officer shall publish a statewide policy detailing the requirements for recording receipt and disbursement of federal funds into the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and provide technical assistance to the agencies and the judicial branch to implement the policy.

(2) Financial information must be contained within the Financial Management ~~Florida Accounting Information Resource~~ Subsystem. Other information must be submitted in the form and format prescribed by the Chief Financial Officer.

(a) Each component unit shall file financial information and other information necessary for the preparation of annual financial statements with the agency or branch designated by the Chief Financial Officer by the date specified by the Chief Financial Officer.

(b) The state agency or branch designated by the Chief Financial Officer to receive financial information and other information from component units shall include the financial information in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and shall include the component units' other information in its submission to the Chief Financial Officer.



427888

(3) The Chief Financial Officer shall:

(f) Consult with and elicit comments from the Executive Office of the Governor on changes to the Financial Management ~~Florida Accounting Information Resource~~ Subsystem which clearly affect the accounting of federal funds, so as to ensure consistency of information entered into the Federal Aid Tracking System by state executive and judicial branch entities. While efforts shall be made to ensure the compatibility of the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and the Federal Aid Tracking System, any successive systems serving identical or similar functions shall preserve such compatibility.

The Chief Financial Officer may furnish and publish in electronic form the financial statements and the annual comprehensive financial report required under paragraphs (a), (b), and (c).

Section 12. Subsection (3) of section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(3) The Chief Financial Officer, as chief fiscal officer, shall use the Financial Management ~~Florida Accounting Information Resource~~ Subsystem developed pursuant to s. 215.94(2) for account purposes in the performance of and accounting for all of his or her constitutional and statutory duties and responsibilities. However, state agencies and the judicial branch continue to be responsible for maintaining accounting records necessary for effective management of their



427888

programs and functions.

Section 13. Paragraph (a) of subsection (7) and paragraph (j) of subsection (12) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 60 ~~45~~ days after receipt of notice of disallowance or adjustment of payment, petition the department to resolve the dispute. The petitioner must serve, by the United States Postal Service certified mail or by common carrier with verifiable tracking methods, a copy of the petition on the carrier and on all affected parties listed on the notice of disallowance or adjustment ~~by certified mail~~. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the department results in dismissal of the petition.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(j) In addition to establishing the uniform schedule of maximum reimbursement allowances, the panel shall:

1. Take testimony, receive records, and collect data to evaluate the adequacy of the workers' compensation fee schedule, nationally recognized fee schedules and alternative methods of reimbursement to health care providers and health care facilities for inpatient and outpatient treatment and care.



427888

2. Survey health care providers and health care facilities to determine the availability and accessibility of workers' compensation health care delivery systems for injured workers.

3. Survey carriers to determine the estimated impact on carrier costs and workers' compensation premium rates by implementing changes to the carrier reimbursement schedule or implementing alternative reimbursement methods.

4. Submit recommendations on or before January 15, 2031 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President of the Senate and the Speaker of the House of Representatives on methods to improve the workers' compensation health care delivery system.

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking



427888

possession of that medication.

Section 14. Section 497.1411, Florida Statutes, is created to read:

497.1411 Disqualification of applicants and licenses; penalties against licensees; rulemaking.—

(1) For purposes of this section, the term “applicant” means an individual applying for licensure or relicensure under this chapter, or an officer, director, majority owner, partner, manager, or other person who manages or controls an entity applying for licensure or relicensure under this chapter.

(2) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to any of the following offenses, regardless of adjudication, is permanently barred from licensure under this chapter:

(a) A felony of the first degree.

(b) A felony involving conduct prohibited under chapter 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter 825, chapter 827, or chapter 847.

(c) A felony involving moral turpitude.

(3) An applicant who has been found guilty of, or has entered a plea of guilty or nolo contendere to an offense not subject to the permanent bar under subsection (2), regardless of adjudication, is subject to the following disqualifying periods:

(a) A 10-year disqualifying period for any felony to which the permanent bar in subsection (2) does not apply.

Notwithstanding subsection (4), an applicant who has completed at least one-half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if, during that time, the applicant has not been found



427888

guilty of, or has not entered a plea of guilty or nolo
contendere to, any offense.

(b) A 5-year disqualifying period for all misdemeanors
directly related to chapter 497.

(4) The board shall adopt rules to administer this section.
Such rules must provide additional disqualifying periods for
applicants who have committed multiple criminal offenses and may
provide additional factors for disqualification reasonably
related to the applicant's criminal history. The rules must also
establish mitigating and aggravating factors. However,
mitigation may not reduce any disqualifying period to less than
5 years and may not be applied to reduce the 5-year
disqualifying period provided in paragraph (3) (b).

(5) For purposes of this section, a disqualifying period
begins upon the applicant's final release from supervision or
upon completion of the applicant's criminal sentence. The board
may not approve issuance of a license to an applicant until the
applicant provides proof that all related fines, court costs,
fees, and court-ordered restitution have been paid.

(6) After the disqualifying period has expired, the burden
is on the applicant to demonstrate to the board that he or she
has been rehabilitated, does not pose a risk to the public, is
fit and trustworthy to engage in business regulated by this
chapter, and is otherwise qualified for licensure.

(7) Notwithstanding subsections (2) and (3), an applicant
who has been found guilty of, or has pleaded guilty or nolo
contendere to, a crime in subsection (2) or subsection (3), and
who has subsequently been granted a pardon or the restoration of
civil rights pursuant to chapter 940 and s. 8, Art. IV of the



427888

State Constitution, or a pardon or the restoration of civil rights under the laws of another jurisdiction with respect to a conviction in that jurisdiction, is not barred or disqualified from licensure under this chapter; however, such a pardon or restoration of civil rights does not require the board to award such license.

(8) (a) The board may grant an exemption from disqualification to any person disqualified from licensure under subsection (3) if:

1. The applicant has paid in full any fee, fine, fund, lien, civil judgment, restitution, or cost of prosecution imposed by the court as part of the judgment and sentence for any disqualifying offense; and

2. At least 2 years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or any nonmonetary condition imposed by the court for a disqualifying offense.

(b) For the board to grant an exemption under this subsection, the applicant must clearly and convincingly demonstrate that he or she would not pose a risk to persons or property if licensed under this chapter, evidence of which must include, but need not be limited to, facts and circumstances surrounding the disqualifying offense, the time that has elapsed since the offense, the nature of the offense and harm caused to the victim, the applicant's history before and after the offense, and any other evidence or circumstances indicating that the applicant will not present a danger if licensed or certified.

(c) The board has discretion whether to grant or deny an



427888

exemption under this subsection. The board's decision is subject to chapter 120.

(9) The disqualification periods provided in this section do not apply to the renewal of a license or to a new application for licensure if the applicant has an active license as of July 1, 2026, and the applicable criminal history was considered by the board on the prior approval of any active license held by the applicant. This section does not affect any criminal history disclosure requirements of this chapter.

Section 15. Subsection (9) and paragraph (c) of subsection (10) of section 497.142, Florida Statutes, are amended to read:

497.142 Licensing; fingerprinting and criminal background checks.—

(9) If any applicant under this chapter has been, ~~within the 10 years preceding the application under this chapter,~~ convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, any crime in any jurisdiction, the application may ~~shall~~ not be deemed complete until such time as the applicant provides such certified true copies of the court records evidencing the conviction, finding, or plea, as required in this section or as the licensing authority may by rule require.

(10)

(c) Crimes to be disclosed are:

1. Any felony ~~or misdemeanor,~~ no matter when committed, ~~that was directly or indirectly related to or involving any aspect of the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery~~



427888

~~operations, or cemetery monument or marker sales or
installation.~~

2. Any misdemeanor, no matter when committed, that was
directly or indirectly related to the practice or activities
regulated under this chapter ~~Any other felony not already
disclosed under subparagraph 1. that was committed within the 20
years immediately preceding the application under this chapter.~~

3. Any other misdemeanor not already disclosed under
subparagraph 2. which ~~subparagraph 1. that~~ was committed within
the 5 years immediately preceding the application under this
chapter.

Section 16. Subsection (3) of section 626.0428, Florida
Statutes, is amended to read:

626.0428 Agency personnel powers, duties, and limitations.—

(3) An employee or an authorized representative located at
a designated branch of an agent or agency may not initiate
contact with any person for the purpose of soliciting insurance
unless licensed and appointed as an agent or customer
representative. As to title insurance, an employee of an agent
or agency may not initiate contact with any individual proposed
insured for the purpose of soliciting title insurance unless
licensed as a title insurance agent or exempt from such
licensure pursuant to s. 626.8417(4) ~~and (5).~~

Section 17. Section 626.171, Florida Statutes, is amended
to read:

626.171 Application for license as an agent, customer
representative, adjuster, or service representative, ~~or
reinsurance intermediary.~~—

(1) The department may not issue a license as agent,



427888

customer representative, adjuster, or service representative, ~~or~~
~~reinsurance intermediary~~ to any person except upon written
application filed with the department, meeting the
qualifications for the license applied for as determined by the
department, and payment in advance of all applicable fees. The
application must be made under the oath of the applicant and be
signed by the applicant. An applicant may permit a third party
to complete, submit, and sign an application on the applicant's
behalf, but is responsible for ensuring that the information on
the application is true and correct and is accountable for any
misstatements or misrepresentations. The department shall accept
the uniform application for resident and nonresident agent and
adjuster licensing. The department may adopt revised versions of
the uniform application by rule.

(2) In the application, the applicant must include all of
the following shall set forth:

(a) The applicant's ~~His or her~~ full name, age, social
security number, residence address, business address, mailing
address, contact telephone numbers, including a business
telephone number, and e-mail address.

(b) A statement indicating the method the applicant used or
is using to meet any required prelicensing education, knowledge,
experience, or instructional requirements for the type of
license applied for.

(c) Whether the applicant ~~he or she~~ has been refused or has
voluntarily surrendered or has had suspended or revoked a
license to solicit insurance by the department or by the
supervising officials of any state.

(d) Whether any insurer or any managing general agent



427888

claims the applicant is indebted under any agency contract or otherwise and, if so, the name of the claimant, the nature of the claim, and the applicant's defense thereto, if any.

(e) Proof that the applicant meets the requirements for the type of license for which he or she is applying.

(f) The applicant's gender (male or female).

(g) The applicant's native language.

(h) The highest level of education achieved by the applicant.

(i) The applicant's race or ethnicity (African American, white, American Indian, Asian, Hispanic, or other).

(j) Such other or additional information as the department may deem proper to enable it to determine the character, experience, ability, and other qualifications of the applicant to hold himself or herself out to the public as an insurance representative.

However, the application must contain a statement that an applicant is not required to disclose his or her race or ethnicity, gender, or native language, that he or she will not be penalized for not doing so, and that the department will use this information exclusively for research and statistical purposes and to improve the quality and fairness of the examinations. The department may ~~shall~~ make provisions for applicants to voluntarily submit their cellular telephone numbers as part of the application process solely ~~on a voluntary basis only~~ for the purpose of two-factor authentication of secure login credentials ~~only~~.

(3) Each application must be accompanied by payment of any



427888

applicable fee.

(4) An applicant for a license issued by the department under this chapter must submit a set of the individual applicant's fingerprints, or, if the applicant is not an individual, a set of the fingerprints of the sole proprietor, majority owner, partners, officers, and directors, to the department and must pay the fingerprint processing fee set forth in s. 624.501. Fingerprints must be processed in accordance with s. 624.34 and used to investigate the applicant's qualifications pursuant to s. 626.201. The fingerprints must be taken by a law enforcement agency or other department-approved entity. The department may not approve an application for licensure as an agent, customer ~~service~~ representative, adjuster, or service representative, ~~or reinsurance intermediary~~ if fingerprints have not been submitted.

(5) The application for license filing fee prescribed in s. 624.501 is not subject to refund.

(6) Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have separated from service ~~within 24 months~~ before application for licensure, are exempt from the application filing fee prescribed in s. 624.501. Qualified individuals must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper or separation document that indicates such members are currently in good standing or such veterans were honorably discharged.

(7) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is



427888

required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement must be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 18. Paragraph (c) of subsection (2) of section 626.292, Florida Statutes, is amended to read:

626.292 Transfer of license from another state.—

(2) To qualify for a license transfer, an individual applicant must meet the following requirements:

(c) The individual must submit a completed application for this state which is received by the department within 90 days after the date the individual became a resident of this state, along with payment of the applicable fees set forth in s. 624.501 and submission of the following documents:

1. A certification issued by the appropriate official of the applicant's home state identifying the type of license and lines of authority under the license and stating that, ~~at the time the license from the home state was canceled,~~ the applicant was in good standing in that state or that the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries, indicate that the agent or all-lines adjuster is or was licensed in good standing for the line of authority requested. An applicant may hold a resident license in another state for 30 days after the Florida resident license has been issued to facilitate the transfer of licensure between states.

2. A set of the applicant's fingerprints in accordance with s. 626.171(4).



427888

Section 19. Subsection (1) of section 626.611, Florida Statutes, is amended to read:

626.611 Grounds for compulsory refusal, suspension, or revocation of agent's, title agency's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—

(1) The department shall require license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent, and it shall suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist:

(a) Lack of one or more of the qualifications for the license or appointment as specified in this code.

(b) Material misstatement, misrepresentation, or fraud in obtaining the license or appointment or in attempting to obtain the license or appointment.

(c) Failure to pass to the satisfaction of the department any examination required under this code, including cheating on an examination required for licensure or violating test center or examination procedures delivered orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator.

(d) If the license or appointment is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this code.



427888

(e) Willful misrepresentation of any insurance policy or annuity contract or willful deception with regard to any such policy or contract, done either in person or by any form of dissemination of information or advertising.

(f) If, as an adjuster, or agent licensed and appointed to adjust claims under this code, he or she has materially misrepresented to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of claim for loss or damage or benefit under such contract on less favorable terms than those provided in and contemplated by the contract.

(g) Demonstrated lack of fitness or trustworthiness to engage in the business of insurance.

(h) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the license or appointment.

(i) Fraudulent or dishonest practices in the conduct of business under the license or appointment.

(j) Misappropriation, conversion, or unlawful withholding of moneys belonging to insurers or insureds or beneficiaries or to others and received in conduct of business under the license or appointment.

(k) Unlawfully rebating, attempting to unlawfully rebate, or unlawfully dividing or offering to divide his or her commission with another.

(l) Having obtained or attempted to obtain, or having used or using, a license or appointment as agent or customer representative for the purpose of soliciting or handling "controlled business" as defined in s. 626.730 with respect to



427888

general lines agents, s. 626.784 with respect to life agents,
and s. 626.830 with respect to health agents.

(m) Willful failure to comply with, or willful violation
of, any proper order or rule of the department or willful
violation of any provision of this code.

(n) Having been found guilty of or having pleaded guilty or
nolo contendere to a misdemeanor directly related to the
financial services business, any felony, or any crime punishable
by imprisonment of 1 year or more under the law of the United
States of America or of any state thereof or under the law of
any other country, without regard to whether a judgment of
conviction has been entered by the court having jurisdiction of
such cases.

(o) Fraudulent or dishonest practice in submitting or
aiding or abetting any person in the submission of an
application for workers' compensation coverage under chapter 440
containing false or misleading information as to employee
payroll or classification for the purpose of avoiding or
reducing the amount of premium due for such coverage.

(p) Sale of an unregistered security that was required to
be registered, pursuant to chapter 517.

(q) In transactions related to viatical settlement
contracts as defined in s. 626.9911:

1. Commission of a fraudulent or dishonest act.
2. No longer meeting the requirements for initial
licensure.
3. Having received a fee, commission, or other valuable
consideration for his or her services with respect to viatical
settlements that involved unlicensed viatical settlement



427888

providers or persons who offered or attempted to negotiate on behalf of another person a viatical settlement contract as defined in s. 626.9911 and who were not licensed life agents.

4. Dealing in bad faith with viators.

Section 20. Section 626.621, Florida Statutes, is amended to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—The department may, in its discretion, require a license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, adjuster, customer representative, service representative, or managing general agent, and it may suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

(1) Any cause for which issuance of the license or appointment could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this code or of any other law applicable to the business of insurance in the course of dealing under the license or appointment.

(3) Violation of any lawful order or rule of the department, commission, or office.

(4) Failure or refusal, upon demand, to pay over to any insurer he or she represents or has represented any money coming



427888

into his or her hands belonging to the insurer.

(5) Violation of the provision against twisting, as defined in s. 626.9541(1)(1).

(6) In the conduct of business under the license or appointment, engaging in unfair methods of competition or in unfair or deceptive acts or practices, as prohibited under part IX of this chapter, or having otherwise shown himself or herself to be a source of injury or loss to the public.

(7) Willful overinsurance of any property or health insurance risk.

(8) If a life agent, violation of the code of ethics.

(9) Cheating on an examination required for licensure or violating test center or examination procedures published orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator. Communication of test center and examination procedures must be clearly established and documented.

(10) Failure to inform the department in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

(11) Knowingly aiding, assisting, procuring, advising, or abetting any person in the violation of or to violate a provision of the insurance code or any order or rule of the department, commission, or office.

(12) Has been the subject of or has had a license, permit,



427888

appointment, registration, or other authority to conduct business subject to any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, final agency action, or administrative order by any court of competent jurisdiction, administrative law proceeding, state agency, federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association involving a violation of any federal or state securities or commodities law or any rule or regulation adopted thereunder, or a violation of any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association.

(13) Failure to comply with any civil, criminal, or administrative action taken by the child support enforcement program under Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq., to determine paternity or to establish, modify, enforce, or collect support.

(14) Directly or indirectly accepting any compensation, inducement, or reward from an inspector for the referral of the owner of the inspected property to the inspector or inspection company. This prohibition applies to an inspection intended for submission to an insurer in order to obtain property insurance coverage or establish the applicable property insurance premium.

(15) Denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

(16) Taking an action that allows the personal financial or



427888

medical information of a consumer or customer to be made available or accessible to the general public, regardless of the format in which the record is stored.

(17) Initiating in-person or telephone solicitation after 9 p.m. or before 8 a.m. local time of the prospective customer unless requested by the prospective customer.

(18) Cancellation of the applicant's, licensee's, or appointee's resident license in a state other than Florida.

Section 21. Subsection (1) of section 626.731, Florida Statutes, is amended to read:

626.731 Qualifications for general lines agent's license.—

(1) The department may ~~shall~~ not grant or issue a license as general lines agent to any individual found by it to be untrustworthy or incompetent or who does not meet ~~each~~ all of the following qualifications:

(a) The applicant is a natural person at least 18 years of age.

(b) The applicant is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a bona fide resident of this state. ~~An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.~~



427888

(c) The applicant's place of business will be located in this state and he or she will be actively engaged in the business of insurance and will maintain a place of business, the location of which is identifiable by and accessible to the public.

(d) The license is not being sought for the purpose of writing or handling controlled business, in violation of s. 626.730.

(e) The applicant is qualified as to knowledge, experience, or instruction in the business of insurance and meets the requirements provided in s. 626.732.

(f) The applicant has passed any required examination for license required under s. 626.221.

Section 22. Subsection (2) of section 626.785, Florida Statutes, is amended to read:

626.785 Qualifications for license.—

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.~~

Section 23. Section 626.831, Florida Statutes, is amended to read:

626.831 Qualifications for license.—

~~(1)~~ The department may ~~shall~~ not grant or issue a license



427888

as health agent as to any individual found by it to be untrustworthy or incompetent, or who does not meet all of the following qualifications:

(1)(a) Is ~~Must be~~ a natural person of at least 18 years of age.

(2)(b) Is ~~Must be~~ a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a bona fide resident of this state.

(3)(c) Is ~~Must not be~~ an employee of the United States Department of Veterans Affairs or state service office, as referred to in s. 626.833.

(4)(d) Has taken ~~Must take~~ and passed ~~pass~~ any examination for license required under s. 626.221.

(5)(e) Is ~~Must be~~ qualified as to knowledge, experience, or instruction in the business of insurance and meets ~~meet~~ the requirements relative thereto provided in s. 626.8311.

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.~~

Section 24. Subsections (4) and (5) of section 626.8417, Florida Statutes, are amended to read:

626.8417 Title insurance agent licensure; exemptions.—



427888

(4) Title insurers, acting through designated corporate officers, or attorneys duly admitted to practice law in this state and in good standing with The Florida Bar are exempt from the provisions of this chapter relating to title insurance licensing and appointment requirements.

~~(5) An insurer may designate a corporate officer of the insurer to occasionally issue and countersign binders, commitments, and policies of title insurance. The designated officer is exempt from the provisions of this chapter relating to title insurance licensing and appointment requirements while the officer is acting within the scope of the designation.~~

Section 25. Subsection (24) is added to section 626.854, Florida Statutes, to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(24) A public adjuster, public adjuster apprentice, or public adjusting firm must respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within 14 days after the date of the request and shall document in the file the response or information provided.

Section 26. Section 627.797, Florida Statutes, is repealed.

Section 27. Subsection (4) of section 648.34, Florida Statutes, is amended to read:

648.34 Bail bond agents; qualifications.—

(4) The applicant shall furnish, with his or her application, a complete set of his or her fingerprints in



427888

accordance with s. 626.171(4) ~~and a recent credential-sized,~~
~~full-face photograph of the applicant.~~ The department may ~~shall~~
not authorize an applicant to take the required examination
until the department has received a report from the Department
of Law Enforcement and the Federal Bureau of Investigation
relative to the existence or nonexistence of a criminal history
report based on the applicant's fingerprints.

Section 28. Subsection (2) of section 648.382, Florida
Statutes, is amended to read:

648.382 Appointment of bail bond agents and bail bond
agencies; effective date of appointment.—

(2) Before any appointment, an appropriate officer or
official of the appointing insurer must obtain all of the
following information ~~submit~~:

(a) A certified statement or affidavit to the department
stating what investigation has been made concerning the proposed
appointee and the proposed appointee's background and the
appointing person's opinion to the best of his or her knowledge
and belief as to the moral character and reputation of the
proposed appointee. In lieu of such certified statement or
affidavit, by authorizing the effectuation of an appointment for
a licensee, the appointing entity certifies to the department
that such investigation has been made and that the results of
the investigation and the appointing person's opinion is that
the proposed appointee is a person of good moral character and
reputation and is fit to engage in the bail bond business. ~~+~~

(b) An affidavit under oath on a form prescribed by the
department, signed by the proposed appointee, stating that
premiums are not owed to any insurer and that the appointee will



427888

discharge all outstanding forfeitures and judgments on bonds previously written. If the appointee does not satisfy or discharge such forfeitures or judgments, the former insurer shall file a notice, with supporting documents, with the appointing insurer, the former agent or agency, and the department, stating under oath that the licensee has failed to timely satisfy forfeitures and judgments on bonds written and that the insurer has satisfied the forfeiture or judgment from its own funds. Upon receipt of such notification and supporting documents, the appointing insurer shall immediately cancel the licensee's appointment. The licensee may be reappointed only upon certification by the former insurer that all forfeitures and judgments on bonds written by the licensee have been discharged. The appointing insurer or former agent or agency may, within 10 days, file a petition with the department seeking relief from this paragraph. Filing of the petition stays the duty of the appointing insurer to cancel the appointment until the department grants or denies the petition.

(c) Any other information that the department reasonably requires concerning the proposed appointee.

(d) Effective January 1, 2025, a certification that the appointing entity obtained from each appointee the following sworn statement:

Pursuant to section 648.382(2)(b), Florida Statutes, I do solemnly swear that I owe no premium to any insurer or agency and that I will discharge all outstanding forfeitures and judgments on bonds that have been previously written. I acknowledge that failure to do



427888

this will result in my active appointments being
canceled.

An appointed bail bond agency must have the attestation under
this paragraph signed by its owner.

Section 29. Section 717.001, Florida Statutes, is amended
to read:

717.001 Short title.—This chapter may be cited as the
“Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property
Act.”

Section 30. Present subsections (1) through (4), (5)
through (8), (10) through (13), (15) through (20), (21), (22)
through (28), and (31), (32), and (33) of section 717.101,
Florida Statutes, are redesignated as subsections (4) through
(7), (9) through (12), (13) through (16), (17) through (22),
(24), (26) through (32), and (33), (34), and (35), respectively,
new subsections (1), (2), (3), (8), (23), and (25) are added to
that section, and present subsections (1), (2), (5), (6), (8),
(9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and
(30) of that section are amended, to read:

717.101 Definitions.—As used in this chapter, unless the
context otherwise requires:

(1) “Abandoned property” means property held by a holder
for which all of the following are true:

(a) The apparent owner has shown no activity or indication
of interest for the duration of the applicable dormancy period
established under this chapter.

(b) The holder has complied with the due diligence
requirements set forth in this chapter, including the issuance



427888

of notice to the apparent owner, and has received no response or contact sufficient to demonstrate continued interest in the property.

(2) "Abandoned Property Purchase Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant representative to purchase abandoned property from an owner.

(3) "Abandoned Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant representative to obtain consent and authority to recover abandoned property on behalf of a person.

(4)~~(1)~~ "Aggregate" means the amounts reported for owners of abandoned ~~unclaimed~~ property of less than \$10 or where there is no name for the individual or entity listed on the holder's records, regardless of the amount to be reported.

(5)~~(2)~~ "Apparent owner" means the person whose name appears on the records of the holder as the owner of the abandoned property, but whose status as the true owner entitled to receive the property may be subject to change due to the passage of time or changes in circumstances ~~person entitled to property held, issued, or owing by the holder.~~

(8) "Authorized representative" means a person or entity legally empowered to act on behalf of the apparent owner or his or estate, including, but not limited to, an agent, a fiduciary, a personal representative, a trustee, a legal heir, a guardian, or any other individual or entity authorized by law or agreement.

(9)~~(5)~~ "Banking or financial organization" means any and



427888

all banks, trust companies, private bankers, savings banks, industrial banks, safe-deposit companies, savings and loan associations, credit unions, savings associations, banking organizations, international bank agencies, cooperative banks, building and loan associations, and investment companies in this state, organized under or subject to the laws of this state or of the United States, including entities organized under 12 U.S.C. s. 611, but does not include federal reserve banks. The term also includes any corporation, business association, or other organization that:

(a) Is a wholly or partially owned subsidiary of any banking, banking corporation, or bank holding company that performs any or all of the functions of a banking organization; or

(b) Performs functions pursuant to the terms of a contract with any banking organization.

(10)~~(6)~~ "Business association" means any for-profit or nonprofit corporation other than a public corporation; joint stock company; investment company; unincorporated association or association of two or more individuals for business purposes, whether or not for profit; partnership; joint venture; limited liability company; sole proprietorship; business trust; trust company; land bank; safe-deposit company; safekeeping depository; banking or financial organization; insurance company; federally chartered entity; utility company; transfer agent; or other business entity, whether or not for profit.

(12)~~(8)~~ "Claimant ~~Claimant's~~ representative" means an attorney who is a member in good standing with ~~of~~ The Florida Bar, a certified public accountant licensed in this state, or a



427888

private investigator ~~who is duly licensed to do business in this~~
~~the~~ state, who is registered with the department, and authorized
to file claims on behalf of persons with the department ~~by the~~
~~claimant to claim unclaimed property on the claimant's behalf.~~

The term does not include a person acting in a representative or
fiduciary capacity, such as a personal representative, guardian,
trustee, or attorney, whose representation is not contingent
upon the discovery or location of abandoned ~~unclaimed~~ property,
and it expressly excludes locators, who engage in locating
owners of abandoned property for a fee but are not registered
with the department; ~~provided, however, that any agreement~~
~~entered into for the purpose of evading s. 717.135 is invalid~~
~~and unenforceable.~~

~~(9) "Credit balance" means an account balance in the~~
~~customer's favor.~~

~~(15)(12)~~ (15) "Due diligence" means the use of reasonable and
prudent methods under particular circumstances to locate
apparent owners of presumed abandoned property ~~inactive accounts~~
using the taxpayer identification number or social security
number, if known, which may include, but are not limited to,
using a nationwide database, cross-indexing with other records
of the holder, mailing to the last known address unless the last
known address is known to be inaccurate, providing written
notice as described in this chapter by electronic mail if an
apparent owner has elected such delivery, or engaging a licensed
agency or company capable of conducting such search and
providing updated addresses.

~~(14) "Financial organization" means a savings association,~~
~~savings and loan association, savings bank, industrial bank,~~



427888

~~bank, banking organization, trust company, international bank
agency, cooperative bank, building and loan association, or
credit union.~~

~~(18)(16)~~ "Holder" means a person who is in possession of
property belonging to another or who owes a debt or an
obligation to another person, including, but not limited to,
financial institutions, insurance companies, corporations,
partnerships, fiduciaries, and government agencies;

~~(a) A person who is in possession or control or has custody
of property or the rights to property belonging to another; is
indebted to another on an obligation; or is obligated to hold
for the account of, or to deliver or pay to, the owner, property
subject to this chapter; or~~

~~(b) A trustee in case of a trust.~~

~~(20)(18)~~ "Intangible property" includes, by way of
illustration and not limitation:

(a) Moneys, checks, virtual currency, drafts, deposits,
interest, dividends, and income.

(b) Credit balances, customer overpayments, security
deposits and other instruments as defined by chapter 679,
refunds, unpaid wages, unused airline tickets, and unidentified
remittances.

(c) Stocks, and other intangible ownership interests in
business associations except for:

1. A non-freely transferable security; or

2. A security that is subject to a lien, legal hold, or
restriction evidenced on the records of the holder or imposed by
operation of law, if the lien, legal hold, or restriction
restricts the holder's or owner's ability to receive, transfer,



427888

sell, or otherwise negotiate the security.

(d) Moneys deposited to redeem stocks, bonds, bearer bonds, original issue discount bonds, coupons, and other securities, or to make distributions.

(e) Amounts due and payable under the terms of insurance policies.

(f) Amounts distributable from a trust or custodial fund established under a plan to provide any health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefit.

(21) ~~(19)~~ "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail. For the purposes of identifying, reporting, and remitting property to the department ~~which is presumed to be unclaimed~~, the term "last known address" includes any partial description of the location of the apparent owner sufficient to establish the apparent owner was a resident of this state at the time of last contact with the apparent owner or at the time the property became due and payable.

(22) ~~(20)~~ "Lawful charges" means charges against the property or the account in which the property is held ~~dormant accounts~~ that are authorized by statute for the purpose of offsetting the costs of maintaining the property or the account in which the property is held ~~dormant account~~.

(23) "Locator" means a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. Locators are not employees or agents of the state and are not registered with



427888

the department.

(25) "Non-freely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

~~(26)(22) "Owner" means the a person, or the person's legal representative, entitled to receive or having a legal or equitable interest in the abandoned property. An owner establishes his or her entitlement by filing a valid claim with the department pursuant or claim against property subject to this chapter; a depositor in the case of a deposit; a beneficiary in the case of a trust or a deposit in trust; or a payee in the case of a negotiable instrument or other intangible property.~~

(29)(25) "Record" means information that is captured or maintained in any format, including written, printed, electronic, audio, visual, or other forms, and that can be made perceptible or understandable to a person, either directly or through technological means, including assistive technologies
~~inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.~~

~~(29) "Unclaimed Property Purchase Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to purchase unclaimed property from an owner.~~



427888

~~(30) "Unclaimed Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to obtain an owner's consent and authority to recover unclaimed property on the owner's behalf.~~

Section 31. Section 717.102, Florida Statutes, is amended to read:

717.102 Property presumed abandoned ~~unclaimed~~; general rule.—

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment thereon less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and for which the apparent owner or authorized representative fails to demonstrate continued interest for more than the applicable dormancy period prescribed by this chapter shall be presumed abandoned ~~claim such property for more than 5 years after the property becomes payable or distributable is presumed unclaimed, except as otherwise provided by this chapter. Unless otherwise specified by law, the dormancy period shall be 5 years from the date the property becomes payable or distributable. For the purposes of this chapter, property shall be considered payable or distributable once the holder's obligation to pay or deliver the property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment.~~

~~(2) Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive~~



427888

payment.

~~(3)~~ A presumption that property is abandoned may be ~~unclaimed~~ is rebutted by the affirmative demonstration of continued interest by the apparent owner or authorized representative ~~an apparent owner's expression of interest in the property.~~ Such demonstration ~~An owner's expression of continued interest in property~~ includes, but is not limited to, any of the following:

(a) A record communicated by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held.~~;~~

(b) An oral communication by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held, if the holder or its agent contemporaneously records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the~~ ~~apparent owner's~~ communication.~~;~~

(c) Presentment of a check or other instrument for ~~of~~ payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other distributions related to the property. ~~distribution, with respect to an account, underlying security, or interest in a business association;~~

(d) Any account activity initiated ~~directed~~ by an apparent owner or authorized representative ~~in the account in which the property is held~~, including accessing the account or directing changes to information concerning the account, or to the amount or type of property held, excluding routine automatic transactions previously authorized, ~~a direction by the apparent~~



427888

~~owner~~ to increase, decrease, or otherwise change the amount or type of property held in the account.~~.~~

(e) Any ~~A~~ deposit into or withdrawal from the property or the an account in which the property is held at a financial organization, excluding ~~an~~ automatic deposits, withdrawals, or reinvestments ~~deposit or withdrawal~~ previously authorized by the apparent owner or authorized representative. ~~an automatic reinvestment of dividends or interest, which does not constitute an expression of interest; or~~

(f) Any other action by the apparent owner or authorized representative which reasonably demonstrates to the holder that the apparent owner or authorized representative is aware of and maintains an interest in ~~knows that~~ the property ~~exists~~.

~~(3)-(4)~~ (3) If a holder learns or receives confirmation of an apparent owner's death, the property shall be presumed abandoned unclaimed 2 years after the date of death, unless an authorized representative makes an affirmative demonstration ~~a fiduciary appointed to represent the estate of the apparent owner has made an expression of interest in the property before the expiration of the 2-year period. This subsection may not be construed to extend the otherwise applicable dormancy period prescribed by this chapter.~~

Section 32. Section 717.103, Florida Statutes, is amended to read:

717.103 General rules for taking custody of intangible abandoned unclaimed property.—Unless otherwise provided in this chapter or by other statute of this state, intangible property is subject to the custody of the department as abandoned unclaimed property when ~~if~~ the conditions leading to a



427888

presumption that the property is abandoned ~~unclaimed~~ as described in ss. 717.102 and 717.105-717.116 are satisfied and the holder has fulfilled all required due diligence obligations without receiving any response or claim from the apparent owner, and one or more of the following criteria apply:

(1) The last known address, as shown on the records of the holder, of the apparent owner is in this state.~~†~~

(2) The records of the holder do not identify the name of the apparent owner, but do reflect the identity of the person entitled to the property, and it is established that the last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~†~~

(3) The records of the holder do not reflect the last known address of the apparent owner, but ~~and~~ it is established that either of the following conditions apply:

(a) The last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~† or~~

(b) The holder is domiciled in this state, ~~a domiciliary or is a government entity or governmental subdivision or agency of this state,~~ and has not previously paid the property to the state of the last known address of the apparent owner. ~~or other person entitled to the property;~~

(4) The last known address, as shown on the records of the holder, of the apparent owner ~~or other person entitled to the property~~ is in a jurisdiction ~~state~~ that does not have applicable ~~provide by law for the escheat,~~ abandoned, or unclaimed property laws ~~custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property,~~ and the holder is domiciled in this state ~~a~~



427888

~~domiciliary or is a government entity or governmental subdivision or agency of this state.~~

(5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is domiciled in this state ~~a domiciliary or is a government entity or governmental subdivision or agency of this state.~~

(6) The transaction out of which the property arose occurred in this state, and both of the following are true:

(a) ~~1. The last known address of the apparent owner or other person entitled to the property is unknown.~~

~~2. The last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property; and~~

(b) The holder is domiciled in a jurisdiction ~~a domiciliary of a state that does not have applicable provide by law for the escheat, abandoned, or custodial taking of the property, or its escheat or unclaimed property laws law is not applicable to the property.~~

Section 33. Section 717.1035, Florida Statutes, is repealed.

Section 34. Section 717.104, Florida Statutes, is amended to read:

717.104 Traveler's checks and money orders.—

(1) Subject to subsection (4), any sum payable on a traveler's check that has been outstanding for more than 15 years after its issuance is presumed abandoned ~~unclaimed~~ unless



427888

the apparent owner or authorized representative, within 15 years, has demonstrated a continued interest in the property in accordance with s. 717.102 ~~communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file with the issuer.~~

(2) Subject to subsection (4), any sum payable on a money order or similar written instrument, other than a third party bank check, that has been outstanding for more than 7 years after its issuance is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 7 years, has demonstrated a continued interest in the property in accordance with s. 717.102 ~~communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file with the issuer.~~

(3) ~~A~~ No holder may not deduct from the amount of any traveler's check or money order any charges imposed by reason of the failure to present those instruments for payment unless there is a valid and enforceable written contract between the holder ~~issuer~~ and the apparent owner of the property pursuant to which the holder ~~issuer~~ may impose those charges and the holder ~~issuer~~ regularly imposes those charges and does not regularly reverse or otherwise cancel those charges with respect to the property.

(4) No sum payable on a traveler's check, money order, or similar written instrument, other than a third party bank check, described in subsections (1) and (2) may be subjected to the custody of this state as abandoned ~~unclaimed~~ property unless any of the following conditions are met:



427888

(a) The records of the holder ~~issuer~~ show that the traveler's check, money order, or similar written instrument was purchased in this state.~~†~~

(b) The holder ~~issuer~~ has its principal place of business in this state and its ~~the~~ records ~~of the issuer~~ do not show the state in which the traveler's check, money order, or similar written instrument was purchased.~~† or~~

(c) The holder ~~issuer~~ has its principal place of business in this state; the holder's records ~~of the issuer~~ show the state in which the traveler's check, money order, or similar written instrument was purchased; and the ~~laws of the state of purchase does not provide applicable~~ do not provide for the escheat, abandoned, or unclaimed property laws or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property.

(5) Notwithstanding any other provision of this chapter, subsection (4) applies to sums payable on traveler's checks, money orders, and similar written instruments presumed abandoned ~~unclaimed~~ on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

Section 35. Section 717.1045, Florida Statutes, is amended to read:

717.1045 Gift certificates and similar credit items.— Notwithstanding s. 717.117, an unredeemed gift certificate or credit memo as defined in s. 501.95 is not required to be reported as abandoned ~~unclaimed~~ property.

(1) The consideration paid for an unredeemed gift certificate or credit memo is the property of the issuer of the



427888

unredeemed gift certificate or credit memo.

(2) An unredeemed gift certificate or credit memo is subject only to any rights of a purchaser or owner thereof and is not subject to a claim made by any state acting on behalf of a purchaser or owner.

(3) It is the intent of the Legislature that this section apply to the custodial holding of unredeemed gift certificates and credit memos.

(4) However, a gift certificate or credit memo described in s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~ property. The consideration paid for such a gift certificate or credit memo is the property of the owner of the gift certificate or credit memo.

Section 36. Section 717.105, Florida Statutes, is amended to read:

717.105 Checks, drafts, and similar instruments issued or certified by banking and financial organizations.—

(1) Any sum payable on a check, draft, or similar instrument, except those subject to ss. 717.104 and 717.115, on which a banking or financial organization is directly liable, including, but not limited to, a cashier's check or a certified check, which has been outstanding for more than 5 years after it was payable or after its issuance if payable on demand, is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 5 years, has communicated in writing with the banking or financial organization concerning it or otherwise demonstrated a continued interest in the property in accordance with s. 717.102 ~~indicated an interest as evidenced by a memorandum or other record on file with the banking or~~



427888

~~financial organization.~~

(2) ~~A~~ No holder may not deduct from the amount of any instrument subject to this section any charges imposed by reason of the failure to present the instrument for encashment unless there is a valid and enforceable written contract between the holder and the apparent owner of the instrument pursuant to which the holder may impose those charges and does not regularly reverse or otherwise cancel those charges with respect to the instrument.

Section 37. Subsection (1), paragraphs (a) and (b) of subsection (3), and subsections (4) and (5) of section 717.106, Florida Statutes, are amended to read:

717.106 Bank deposits and funds in financial organizations.—

(1) Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are automatically renewable, and any funds paid toward the purchase of shares, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative has, within 5 years, engaged in any of the following activities:

(a) Increased or decreased the amount of the deposit or presented the passbook or other similar evidence of the deposit for the crediting of interest. ~~+~~

(b) Communicated in writing or by documented telephone contact with the banking or financial organization concerning the property. ~~+~~

(c) Otherwise demonstrated a continued ~~indicated an~~



427888

interest in the property as evidenced by a memorandum or other record on file with the banking or financial organization.~~+~~

(d) Owned other property to which paragraph (a), paragraph (b), or paragraph (c) is applicable and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other property regularly are sent.~~;~~ ~~or~~

(e) Had another relationship with the banking or financial organization concerning which the apparent owner has:

1. Communicated in writing with the banking or financial organization; or

2. Otherwise demonstrated a continued ~~indicated an~~ interest as evidenced by a memorandum or other record on file with the banking or financial organization and if the banking or financial organization communicates in writing with the apparent owner or authorized representative with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other relationship regularly are sent.

(3) A ~~No~~ holder may not impose with respect to property described in subsection (1) any charges due to dormancy or inactivity or cease payment of interest unless:

(a) There is an enforceable written contract between the holder and the apparent owner of the property pursuant to which the holder may impose those charges or cease payment of interest.

(b) For property in excess of \$2, the holder, no more than



427888

3 months prior to the initial imposition of those charges or cessation of interest, has given written notice to the apparent owner of the amount of those charges at the last known address of the apparent owner stating that those charges shall be imposed or that interest shall cease, but the notice provided in this section need not be given with respect to charges imposed or interest ceased before July 1, 1987.

(4) Any property described in subsection (1) that is automatically renewable is matured for purposes of subsection (1) upon the expiration of its initial time period except that, in the case of any renewal to which the apparent owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in s. 717.119, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

(5) If the documents establishing a deposit described in subsection (1) state the address of a beneficiary of the deposit, and the account has a value of at least \$50, notice shall be given to the beneficiary as provided for notice to the apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection shall apply to accounts opened on or after October 1, 1990.

Section 38. Subsection (1) of section 717.107, Florida Statutes, is amended to read:



427888

717.107 Funds owing under life insurance policies, annuity contracts, and retained asset accounts; fines, penalties, and interest; United States Social Security Administration Death Master File.—

(1) Funds held or owing under any life or endowment insurance policy or annuity contract which has matured or terminated are presumed abandoned ~~unclaimed~~ if unclaimed for more than 5 years after the date of death of the insured, the annuitant, or the retained asset account holder, but property described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if such property is not claimed for more than 2 years. The amount presumed abandoned ~~unclaimed~~ shall include any amount due and payable under s. 627.4615.

Section 39. Section 717.1071, Florida Statutes, is amended to read:

717.1071 Lost owners of abandoned ~~unclaimed~~ demutualization, rehabilitation, or related reorganization proceeds.—

(1) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned 2 years after the date the property is first distributable if, at the time of the first distribution, the last known address of the apparent owner on the books and records of the holder is known to be incorrect or the distribution or statements are returned by the post office as undeliverable; and the apparent owner or authorized representative ~~owner~~ has not communicated in writing with the holder or its agent regarding the interest or otherwise communicated with the holder regarding the interest as evidenced



427888

by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection (1) shall be reportable as otherwise provided by this chapter.

(3) Property subject to this section shall be reported and delivered no later than May 1 as of the preceding December 31; however, the initial report under this section shall be filed no later than November 1, 2003, as of December 31, 2002.

Section 40. Section 717.108, Florida Statutes, is amended to read:

717.108 Deposits held by utilities.—Any deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful charges, that remains unclaimed by the apparent owner for more than 1 year after termination of the services for which the deposit or advance payment was made is presumed abandoned ~~unclaimed~~.

Section 41. Section 717.109, Florida Statutes, is amended to read:

717.109 Refunds held by business associations.—Except as otherwise provided by law, any sum that a business association has been ordered to refund by a court or administrative agency which has been unclaimed by the apparent owner for more than 1 year after it became payable in accordance with the final determination or order providing for the refund, regardless of whether the final determination or order requires any person entitled to a refund to make a claim for it, is presumed



427888

abandoned ~~unclaimed~~.

Section 42. Section 717.1101, Florida Statutes, is amended to read:

717.1101 Abandoned ~~Unclaimed~~ equity and debt of business associations.—

(1)(a) Stock, ~~or~~ other equity interests, or debt of ~~interest in~~ a business association is presumed abandoned ~~unclaimed~~ on the date of the earliest of any of the following:

1. Three years after the date a communication, other than communications required by s. 717.117, sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service. If such returned communication is resent within 1 month to the apparent owner, the 3-year dormancy period does not begin until the day the resent item is returned as undelivered.

2. Five ~~Three~~ years after the most recent of any account owner-generated activity or communication initiated by the apparent owner or authorized representative which demonstrates continued interest in the ~~related to the~~ account, as recorded and maintained by in the holder. Routine automatic reinvestments or other routine transactions previously authorized by the apparent owner or authorized representative do not prevent, interrupt, or reset the dormancy period and do not constitute an affirmative demonstration of continued interest. ~~holder's database and records systems sufficient enough to demonstrate the owner's continued awareness or interest in the property;~~

3.2. Two ~~Three~~ years after the date of the death of the apparent owner, as evidenced by:

a. Notice to the holder of the apparent owner's death by an



427888

~~authorized representative administrator, beneficiary, relative,
or trustee, or by a personal representative or other legal
representative of the owner's estate;~~

b. Receipt by the holder of a copy of the death certificate
of the apparent owner;

c. Confirmation by the holder of the apparent owner's death
~~through~~ ~~though~~ other means; or

d. Other evidence from which the holder may reasonably
conclude that the apparent owner is deceased. ~~;~~ ~~or~~

~~3. One year after the date on which the holder receives
notice under subparagraph 2. if the notice is received 2 years
or less after the owner's death and the holder lacked knowledge
of the owner's death during that period of 2 years or less.~~

(b) If the holder does not send communication to the
apparent owner of a security by first-class United States mail
on an annual basis, the holder shall attempt to confirm the
apparent owner's interest in the equity interest by sending the
apparent owner an e-mail communication not later than 3 years
after the apparent owner's or authorized representative's last
demonstration of continued interest in the equity interest.
However, the holder shall promptly attempt to contact the
apparent owner by first-class United States mail if:

1. The holder does not have information needed to send the
apparent owner an e-mail communication or the holder believes
that the apparent owner's e-mail address in the holder's records
is not valid;

2. The holder received notification that the e-mail
communication was not received; or

3. The apparent owner does not respond to the e-mail



427888

communication within 30 days after the communication was sent.

(c) If first-class United States mail sent under paragraph (b) is returned to the holder undelivered by the United States Postal Service, the equity interest is presumed abandoned in accordance with paragraph (1)(a).

(d) Unmatured or unredeemed debt, other than a bearer bond or an original issue discount bond, is presumed abandoned 5 ~~unclaimed 3~~ years after the date of the most recent interest payment unclaimed by the owner.

(e) ~~(e)~~ Matured or redeemed debt is presumed abandoned 5 ~~unclaimed 3~~ years after the date of maturity or redemption.

(f) ~~(d)~~ At the time property is presumed abandoned ~~unclaimed~~ under paragraph (a) or paragraph (b), any other property right accrued or accruing to the owner as a result of the property interest and not previously presumed abandoned ~~unclaimed~~ is also presumed abandoned ~~unclaimed~~.

(2) The running of the applicable dormancy period under this section ~~such 3-year period~~ ceases if the apparent owner or authorized representative demonstrates continued interest under s. 717.102, including by any of the following actions ~~person~~:

(a) ~~1. Communicating~~ Communicates in writing or by other means with the association or its agent regarding the interest, ~~or a dividend, distribution, or other sum payable as a result of the interest, as recorded by the association or its agent;~~ ~~or~~

~~2. Otherwise communicates with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association or its agent.~~

(b) Presenting ~~Presents~~ an instrument issued to pay



427888

interest, ~~or~~ a dividend, or other ~~cash~~ distribution. If any future dividend, distribution, or other sum payable ~~to the owner~~ as a result of the interest is subsequently unclaimed ~~not claimed by the owner~~, a new period in which the property is presumed abandoned ~~unclaimed~~ commences and relates back only to the time a subsequent dividend, distribution, or other sum became due and payable.

(3) At the same time any interest is presumed abandoned ~~unclaimed~~ under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, is presumed abandoned ~~unclaimed~~.

(4) Any dividend, profit, distribution, interest redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificateholder, member, bondholder, or other security holder, who has not claimed such amount or corresponded in writing with the business association concerning such amount, within 5 ~~3~~ years after the date prescribed for payment or delivery, is presumed abandoned ~~unclaimed~~.

Section 43. Section 717.111, Florida Statutes, is amended to read:

717.111 Property of business associations held in course of dissolution.—All intangible property distributable in the course of a voluntary or involuntary dissolution of a business association which is not claimed by the apparent owner for more than 6 months after the date specified for final distribution is presumed abandoned ~~unclaimed~~.

Section 44. Subsections (1) and (5) of section 717.112, Florida Statutes, are amended to read:



427888

717.112 Property held by agents and fiduciaries.—

(1) All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person, including property held by an attorney in fact or an agent, except as provided in ss. 717.1125 and 733.816, is presumed abandoned ~~unclaimed~~ unless the apparent owner has within 5 years after it has become payable or distributable increased or decreased the principal, accepted payment of principal or income, communicated in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary.

(5) All intangible property, and any income or increment thereon, issued by a government or governmental subdivision or agency, public corporation, or public authority and held in an agency capacity for the governmental subdivision, agency, public corporation, or public authority for the benefit of the owner of record, is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 1 year after such property has become payable or distributable, increased or decreased the principal, accepted payment of the principal or income, communicated concerning the property, or otherwise indicated an interest in the property as evidenced by a memorandum or other record on file with the fiduciary.

Section 45. Section 717.1125, Florida Statutes, is amended to read:

717.1125 Property held by fiduciaries under trust instruments.—All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person under a trust instrument is presumed abandoned ~~unclaimed~~



427888

unless the apparent owner has, within 2 years after it has become payable or distributable, increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code.

Section 46. Section 717.113, Florida Statutes, is amended to read:

717.113 Property held by courts and public agencies.—All intangible property held for the apparent owner by any court, government or governmental subdivision or agency, public corporation, or public authority that has not been claimed by the apparent owner for more than 1 year after it became payable or distributable is presumed abandoned ~~unclaimed~~. Except as provided in s. 45.032(3)(c), money held in the court registry and for which no court order has been issued to determine an owner does not become payable or distributable and is not subject to reporting under this chapter. Notwithstanding the provisions of this section, funds deposited in the Minerals Trust Fund pursuant to s. 377.247 are presumed abandoned ~~unclaimed~~ only if the funds have not been claimed by the apparent owner for more than 5 years after the date of first production from the well.

Section 47. Section 717.115, Florida Statutes, is amended to read:

717.115 Wages.—Unpaid wages, including wages represented by unrepresented payroll checks, owing in the ordinary course of the holder's business that have not been claimed by the apparent



427888

owner for more than 1 year after becoming payable are presumed
abandoned ~~unclaimed~~.

Section 48. Section 717.116, Florida Statutes, is amended
to read:

717.116 Contents of safe-deposit box or other safekeeping
repository.—All tangible and intangible property held by a
banking or financial organization in a safe-deposit box or any
other safekeeping repository in this state in the ordinary
course of the holder's business, and proceeds resulting from the
sale of the property permitted by law, that has not been claimed
by the apparent owner or authorized representative for more than
3 years after the lease or rental period on the box or other
repository has expired are presumed abandoned ~~unclaimed~~.

Section 49. Section 717.117, Florida Statutes, is amended
to read:

717.117 Holder due diligence and report of abandoned
~~unclaimed~~ property.—

(1) Property is presumed abandoned upon expiration of the
applicable dormancy period under this chapter. However, such
property is not deemed abandoned for purposes of reporting or
remittance to the department until the holder has conducted
reasonable due diligence as required by this section, resulting
in no indication of interest from the apparent owner or
authorized representative.

(2) Holders of property presumed abandoned that has a value
of \$50 or more shall use due diligence to locate and notify the
apparent owner that the holder is in possession of property
subject to this chapter. At least 90 days, but not more than 180
days, before filing the report required by this section, a



427888

holder in possession of presumed abandoned property shall send
written notice by first-class United States mail to the apparent
owner's last known address as shown in the holder's records or
from other available sources, or by e-mail if the apparent owner
has elected for e-mail delivery, informing the apparent owner
that the holder is in possession of property subject to this
chapter, provided that the holder's records contain a mailing or
e-mail address for the apparent owner which is not known by the
holder to be inaccurate. The holder may provide notice by mail,
by e-mail, or by both methods. If the holder's records indicate
that the mailing address is inaccurate, notice may be provided
by e-mail if the apparent owner has elected e-mail delivery.

(3) If the value of the property is greater than \$1,000,
the holder shall send a second written notice by certified
United States mail, return receipt requested, to the apparent
owner's last known address at least 60 days before filing the
report required by this section, if the holder's records contain
a mailing address for the apparent owner which is not known by
the holder to be inaccurate. Reasonable costs paid to the United
States Postal Service for certified mail, return receipt
requested, may be deducted from the property as a service
charge. A signed return receipt received in response to the
certified mail notice constitutes an affirmative demonstration
of continued interest as described in s. 717.102.

(4) The written notice required under this section must
include:

(a) A heading that reads substantially as follows: "Notice:
The State of Florida requires us to notify you that your
property may be transferred to the custody of the Florida



427888

Department of Financial Services if you do not contact us before
...(insert date that is at least 30 days after the date of
notice)...."

(b) A description of the type, nature, and, unless the
property does not have a fixed value, value of the property that
is the subject of the notice.

(c) A statement that the property will be turned over to
the custody of the department as abandoned property if no
response is received.

(d) A statement that noncash property will be sold or
liquidated by the department.

(e) A statement that, after the property is remitted to the
department, a claim must be filed with the department to recover
the property.

(f) A statement that the property is currently in the
custody of the holder and that the apparent owner may prevent
transfer of the property by contacting the holder before the
deadline stated in the notice.

(5) Every holder of abandoned ~~person holding funds or other~~
property, tangible or intangible, ~~presumed unclaimed and~~ subject
to custody ~~as unclaimed property~~ under this chapter shall submit
a report to the department via electronic medium as the
department may prescribe by rule. The report must include:

(a) Except for traveler's checks and money orders, the
name, social security number or taxpayer identification number,
date of birth, if known, and last known address, if any, of each
~~apparent person appearing from the records of the holder to be~~
~~the owner of any property which is~~ abandoned ~~presumed unclaimed~~
and which has a value of \$10 or more.



427888

(b) For abandoned ~~unclaimed~~ funds that have a value of \$10 or more held or owing under any life or endowment insurance policy or annuity contract, the identifying information provided in paragraph (a) for both the insured or annuitant and the beneficiary according to records of the insurance company holding or owing the funds.

(c) For all tangible property held in a safe-deposit box or other safekeeping repository, a description of the property and the place where the property is held and may be inspected by the department, and any amounts owing to the holder. Contents of a safe-deposit box or other safekeeping repository which consist of documents or writings ~~of a private nature and~~ which have little or no commercial value ~~may apparent value shall~~ not be reported as abandoned property ~~presumed unclaimed~~.

(d) The nature or type of property, any accounting or identifying number associated with the property, a description of the property, and the amount appearing from the records to be due. Items of value of less than \$10 each may be reported in the aggregate.

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property.

(f) Any other information the department may prescribe by rule as necessary for the administration of this chapter.

~~(6)-(2)~~ If the total value of all abandoned ~~presumed unclaimed~~ property, whether tangible or intangible, held by a person is less than \$10, a zero balance report may be filed for that reporting period.

~~(7)-(3)~~ Credit balances, customer overpayments, security



427888

deposits, and refunds having a value of less than \$10 may not be reported as abandoned property ~~shall not be presumed unclaimed.~~

(8) A security identified by the holder as non-freely transferable or worthless may not to be included in a report filed under this section. If the holder determines that a security is no longer non-freely transferable or worthless, the holder shall report and deliver the security on the next regular report date prescribed for delivery of securities by the holder under this chapter.

(9)~~(4)~~ If the holder of abandoned property ~~presumed unclaimed~~ and subject to custody under this chapter ~~as unclaimed property~~ is a successor holder or if the holder has changed the holder's name while in possession of the property, the holder shall file with the holder's report all known names and addresses of each prior holder of the property. Compliance with this subsection means the holder exercises reasonable and prudent efforts to determine the names of all prior holders.

(10) The report must be signed by or on behalf of the holder and verified as to its completeness and accuracy, and the holder must state that it has complied with the due diligence requirements of this section.

(11)~~(5)~~ The report must be filed before May 1 of each year. The report applies to the preceding calendar year. Upon written request by any person required to file a report, and upon a showing of good cause, the department may extend the reporting date. The department may impose and collect a penalty of \$10 per day up to a maximum of \$500 for the failure to timely report, if an extension was not provided or if the holder of the property failed to include in a report information required by this



427888

chapter which was in the holder's possession at the time of reporting. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing. As necessary for proper administration of this chapter, the department may waive any penalty due with appropriate justification. The department must provide information contained in a report filed with the department to any person requesting a copy of the report or information contained in a report, to the extent the information requested is not confidential, within 45 days after the department determines that the report is accurate and acceptable and that the reported property is the same as the remitted property.

~~(6) Holders of inactive accounts having a value of \$50 or more shall use due diligence to locate and notify apparent owners that the entity is holding unclaimed property available for them to recover. Not more than 120 days and not less than 60 days prior to filing the report required by this section, the holder in possession of property presumed unclaimed and subject to custody as unclaimed property under this chapter shall send written notice by first-class United States mail to the apparent owner at the apparent owner's last known address from the holder's records or from other available sources, or via electronic mail if the apparent owner has elected this method of delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, if the holder has in its records a mailing or electronic address for the apparent owner which the holder's records do not disclose to be inaccurate. These two means of contact are not mutually~~



427888

~~exclusive; if the mailing address is determined to be
inaccurate, electronic mail may be used if so elected by the
apparent owner.~~

~~(7) The written notice to the apparent owner required under
this section must:~~

~~(a) Contain a heading that reads substantially as follows:
"Notice. The State of Florida requires us to notify you that
your property may be transferred to the custody of the Florida
Department of Financial Services if you do not contact us before
...(insert date that is at least 30 days after the date of
notice)...."~~

~~(b) Identify the type, nature, and, except for property
that does not have a fixed value, value of the property that is
the subject of the notice.~~

~~(c) State that the property will be turned over to the
custody of the department as unclaimed property if no response
to this letter is received.~~

~~(d) State that any property that is not legal tender of the
United States may be sold or liquidated by the department.~~

~~(e) State that after the property is turned over to the
department, an apparent owner seeking return of the property may
file a claim with the department.~~

~~(f) State that the property is currently with a holder and
provide instructions that the apparent owner must follow to
prevent the holder from reporting and paying for the property or
from delivering the property to the department.~~

~~(12)(8) Any holder of intangible property may file with the
department a petition for determination that the property is
abandoned and unclaimed requesting the department to accept~~



427888

custody of the property. The petition shall state any special circumstances that exist, contain the information required by subsection (9) ~~subsection (4)~~, and show that a diligent search has been made to locate the apparent owner. If the department finds that the proof of diligent search is satisfactory, it shall give notice as provided in s. 717.118 and accept custody of the property.

~~(13)(9)~~ Upon written request by any entity or person required to file a report, stating such entity's or person's justification for such action, the department may place that entity or person in an inactive status as an abandoned ~~unclaimed~~ property "holder."

~~(14)(10)~~ (a) This section does not apply to the abandoned ~~unclaimed~~ patronage refunds as provided for by contract or through bylaw provisions of entities organized under chapter 425 or that are exempt from ad valorem taxation pursuant to s. 196.2002.

(b) This section does not apply to intangible property held, issued, or owing by a business association subject to the jurisdiction of the United States Surface Transportation Board or its successor federal agency if the apparent owner of such intangible property is a business association. The holder of such property does not have any obligation to report, to pay, or to deliver such property to the department.

(c) This section does not apply to credit balances, overpayments, refunds, or outstanding checks owed by a health care provider to a managed care payor with whom the health care provider has a managed care contract, provided that the credit balances, overpayments, refunds, or outstanding checks become



427888

due and owing pursuant to the managed care contract.

(15)(11)(a) As used in this subsection, the term "property identifier" means the descriptor used by the holder to identify the abandoned ~~unclaimed~~ property.

(b) Social security numbers and property identifiers contained in reports required under this section, held by the department, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(c) This exemption applies to social security numbers and property identifiers held by the department before, on, or after the effective date of this exemption.

Section 50. Section 717.118, Florida Statutes, is amended to read:

717.118 Notification of apparent owners of abandoned ~~unclaimed~~ property.—

(1) It is specifically recognized that the state has an obligation to make an effort to notify apparent owners in a cost-effective manner that their abandoned property has been reported and remitted to the department ~~of unclaimed property in a cost-effective manner~~. In order to provide all the citizens of this state an effective and efficient program for the recovery of abandoned personal ~~unclaimed~~ property, the department shall use cost-effective means to make at least one active attempt to notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~ valued at \$50 or more, abandoned tangible property, and abandoned shares of stock for which ~~more than \$250 with a~~ reported address or taxpayer identification number is available. Such active attempt to notify apparent owners shall include any attempt by the department to directly contact the apparent



427888

owner. Other means of notification, such as publication of the names of apparent owners in the newspaper, on television, on the Internet, or through other promotional efforts and items in which the department does not directly attempt to contact the apparent owner are expressly declared to be passive attempts. ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other agencies or entities of state government from notifying owners of the existence of abandoned ~~unclaimed~~ property or attempting to notify apparent owners of abandoned ~~unclaimed~~ property.

(2) Notification provided directly to individual apparent owners shall contain ~~consist of~~ a description of the abandoned property and information regarding recovery of the ~~unclaimed~~ property from the department. The form and content of the department's notice shall be tailored to the type of property reported and shall include any information necessary to reasonably inform the apparent owner of the consequences of failure to claim the property, including potential sale or disposition under s. 717.122.

(3) The department shall maintain a publicly accessible, electronically searchable website that includes the names of apparent owners of abandoned property reported to the department and instructions for filing a claim. The website must list property valued at \$10 or more and provide instructions for filing a claim. Abandoned property valued at less than \$10 remains recoverable from the department in accordance with this chapter.

(4) This section is not applicable to abandoned sums payable on traveler's checks, money orders, and other written instruments ~~presumed unclaimed~~ under s. 717.104, or any other



427888

abandoned property reported without the necessary identifying information to establish ownership.

Section 51. Section 717.119, Florida Statutes, is amended to read:

717.119 Payment or delivery of abandoned ~~unclaimed~~ property.—

(1) Every person who is required to file a report under s. 717.117 shall simultaneously pay or deliver to the department all abandoned ~~unclaimed~~ property required to be reported. Such payment or delivery shall accompany the report as required in this chapter for the preceding calendar year.

(2) Payment of abandoned ~~unclaimed~~ funds may be made to the department by electronic funds transfer.

(3) If the apparent owner establishes the right to receive the abandoned ~~unclaimed~~ property to the satisfaction of the holder before the property has been delivered to the department or it appears that for some other reason ~~the presumption that the property was erroneously classified as abandoned is~~ unclaimed is erroneous, the holder need not pay or deliver the property to the department. In lieu of delivery, the holder shall file a verified written explanation of the proof of claim or of the error in classification of ~~the presumption that the property as abandoned was unclaimed~~.

(4) All virtual currency reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. The holder shall liquidate the virtual currency and remit the proceeds to the department. The liquidation must occur within 30 days before the filing of the report. Upon delivery of the virtual currency proceeds to the



427888

department, the holder is relieved of all liability of every kind in accordance with the provisions of s. 717.1201 to every person for any losses or damages resulting to the person by the delivery to the department of the virtual currency proceeds.

(5) All stock or other intangible ownership interest reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. Upon delivery of the stock or other intangible ownership interest to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder is relieved of all liability of every kind in accordance with the provisions of s. 717.1201 to every person for any losses or damages resulting to the person by the delivery to the department of the stock or other intangible ownership interest.

(6) All intangible and tangible property held in a safe-deposit box or any other safekeeping repository reported under s. 717.117 shall not be delivered to the department until 120 days after the report due date. The delivery of the property, through the United States mail or any other carrier, shall be insured by the holder at an amount equal to the estimated value of the property. Each package shall be clearly marked on the outside "Deliver Unopened." A holder's safe-deposit box contents shall be delivered to the department in a single shipment. In lieu of a single shipment, holders may provide the department with a single detailed shipping schedule that includes package tracking information for all packages being sent pursuant to this section.

(a) Holders may remit the value of cash and coins found in abandoned ~~unclaimed~~ safe-deposit boxes to the department by



427888

cashier's check or by electronic funds transfer, unless the cash or coins have a value above face value. The department shall identify by rule those cash and coin items having a numismatic value. Cash and coin items identified as having a numismatic value shall be remitted to the department in their original form.

(b) Any firearm or ammunition found in an abandoned unclaimed safe-deposit box or any other safekeeping repository shall be delivered by the holder to a law enforcement agency for property handling or disposal pursuant to s. 705.103(2)(b). If the firearm is sold by the law enforcement agency, with the balance of the proceeds shall be deposited into the State School Fund if the firearm is sold. However, The department is authorized to make a reasonable attempt to ascertain the historical value to collectors of any firearm that has been delivered to the department. Any firearm appearing to have historical value to collectors may be sold by the department pursuant to s. 717.122 to a person having a federal firearms license. Any firearm which is not sold pursuant to s. 717.122 shall be delivered by the department to a law enforcement agency in this state for proper handling or disposal. In accordance with pursuant to s. 705.103(2)(b), if the firearm is sold by the law enforcement agency, with the balance of the proceeds shall be deposited into the State School Fund if the firearm is sold. The department shall not be administratively, civilly, or criminally liable for any firearm delivered by the department to a law enforcement agency in this state for disposal.

(c) If such property is not paid or delivered to the department on or before the applicable payment or delivery date,



427888

the holder shall pay to the department a penalty for each safe-deposit box shipment received late. The penalty shall be \$100 for a safe-deposit box shipment container that is late 30 days or less. Thereafter, the penalty shall be \$500 for a safe-deposit box shipment container that is late for each additional successive 30-day period. The penalty assessed against a holder for a late safe-deposit box shipment container shall not exceed \$4,000 annually. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing.

(d) The department may waive any penalty due with appropriate justification, as provided by rule.

(e) If a will or trust instrument is included among the contents of an abandoned a safe-deposit box or other safekeeping repository delivered to the department, the department must provide a copy of the will, trust, and any codicils or amendments to such will or trust instrument, upon request, to anyone who provides the department with a certified copy of the death certificate ~~evidence of the death~~ of the testator or settlor.

(7) Any holder may request an extension in writing of up to 60 days for the delivery of property if extenuating circumstances exist for the late delivery of the property. Any such extension the department may grant shall be in writing.

(8) A holder may not assign or otherwise transfer its obligation to report, pay, or deliver property or to comply with the provisions of this chapter, other than to a parent, subsidiary, or affiliate of the holder.

(a) Unless otherwise agreed to by the parties to a



427888

transaction, the holder's successor by merger or consolidation, or any person or entity that acquires all or substantially all of the holder's capital stock or assets, is responsible for fulfilling the holder's obligation to report, pay, or deliver property or to comply with the duties of this chapter regarding the transfer of property owed to the holder's successor and being held for an owner resulting from the merger, consolidation, or acquisition.

(b) This subsection does not prohibit a holder from contracting with a third party for the reporting of abandoned ~~unclaimed~~ property, but the holder remains responsible to the department for the complete, accurate, and timely reporting of the property.

Section 52. Subsections (1), (2), and (4) of section 717.1201, Florida Statutes, are amended to read:

717.1201 Custody by state; holder liability; reimbursement of holder paying claim; reclaiming for owner; payment of safe-deposit box or repository charges.—

(1) Upon the good faith payment or delivery of abandoned ~~unclaimed~~ property to the department, the state assumes custody and responsibility for the safekeeping of the property. Any person who pays or delivers abandoned ~~unclaimed~~ property to the department in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made with ~~in~~ respect to the property.

(a) A holder's substantial compliance with the due diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith payment or delivery of abandoned ~~unclaimed~~ property to the



427888

department releases the holder from liability that may arise from such payment or delivery, and such delivery and payment may be pleaded as a defense in any suit or action brought by reason of such delivery or payment. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code or Florida Probate Code.

(b) If the holder pays or delivers property to the department in good faith and thereafter any other person claims the property from the holder paying or delivering, or another state claims the money or property under that state's laws relating to escheat or abandoned or unclaimed property, the department, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim, except that a holder may not be indemnified against penalties imposed by another state.

(2) For the purposes of this section, a payment or delivery of abandoned ~~unclaimed~~ property is made in good faith if:

(a) The payment or delivery was made in conjunction with an accurate and acceptable report.

(b) The payment or delivery was made in a reasonable attempt to comply with this chapter and other applicable general law.

(c) The holder had a reasonable basis for believing, based on the facts then known, that the property was abandoned ~~unclaimed~~ and subject to this chapter.

(d) There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry.

(4) Any holder who has delivered property, including a



427888

certificate of any interest in a business association, other than money to the department pursuant to this chapter may reclaim the property if still in the possession of the department, without payment of any fee or other charges, upon filing proof that the person entitled to the property ~~owner~~ has claimed it ~~the property~~ from the holder.

Section 53. Section 717.122, Florida Statutes, is amended to read:

717.122 Public sale of abandoned ~~unclaimed~~ property.—

(1) Except as provided in paragraph (2)(a), the department after the receipt of abandoned ~~unclaimed~~ property shall sell it to the highest bidder at public sale on the Internet or at a specified physical location wherever in the judgment of the department the most favorable market for the property involved exists. The department may decline the highest bid and reoffer the property for sale if in the judgment of the department the bid is insufficient. The department shall have the discretion to withhold from sale any abandoned ~~unclaimed~~ property that the department deems to be of benefit to the people of the state. If in the judgment of the department the probable cost of sale exceeds the value of the property, it need not be offered for sale and may be disposed of as the department determines appropriate. Any sale at a specified physical location held under this section must be preceded by a single publication of notice, at least 3 weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold. The department shall proportionately deduct auction fees, preparation costs, and expenses from the amount posted to an ~~the~~ ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the



427888

contents are sold. No action or proceeding may be maintained against the department for or on account of any decision to decline the highest bid or withhold any abandoned ~~unclaimed~~ property from sale.

(2)(a) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the department deems advisable. The department may authorize the agent or broker acting on behalf of the department to deduct fees from the proceeds of these sales at a rate agreed upon in advance by the agent or broker and the department. The department shall reimburse owners' accounts for these brokerage fees from the State School Fund unless the securities are sold at the owner's request.

(b) Unless the department deems it to be in the public interest to do otherwise, all abandoned securities ~~presumed unclaimed and~~ delivered to the department may be sold upon receipt. Any person making a claim pursuant to this chapter is entitled to receive either the securities delivered to the department by the holder, if they still remain in the hands of the department, or the proceeds received from sale, but no person has any claim under this chapter against the state, the holder, any transfer agent, any registrar, or any other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the state.

(c) Certificates for abandoned ~~unclaimed~~ stock or other equity interest of business associations that cannot be canceled



427888

and registered in the department's name or that cannot be readily liquidated and converted into the currency of the United States may be sold for the value of the certificate, if any, in accordance with subsection (1) or may be destroyed in accordance with s. 717.128.

(3) The purchaser of property at any sale conducted by the department pursuant to this chapter is entitled to ownership of the property purchased free from all claims of the owner or previous holder thereof and of all persons claiming through or under them. The department shall execute all documents necessary to complete the transfer of ownership.

(4) The sale of abandoned ~~unclaimed~~ tangible personal property is not subject to tax under chapter 212 when such property is sold by or on behalf of the department pursuant to this section.

Section 54. Section 717.123, Florida Statutes, is amended to read:

717.123 Deposit of funds.—

(1) All funds received under this chapter, including the proceeds from the sale of abandoned ~~unclaimed~~ property under s. 717.122, shall immediately ~~forthwith~~ be deposited by the department in the Abandoned ~~Unclaimed~~ Property Trust Fund. The department shall retain, from funds received under this chapter, an amount not exceeding \$15 million from which the department shall make prompt payment of claims allowed by the department and shall pay the costs incurred by the department in administering and enforcing this chapter. All remaining funds received by the department under this chapter shall be deposited by the department into the State School Fund.



427888

(2) The department shall record the name and last known address of each person appearing from the holder's reports to be entitled to the abandoned ~~unclaimed~~ property in the total amounts of \$5 or greater; the name and the last known address of each insured person or annuitant; and with respect to each policy or contract listed in the report of an insurance corporation, its number, the name of the corporation, and the amount due.

Section 55. Section 717.1235, Florida Statutes, is amended to read:

717.1235 Dormant campaign accounts; ~~report of unclaimed property.~~ Abandoned ~~Unclaimed~~ funds reported in the name of a campaign for public office, for any campaign that must dispose of surplus funds in its campaign account pursuant to s. 106.141, after being reported to the department, shall be deposited with the Chief Financial Officer to the credit of the State School Fund.

Section 56. Section 717.124, Florida Statutes, is amended to read:

717.124 Abandoned ~~Unclaimed~~ property claims.—

(1) Any person, excluding another state, claiming an interest in any property paid or delivered to the department under this chapter may file with the department a claim on a form prescribed by the department and verified by the claimant or the claimant ~~claimant's~~ representative. ~~The claimant's representative must be an attorney licensed to practice law in this state, a licensed Florida-certified public accountant, or a private investigator licensed under chapter 493.~~ The claimant ~~claimant's~~ representative must be registered with the department



427888

under this chapter. The claimant, or the claimant ~~claimant's~~ representative, shall provide the department with a legible copy of a valid driver license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver license at the time the original claim form is filed, the department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. In lieu of photographic identification, a notarized sworn statement by the claimant may be provided which affirms the claimant's identity and states the claimant's full name and address. The claimant must produce to the notary photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

(a) Within 90 days after receipt of a claim, the department may return any claim that provides for the receipt of fees and costs greater than that permitted under this chapter or that contains any apparent errors or omissions. The department may also request that the claimant or the claimant ~~claimant's~~ representative provide additional information. The department



427888

shall retain a copy or electronic image of the claim.

(b) A claim is considered to have been withdrawn by a claimant or the claimant ~~claimant's~~ representative if the department does not receive a response to its request for additional information within 60 days after the notification of any apparent errors or omissions.

(c) Within 90 days after receipt of the claim, or the response of the claimant or the claimant ~~claimant's~~ representative to the department's request for additional information, whichever is later, the department shall determine each claim. Such determination shall contain a notice of rights provided by ss. 120.569 and 120.57. The 90-day period shall be extended by 60 days if the department has good cause to need additional time or if the abandoned ~~unclaimed~~ property:

1. Is owned by a person who has been a debtor in bankruptcy;
2. Was reported with an address outside of the United States;
3. Is being claimed by a person outside of the United States; or
4. Contains documents filed in support of the claim that are not in the English language and have not been accompanied by an English language translation.

(2) A claim for a cashier's check or a stock certificate without the original instrument may require an indemnity bond equal to the value of the claim to be provided prior to issue of the stock or payment of the claim by the department.

(3) The department may require an affidavit swearing to the authenticity of the claim, lack of documentation, and an



427888

agreement to allow the department to provide the name and address of the claimant to subsequent claimants coming forward with substantiated proof to claim the account. This shall apply to claims equal to or less than \$250. The exclusive remedy of a subsequent claimant to the property shall be against the person who received the property from the department.

(4) (a) Except as otherwise provided in this chapter, if a claim is determined in favor of the claimant, the department shall deliver or pay over to the claimant the property or the amount the department actually received or the proceeds if it has been sold by the department, together with any additional amount required by s. 717.121.

(b) If a claimant ~~an owner~~ authorizes a claimant representative ~~an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, and registered with the department under this chapter, to claim the~~ abandoned unclaimed property on the claimant's ~~owner's~~ behalf, the department is authorized to make distribution of the property or money in accordance with the Abandoned Unclaimed Property Recovery Agreement or Abandoned Unclaimed Property Purchase Agreement under s. 717.135. The original Abandoned Unclaimed Property Recovery Agreement or Abandoned Unclaimed Property Purchase Agreement must be executed by the claimant or seller and must be filed with the department.

(c)1. Payments of approved claims for unclaimed cash accounts must be made to the owner after deducting any fees and costs authorized by the claimant under an Abandoned Unclaimed Property Recovery Agreement. The contents of a safe-deposit box



427888

or shares of securities must be delivered directly to the claimant.

2. Payments of fees and costs authorized under an Abandoned Unclaimed Property Recovery Agreement for approved claims must be made or issued to the law firm of the designated attorney licensed to practice law in this state, the public accountancy firm of the licensed Florida-certified public accountant, or the designated employing private investigative agency licensed by this state. Such payments shall be made by electronic funds transfer and may be made on such periodic schedule as the department may define by rule, provided the payment intervals do not exceed 31 days. Payment made to an attorney licensed in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, operating individually or as a sole practitioner, must be to the attorney, certified public accountant, or private investigator.

(5) The department shall not be administratively, civilly, or criminally liable for any property or funds distributed pursuant to this section, provided such distribution is made in good faith.

(6) This section does not supersede the licensing requirements of chapter 493.

(7) The department may allow an apparent owner to electronically submit a claim for abandoned ~~unclaimed~~ property to the department. If a claim is submitted electronically for \$2,000 or less, the department may use a method of identity verification other than a copy of a valid driver license, other government-issued photographic identification, or a sworn notarized statement. The department may adopt rules to implement



427888

this subsection.

(8) Notwithstanding any other provision of this chapter, the department may develop and implement an identification verification and disbursement process by which an account valued at \$2,000 or less, after being received by the department and added to the abandoned ~~unclaimed~~ property database, may be disbursed to an apparent owner after the department has verified that the apparent owner is living and that the apparent owner's current address is correct. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement. The department shall adopt rules to implement this subsection.

(9)(a) Notwithstanding any other provision of this chapter, the department may develop and implement a verification and disbursement process by which an account, after being received by the department and added to the abandoned ~~unclaimed~~ property database, for which the apparent owner entity is:

1. A state agency in this state or a subdivision or successor agency thereof;

2. A county government in this state or a subdivision thereof;

3. A public school district in this state or a subdivision thereof;

4. A municipality in this state or a subdivision thereof;
or

5. A special taxing district or authority in this state,
may be disbursed to the apparent owner entity or successor



427888

entity. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement.

(b) The department may adopt rules to implement this subsection.

(10) Notwithstanding any other provision of this chapter, the department may develop a process by which a claimant ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may electronically submit to the department an electronic image of a completed claim and claims-related documents under this chapter, including an Abandoned Unclaimed Property Recovery Agreement or Abandoned Unclaimed Property Purchase Agreement that has been signed and dated by a claimant or seller under s. 717.135, after the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ receives the original documents provided by the claimant or the seller for any claim. Each claim filed by a claimant ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ must include a statement by the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~. All original documents must be kept in the original form, by claim number, under the secure control of the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and must be available for inspection by the department in accordance with s. 717.1315. The department may adopt rules to implement this subsection.



427888

(11) This section applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 57. Section 717.12403, Florida Statutes, is amended to read:

717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking account in a financial institution held in the name of more than one person.—

(1)(a) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an “and” account in the name of two or more persons who are not beneficiaries, it is presumed that each person must claim the account in order for the claim to be approved by the department. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an “or” account.

(b) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an “and” account and one of the persons on the account is deceased, it is presumed that the account is a survivorship account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account is not a survivorship account.

(2) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an “or”



427888

account in the name of two or more persons who are not beneficiaries, it is presumed that either person listed on the account may claim the entire amount held in the account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(3) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported in the name of two or more persons who are not beneficiaries without identifying whether the account is an "and" account or an "or" account, it is presumed that the account is an "or" account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(4) The department shall be deemed to have made a distribution in good faith if the department remits funds consistent with this section.

Section 58. Subsection (2) of section 717.12404, Florida Statutes, is amended to read:

717.12404 Claims on behalf of a business entity or trust.—

(2) Claims on behalf of an active or a dissolved corporation, a business entity ~~other than an active corporation~~, or a trust must include a legible copy of a valid driver license of the person acting on behalf of the ~~dissolved~~ corporation, business entity ~~other than an active corporation~~, or trust. If the person has not been issued a valid driver license, the



427888

department shall be provided with a legible copy of a photographic identification of the person issued by the United States, a foreign nation, or a political subdivision or agency thereof. In lieu of photographic identification, a notarized sworn statement by the person may be provided which affirms the person's identity and states the person's full name and address. The person must produce his or her photographic identification issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned Unclaimed Property Recovery Agreement or Abandoned Unclaimed Property Purchase Agreement, if applicable, is void.

Section 59. Section 717.12405, Florida Statutes, is amended to read:

717.12405 Claims by estates.—An estate or any person representing an estate or acting on behalf of an estate may claim abandoned ~~unclaimed~~ property only after the heir or legatee of the decedent entitled to the property has been located. Any estate, or any person representing an estate or acting on behalf of an estate, that receives abandoned ~~unclaimed~~ property before the heir or legatee of the decedent entitled to the property has been located, is personally liable for the abandoned ~~unclaimed~~ property and must immediately return the full amount of the abandoned ~~unclaimed~~ property or the value thereof to the department in accordance with s. 717.1341.



427888

Section 60. Section 717.12406, Florida Statutes, is amended to read:

717.12406 Joint ownership of abandoned ~~unclaimed~~ securities or dividends.—For the purpose of determining joint ownership of abandoned ~~unclaimed~~ securities or dividends, the term:

(1) "TEN COM" means tenants in common.

(2) "TEN ENT" means tenants by the entireties.

(3) "JT TEN" or "JT" means joint tenants with the right of survivorship and not as tenants in common.

(4) "And" means tenants in common with each person entitled to an equal pro rata share.

(5) "Or" means that each person listed on the account is entitled to all of the funds.

Section 61. Section 717.1241, Florida Statutes, is amended to read:

717.1241 Conflicting claims.—

(1) For purposes of this section, the term "conflicting claim" means two or more claims received by the department for the same abandoned property account or accounts in which two or more claimants appear to be equally entitled to the property. The term also includes circumstances in which the same claimant has more than one claim pending for the same property, including when the claimant is represented by more than one claimant representative or submits both a personal claim and a claim through a representative.

(2) When conflicting claims have been received by the department for the same abandoned ~~unclaimed~~ property account or accounts, the property shall be remitted in accordance with the claim filed by the person as follows, notwithstanding the



427888

withdrawal of a claim:

(a) To the person submitting the first claim received by the ~~Division of Unclaimed Property of the~~ department that is complete or made complete.

(b) If a claimant's claim and a claimant ~~claimant's~~ representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and both claims are complete, to the claimant.

(c) If a buyer's claim or a purchasing claimant representative's claim and a claimant's claim or a claimant ~~claimant's~~ representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and the claims are complete, to the buyer.

(d) As between two or more claimant representatives' ~~claimant's representative's~~ claims received by the ~~Division of Unclaimed Property of the~~ department that are complete or made complete on the same day, to the claimant ~~claimant's~~ representative who has agreed to receive the lowest fee. If the two or more claimant ~~claimant's~~ representatives whose claims received by the ~~Division of Unclaimed Property of the~~ department were complete or made complete on the same day are charging the same ~~lowest~~ fee, the fee shall be divided equally between the claimant ~~claimant's~~ representatives.

(e) If more than one buyer's claim received by the ~~Division of Unclaimed Property of the~~ department is complete or made complete on the same day, the department shall remit the abandoned ~~unclaimed~~ property to the buyer who paid the highest amount to the seller. If the buyers paid the same amount to the



427888

seller, the department shall remit the abandoned ~~unclaimed~~ property to the buyers divided in equal amounts.

~~(3)(2)~~ The purpose of this section is solely to provide guidance to the department regarding to whom it should remit the abandoned ~~unclaimed~~ property and is not intended to extinguish or affect any private cause of action that any person may have against another person for breach of contract or other statutory or common-law remedy. A buyer's sole remedy, if any, shall be against the claimant ~~claimant's~~ representative or the seller, or both. A claimant ~~claimant's~~ representative's sole remedy, if any, shall be against the buyer or the seller, or both. A claimant's or seller's sole remedy, if any, shall be against the buyer or the claimant ~~claimant's~~ representative, or both. Nothing in this section forecloses the right of a person to challenge the department's determination of completeness in a proceeding under ss. 120.569 and 120.57.

~~(4)(3)~~ A claim is complete when entitlement to the abandoned ~~unclaimed~~ property has been established.

Section 62. Subsection (1) of section 717.1242, Florida Statutes, is amended to read:

717.1242 Restatement of jurisdiction of the circuit court sitting in probate and the department.—

(1) It is and has been the intent of the Legislature that, pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of proceedings relating to the settlement of the estates of decedents and other jurisdiction usually pertaining to courts of probate. It is and has been the intent of the Legislature that, pursuant to this chapter, the department determines the merits of claims and entitlement to abandoned ~~unclaimed~~ property paid



427888

or delivered to the department under this chapter. Consistent with this legislative intent, any beneficiary, devisee, heir, personal representative, or other interested person, as those terms are defined in the Florida Probate Code and the Florida Trust Code, of an estate seeking to obtain property paid or delivered to the department under this chapter must file a claim with the department as provided in s. 717.124.

Section 63. Subsections (1) and (4) of section 717.1243, Florida Statutes, are amended to read:

717.1243 Small estate accounts.—

(1) A claim for abandoned ~~unclaimed~~ property made by a beneficiary, as defined in s. 731.201, of a deceased owner need not be accompanied by an order of a probate court if the claimant files with the department an affidavit, signed by all beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid, and any additional information reasonably necessary to make a determination of entitlement. If the owner died testate, the claim shall be accompanied by a copy of the will.

(4) This section applies only if all of the abandoned ~~unclaimed~~ property held by the department on behalf of the owner has an aggregate value of \$20,000 or less and no probate proceeding is pending.

Section 64. Section 717.1244, Florida Statutes, is amended to read:

717.1244 Determinations of abandoned ~~unclaimed~~ property claims.—In rendering a determination regarding the merits of an



427888

abandoned ~~unclaimed~~ property claim, the department shall rely on the applicable statutory, regulatory, common, and case law. Agency statements applying the statutory, regulatory, common, and case law to abandoned ~~unclaimed~~ property claims are not agency statements subject to s. 120.56(4).

Section 65. Section 717.1245, Florida Statutes, is amended to read:

717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If any person files a petition for writ of garnishment seeking to obtain property paid or delivered to the department under this chapter, the petitioner shall be ordered to pay the department reasonable costs and attorney ~~attorney's~~ fees in any proceeding brought by the department to oppose, appeal, or collaterally attack the petition or writ if the department is the prevailing party in any such proceeding.

Section 66. Subsection (1) of section 717.125, Florida Statutes, is amended to read:

717.125 Claim of another state to recover property; procedure.—

(1) At any time after property has been paid or delivered to the department under this chapter, another state may recover the property if:

(a) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned ~~unclaimed~~ under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was



427888

subject to a claim of abandonment or being unclaimed by that state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(d) The property was subject to custody by this state under s. 717.103(6) and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

(e) The property is the sum payable on a traveler's check, money order, or other similar instrument that was subjected to custody by this state under s. 717.104, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

Section 67. Subsection (1) of section 717.126, Florida Statutes, is amended to read:

717.126 Administrative hearing; burden of proof; proof of entitlement; venue.—

(1) Any person aggrieved by a decision of the department may petition for a hearing as provided in ss. 120.569 and 120.57. In any proceeding for determination of a claim to



427888

property paid or delivered to the department under this chapter, the burden shall be upon the claimant to establish entitlement to the property by a preponderance of evidence. Having the same name as that reported to the department is not sufficient, in the absence of other evidence, to prove entitlement to abandoned ~~unclaimed~~ property.

Section 68. Section 717.1261, Florida Statutes, is amended to read:

717.1261 Death certificates.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by means of the death of one or more persons shall file a copy of the death certificate of the decedent or decedents that has been certified as being authentic by the issuing governmental agency.

Section 69. Section 717.1262, Florida Statutes, is amended to read:

717.1262 Court documents.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by reason of a court document shall file a certified copy of the court document with the department. A certified copy of each pleading filed with the court to obtain a court document establishing entitlement, filed within 180 days before the date the claim form was signed by the claimant or claimant ~~claimant's~~ representative, must also be filed with the department.

Section 70. Section 717.129, Florida Statutes, is amended to read:

717.129 Periods of limitation.—

(1) The expiration before or after July 1, 1987, of any period of time specified by contract, statute, or court order, during which a claim for money or property may be made or during



427888

which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned ~~unclaimed~~ or affect any duty to file a report or to pay or deliver abandoned ~~unclaimed~~ property to the department as required by this chapter.

(2) The department may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property or any other duty of a holder under this chapter more than 10 years after the duty arose. The period of limitation established under this subsection is tolled by the earlier of the department's or audit agent's delivery of a notice that a holder is subject to an audit or examination under s. 717.1301 or the holder's written election to enter into an abandoned ~~unclaimed~~ property voluntary disclosure agreement.

Section 71. Subsections (3) and (4) of section 717.1301, Florida Statutes, are amended to read:

717.1301 Investigations; examinations; subpoenas.—

(3) The department may authorize a compliance review of a report for a specified reporting year. The review must be limited to the contents of the report filed, as required by s. 717.117 and subsection (2), and all supporting documents related to the reports. If the review results in a finding of a deficiency in abandoned ~~unclaimed~~ property due and payable to the department, the department shall notify the holder in writing of the amount of deficiency within 1 year after the authorization of the compliance review. If the holder fails to pay the deficiency within 90 days, the department may seek to enforce the assessment under subsection (1). The department is



427888

not required to conduct a review under this section before initiating an audit.

(4) Notwithstanding any other provision of law, in a contract providing for the location or collection of abandoned ~~unclaimed~~ property, the department may authorize the contractor to deduct its fees and expenses for services provided under the contract from the abandoned ~~unclaimed~~ property that the contractor has recovered or collected under the contract. The department shall annually report to the Chief Financial Officer the total amount collected or recovered by each contractor during the previous fiscal year and the total fees and expenses deducted by each contractor.

Section 72. Section 717.1315, Florida Statutes, is amended to read:

717.1315 Retention of records by claimant ~~claimant's~~ representatives and buyers of abandoned ~~unclaimed~~ property.—

(1) Every claimant ~~claimant's~~ representative and buyer of abandoned ~~unclaimed~~ property shall keep and use in his or her business such books, accounts, and records of the business conducted under this chapter to enable the department to determine whether such person is complying with this chapter and the rules adopted by the department under this chapter. Every claimant ~~claimant's~~ representative and buyer of abandoned ~~unclaimed~~ property shall preserve such books, accounts, and records, including every Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement between the owner and such claimant ~~claimant's~~ representative or buyer, for at least 3 years after the date of the initial agreement.



427888

(2) A claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property, operating at two or more places of business in this state, may maintain the books, accounts, and records of all such offices at any one of such offices, or at any other office maintained by such claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property, upon the filing of a written notice with the department designating in the written notice the office at which such records are maintained.

(3) A claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property shall make all books, accounts, and records available at a convenient location in this state upon request of the department.

Section 73. Subsections (2) and (3) of section 717.132, Florida Statutes, are amended to read:

717.132 Enforcement; cease and desist orders; fines.—

(2) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department may issue and serve upon a person an order to cease and desist and to take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department. For purposes of this subsection, the term "corrective action" includes refunding excessive charges, requiring a person to return abandoned ~~unclaimed~~ property, requiring a holder to remit abandoned ~~unclaimed~~ property, and requiring a holder to correct a report that contains errors or omissions. Any such order shall contain a notice of rights



427888

provided by ss. 120.569 and 120.57.

(3) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department or a court of competent jurisdiction may impose fines against any person found to have violated any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department in an amount not to exceed \$2,000 for each violation. All fines collected under this subsection shall be deposited as received in the Abandoned ~~Unclaimed~~ Property Trust Fund.

Section 74. Paragraphs (c), (d), and (j) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), and subsection (5) of section 717.1322, Florida Statutes, are amended to read:

717.1322 Administrative and civil enforcement.—

(1) The following acts are violations of this chapter and constitute grounds for an administrative enforcement action by the department in accordance with the requirements of chapter 120 and for civil enforcement by the department in a court of competent jurisdiction:

(c) ~~Fraudulent~~ Misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to the department or to an owner or apparent owner under this chapter, ~~regardless of reliance by or damage to the owner or apparent owner.~~

(d) ~~Willful~~ Imposition of illegal or excessive charges in any abandoned ~~unclaimed~~ property transaction.

(j) Requesting or receiving compensation for notifying a person of his or her abandoned ~~unclaimed~~ property or assisting



427888

another person in filing a claim for abandoned ~~unclaimed~~ property, ~~unless the person is an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493,~~ or entering into, or making a solicitation to enter into, an agreement to file a claim for abandoned ~~unclaimed~~ property owned by another, unless such person is a registered claimant representative ~~registered with the department under this chapter and an attorney licensed to practice law in this state in the regular practice of her or his profession, a Florida-certified public accountant who is acting within the scope of the practice of public accounting as defined in chapter 473, or a private investigator licensed under chapter 493.~~ This paragraph does not apply to a person who has been granted a durable power of attorney to convey and receive all of the real and personal property of the owner, is the court-appointed guardian of the owner, has been employed as an attorney or qualified representative to contest the department's denial of a claim, or has been employed as an attorney to probate the estate of the owner or an heir or legatee of the owner.

(2) Upon a finding by the department that any person has committed any of the acts set forth in subsection (1), the department may enter an order doing any of the following:

(a) Revoking for a minimum of 5 years or suspending for a maximum of 5 years a registration previously granted under this chapter during which time the registrant may not reapply for a registration under this chapter.~~.~~

(b) Placing a claimant representative ~~registrant~~ or an applicant for a registration on probation for a period of time



427888

and subject to such conditions as the department may specify.~~†~~

(c) Placing permanent restrictions or conditions upon issuance or maintenance of a registration under this chapter.~~†~~

(d) Issuing a reprimand.~~†~~

(e) Imposing an administrative fine not to exceed \$2,000 for each such act.~~†~~~~or~~

(f) Prohibiting any person from being a director, officer, agent, employee, or ultimate equitable owner of a 10 percent ~~10 percent~~ or greater interest in an employer of a claimant representative ~~registrant~~.

(3) A claimant ~~claimant's~~ representative is subject to civil enforcement and the disciplinary actions specified in subsection (2) for violations of subsection (1) by an agent or employee of the claimant representative's ~~registrant's~~ employer if the claimant ~~claimant's~~ representative knew or should have known that such agent or employee was violating any provision of this chapter.

(4)

(b) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity or repetition of specific offenses, or both. It is the legislative intent that minor violations be distinguished from more serious violations; that such guidelines consider the amount of the claim involved, the complexity of locating the owner, the steps taken to ensure the accuracy of the claim by the person filing the claim, the acts of commission and omission of the claimant ~~ultimate owners~~ in establishing themselves as rightful owners of the funds, the acts of commission or omission of the agent or employee of a claimant representative or its ~~an~~ employer in the



427888

filing of the claim, the actual knowledge of the agent, employee, employer, or owner in the filing of the claim, the departure, if any, by the agent or employee from the internal controls and procedures established by the claimant representative or its employer with regard to the filing of a claim, the number of defective claims previously filed by the agent, employee, employer, or owner; that such guidelines provide reasonable and meaningful notice of likely penalties that may be imposed for proscribed conduct; and that such penalties be consistently applied by the department.

(5) The department may seek any appropriate civil legal remedy available to it by filing a civil action in a court of competent jurisdiction against any person who has, directly or through a claimant ~~claimant's~~ representative, wrongfully submitted a claim as the ~~ultimate~~ owner of property and improperly received funds from the department in violation of this chapter.

Section 75. Subsections (1) and (3) of section 717.133, Florida Statutes, are amended to read:

717.133 Interstate agreements and cooperation; joint and reciprocal actions with other states.—

(1) The department may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine abandoned ~~unclaimed~~ property that it or another state may be entitled to subject to a claim of custody. The department may require the reporting of information needed to enable compliance with agreements made pursuant to this section and prescribe the form.

(3) At the request of another state, the department may



427888

bring an action in the name of the other state in any court of competent jurisdiction to enforce the abandoned ~~unclaimed~~ property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred in bringing the action.

Section 76. Subsection (2) of section 717.1333, Florida Statutes, is amended to read:

717.1333 Evidence; estimations; audit reports and worksheets, investigator reports and worksheets, other related documents.—

(2) If the records of the holder that are available for the periods subject to this chapter are insufficient to permit the preparation of a report of the abandoned ~~unclaimed~~ property due and owing by a holder, or if the holder fails to provide records after being requested to do so, the amount due to the department may be reasonably estimated.

Section 77. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 717.1341, Florida Statutes, are amended to read:

717.1341 Invalid claims, recovery of property, interest and penalties.—

(1)(a) ~~A No~~ person may not ~~shall~~ receive abandoned ~~unclaimed~~ property that the person is not entitled to receive. Any person who receives, or assists another person to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive is strictly, jointly, personally, and severally liable for the abandoned ~~unclaimed~~ property and shall immediately return the property, or the reasonable value of the property if



427888

the property has been damaged or disposed of, to the department plus interest at the rate set in accordance with s. 55.03(1). Assisting another person to receive abandoned ~~unclaimed~~ property includes executing a claim form on the person's behalf.

(2) The department may maintain a civil or administrative action:

(a) To recover abandoned ~~unclaimed~~ property that was paid or remitted to a person who was not entitled to the abandoned ~~unclaimed~~ property or to offset amounts owed to the department against amounts owed to an owner representative;

(b) Against a person who assists another person in receiving, or attempting to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive; or

(c) Against a person who attempts to receive abandoned ~~unclaimed~~ property that the person is not entitled to receive.

(4) ~~A No~~ person may not ~~shall~~ knowingly file, knowingly conspire to file, or knowingly assist in filing, a claim for abandoned ~~unclaimed~~ property the person is not entitled to receive. Any person who violates this subsection regarding abandoned ~~unclaimed~~ property of an aggregate value:

(a) Greater than \$50,000, commits ~~is guilty of~~ a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(b) Greater than \$10,000 up to \$50,000, commits ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;



427888

(d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; or

(e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 78. Section 717.135, Florida Statutes, is amended to read:

717.135 Recovery agreements and purchase agreements for claims filed by a claimant ~~claimant's~~ representative; fees and costs or total net gain.—

(1) In order to protect the interests of owners of abandoned ~~unclaimed~~ property, the department shall adopt by rule a form entitled "Abandoned Unclaimed Property Recovery Agreement" and a form entitled "Abandoned Unclaimed Property Purchase Agreement."

(2) The Abandoned Unclaimed Property Recovery Agreement and the Abandoned Unclaimed Property Purchase Agreement must include and disclose all of the following:

(a) The total dollar amount of abandoned ~~unclaimed~~ property accounts claimed or sold.

(b) The total percentage of all authorized fees and costs to be paid to the claimant ~~claimant's~~ representative or the percentage of the value of the property to be paid as net gain to the purchasing claimant ~~claimant's~~ representative.

(c) The total dollar amount to be deducted and received from the claimant as fees and costs by the claimant ~~claimant's~~ representative or the total net dollar amount to be received by the purchasing claimant ~~claimant's~~ representative.



427888

(d) The net dollar amount to be received by the claimant or the seller.

(e) For each account claimed, the abandoned ~~unclaimed~~ property account number.

(f) For the Abandoned ~~Unclaimed~~ Property Purchase Agreement, a statement that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The name, address, e-mail address, phone number, and license number of the claimant ~~claimant's~~ representative.

(h)1. The manual signature of the claimant or seller and the date signed, affixed on the agreement by the claimant or seller.

2. Notwithstanding any other provision of this chapter to the contrary, the department may allow ~~an apparent owner, who is also~~ the claimant or seller, to sign the agreement electronically. All electronic signatures on the Abandoned ~~Unclaimed~~ Property Recovery Agreement and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must be affixed on the agreement by the claimant or seller using the specific, exclusive eSignature product and protocol authorized by the department.

(i) The social security number or taxpayer identification number of the claimant or seller, if a number has been issued to the claimant or seller.

(j) The total fees and costs, or the total discount in the case of a purchase agreement, which may not exceed 30 percent of the claimed amount. In the case of a recovery agreement, if the total fees and costs exceed 30 percent, the fees and costs shall



427888

be reduced to 30 percent and the net balance shall be remitted directly by the department to the claimant. In the case of a purchase agreement, if the total net gain of the claimant ~~claimant's~~ representative exceeds 30 percent, the claim will be denied.

(3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement form, proof that the purchaser has made payment must be filed with the department along with the claim. If proof of payment is not provided, the claim is void.

(4) A claimant ~~claimant's~~ representative must use the Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of entering into an agreement or a contract with a claimant or seller to file a claim with the department.

(5) Fees and costs may be owed or paid to, or received by, a claimant ~~claimant's~~ representative only after a filed claim has been approved and if the claimant's representative used an agreement authorized by this section.

(6) A claimant ~~claimant's~~ representative may not use or distribute any other agreement of any type, conveyed by any method, with respect to the claimant or seller which relates, directly or indirectly, to abandoned ~~unclaimed~~ property accounts held by the department or the Chief Financial Officer other than the agreements authorized by this section. Any engagement, authorization, recovery, or fee agreement that is not authorized by this section is void. A claimant ~~claimant's~~ representative is subject to administrative and civil enforcement under s.

717.1322 if he or she uses an agreement that is not authorized by this section and if the agreement is used to apply, directly



427888

or indirectly, to abandoned ~~unclaimed~~ property held by this state. This subsection does not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.

(7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement may not contain language that makes the agreement irrevocable or that creates an assignment of any portion of abandoned ~~unclaimed~~ property held by the department.

(8) When a claim is approved, the department may pay any additional account that is owned by the claimant but has not been claimed at the time of approval, provided that a subsequent claim has not been filed or is not pending for the claimant at the time of approval.

(9) This section does not supersede s. 717.1241.

~~(10) This section does not apply to the sale and purchase of Florida-held unclaimed property accounts through a bankruptcy estate representative or other person or entity authorized pursuant to Title XI of the United States Code or an order of a bankruptcy court to act on behalf or for the benefit of the debtor, its creditors, and its bankruptcy estate.~~

Section 79. Section 717.1356, Florida Statutes, is created to read:

717.1356 Purchase of abandoned property.—

(1) Agreements for the purchase of abandoned property reported to the department shall be valid only if all of the following conditions are met:

(a) The agreement is entitled "Florida Abandoned Property Purchase Agreement" and is in writing, in minimum 12-point type.

(b) The agreement includes the social security number or



427888

taxpayer identification number of the seller, if a number has
been issued to the seller; a valid e-mail address, mailing
address, and telephone number for the seller; and is manually
signed and dated by the seller with the signature notarized.

(c) The agreement discloses with specificity the nature and
value of the abandoned property, including the name of the
apparent owner as shown by the records of the department, the
name of the holder who remitted the property, the date of last
contact, and the property category. With respect to the value of
the abandoned property, the agreement must contain the
following:

1. The total dollar amount of all abandoned property to be
sold.

2. The total percentage of the value of the abandoned
property to be paid as net gain to the purchaser.

3. The total net dollar amount to be received by the
purchaser.

4. The net dollar amount to be received by the seller.

(d) The agreement states the abandoned property account
number for each abandoned property account sold.

(e) The purchase price does not discount the total value of
all abandoned property subject to the sale by more than 30
percent.

(f) The agreement states that the amount of the purchase
price will be remitted to the seller by the purchaser within 30
days after the execution of the agreement by the seller.

(g) The agreement includes the name, address, e-mail
address, and phone number of the purchaser.

(h) The agreement states that the abandoned property is



427888

currently in the department's custody and that the seller can claim the property directly from the department on its electronically searchable website without being charged a fee. The agreement must provide the department's website address.

(2) A seller may cancel a purchase agreement without penalty or obligation within 15 business days after the date on which the agreement was executed. The agreement must contain the following language in minimum 12-point type: "You may cancel this agreement for any reason without penalty or obligation to you within 15 days after the date of this agreement by providing notice to . . . (name of purchaser) . . . , submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address or e-mail address specified in the agreement."

(3) A copy of an executed Florida Abandoned Property Purchase Agreement must be filed with the purchaser's claim, along with proof that the purchaser has made payment in full, and all other required documentation. If proof of payment is not provided, the department may not approve the claim.

(4) A purchase agreement under this section that discounts the value of abandoned property by more than the amount authorized in paragraph (1)(e) is enforceable only by the seller.

Section 80. Section 717.138, Florida Statutes, is amended to read:

717.138 Rulemaking authority.—The department shall administer and provide for the enforcement of this chapter. The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this



427888

chapter. The department may adopt rules to allow for electronic filing of fees, forms, and reports required by this chapter. The authority to adopt rules pursuant to this chapter applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported and remitted pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 81. Section 717.1382, Florida Statutes, is amended to read:

717.1382 United States savings bond; abandoned ~~unclaimed~~ property; escheatment; procedure.—

(1) Notwithstanding any other provision of law, a United States savings bond in possession of the department or registered to a person with a last known address in the state, including a bond that is lost, stolen, or destroyed, is presumed abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity and no longer earns interest and shall be reported and remitted to the department by the financial institution or other holder in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and (5)~~ and 717.119, if the department is not in possession of the bond.

(2)(a) After a United States savings bond is abandoned ~~and unclaimed~~ in accordance with subsection (1), the department may commence a civil action in a court of competent jurisdiction in Leon County for a determination that the bond shall escheat to the state. Upon determination of escheatment, all property rights to the bond or proceeds from the bond, including all rights, powers, and privileges of survivorship of an owner, co-owner, or beneficiary, shall vest solely in the state.



427888

(b) Service of process by publication may be made on a party in a civil action pursuant to this section. A notice of action shall state the name of any known owner of the bond, the nature of the action or proceeding in short and simple terms, the name of the court in which the action or proceeding is instituted, and an abbreviated title of the case.

(c) The notice of action shall require a person claiming an interest in the bond to file a written defense with the clerk of the court and serve a copy of the defense by the date fixed in the notice. The date must not be less than 28 or more than 60 days after the first publication of the notice.

(d) The notice of action shall be published once a week for 4 consecutive weeks in a newspaper of general circulation published in Leon County. Proof of publication shall be placed in the court file.

(e)1. If no person files a claim with the court for the bond and if the department has substantially complied with the provisions of this section, the court shall enter a default judgment that the bond, or proceeds from such bond, has escheated to the state.

2. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is not entitled to the bonds claimed by such claimant, the court shall enter a judgment that such bonds, or proceeds from such bonds, have escheated to the state.

3. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is entitled to the bonds claimed by such claimant, the court shall enter a judgment in favor of the claimant.



427888

(3) The department may redeem a United States savings bond escheated to the state pursuant to this section or, in the event that the department is not in possession of the bond, seek to obtain the proceeds from such bond. Proceeds received by the department shall be deposited in accordance with s. 717.123.

Section 82. Section 717.139, Florida Statutes, is amended to read:

717.139 Uniformity of application and construction.—

(1) The Legislature finds that laws governing abandoned property serve a vital public purpose by protecting the property rights of owners, facilitating the return abandoned property to its owners, preventing private escheatment, and ensuring that abandoned assets are preserved and safeguarded from waste or misuse. It is the public policy of the state to protect the interests of owners of abandoned ~~unclaimed~~ property. ~~It is declared to be in the best interests of owners of unclaimed property that such owners receive the full amount of any unclaimed property without any fee.~~

(2) This chapter shall be applied and construed as to effectuate its general purpose of protecting the interest of missing owners of abandoned property, while providing that the benefit of all ~~unclaimed and~~ abandoned property shall go to all the people of the state, and to make uniform the law with respect to the subject of this chapter among states enacting it. It is the intent of the Legislature that property reported under this chapter remains the property of the owner and that the State of Florida acts solely as a custodian, not as the owner, of such property. Title to abandoned property may not transfer to the state except as expressly provided by law and only after



427888

all reasonable efforts to identify and return the property to
its rightful owner have been exhausted.

Section 83. Section 717.1400, Florida Statutes, is amended
to read:

717.1400 Registration.—

(1) In order to file claims as a claimant ~~claimant's~~
representative, receive a distribution of fees and costs for
approved claims from the department, and obtain information
regarding abandoned unclaimed property dollar amounts and
numbers of reported shares of stock held by the department, an
individual must meet all of the following requirements:

(a) Be one of the following:

1. A Florida-licensed private investigator holding a Class
"C" individual license under chapter 493;

2. A Florida-certified public account; or

3. A Florida-licensed attorney.

(b) Have obtained a certificate of registration from ~~Must~~
~~register with~~ the department.

(2) An application for registration as a claimant
representative must be submitted in writing on a form prescribed
by the department and must be accompanied by all of the
following:

(a) A legible color copy of the applicant's current driver
license showing the full name and current address of such
person. If a current driver license is not available, another
form of photo identification must be provided which shows the
full name and current address of such person.

(b) If the applicant is a private investigator:

1. ~~on such form as the department prescribes by rule and~~



427888

~~must be verified by the applicant. To register with the
department, a private investigator must provide:~~

~~(a)~~ A legible copy of the applicant's Class "A" business
license under chapter 493 or that of the applicant's firm or
employer which holds a Class "A" business license under chapter
493; and-

2. ~~(b)~~ A legible copy of the applicant's Class "C"
individual license issued under chapter 493.

(c) If the applicant is a certified public account, the
applicant's Florida Board of Accountancy number.

(d) If the applicant is a licensed attorney, the
applicant's Florida Bar number.

(e) ~~(e)~~ The business address, and telephone number, tax
identification number, and state of domicile or incorporation of
the applicant's ~~private investigative~~ firm or employer.

(f) ~~(d)~~ The names of agents, or employees, or independent
contractors, if any, who are designated or authorized to act on
behalf of the applicant ~~private investigator~~, together with a
legible color copy of their photo identification issued by an
agency of the United States, or a state, or a political
subdivision thereof.

(g) A statement that the applicant has not, during the 5-
year period immediately preceding the submission of the
application, violated any part of the Florida Disposition of
Abandoned Personal Property Act.

(h) A statement that the applicant has not been convicted
of, or plead guilty to, a felony or any offense involving moral
turpitude; dishonesty; deceit; or breach of fiduciary duty,
including theft, attempted theft, falsification, tampering with



427888

records, securing writings by deception, fraud, forgery, or
perjury.

(i)~~(e)~~ Sufficient information to enable the department to
disburse funds by electronic funds transfer.

(j) The applicant's notarized signature immediately
following an acknowledgment that any false or perjured statement
subjects the applicant to criminal liability under the laws of
this state

~~(f) The tax identification number of the private
investigator's firm or employer which holds a Class "A" business
license under chapter 493.~~

~~(2) In order to file claims as a claimant's representative,
receive a distribution of fees and costs from the department,
and obtain unclaimed property dollar amounts and numbers of
reported shares of stock held by the department, a Florida-
certified public accountant must register with the department on
such form as the department prescribes by rule and must be
verified by the applicant. To register with the department, a
Florida-certified public accountant must provide:~~

~~(a) The applicant's Florida Board of Accountancy number.~~

~~(b) A legible copy of the applicant's current driver
license showing the full name and current address of such
person. If a current driver license is not available, another
form of identification showing the full name and current address
of such person or persons shall be filed with the department.~~

~~(c) The business address and telephone number of the
applicant's public accounting firm or employer.~~

~~(d) The names of agents or employees, if any, who are
designated to act on behalf of the Florida-certified public~~



427888

~~accountant, together with a legible copy of their photo
identification issued by an agency of the United States, or a
state, or a political subdivision thereof.~~

~~(e) Sufficient information to enable the department to
disburse funds by electronic funds transfer.~~

~~(f) The tax identification number of the accountant's
public accounting firm employer.~~

~~(3) In order to file claims as a claimant's representative,
receive a distribution of fees and costs from the department,
and obtain unclaimed property dollar amounts and numbers of
reported shares of stock held by the department, an attorney
licensed to practice in this state must register with the
department on such form as the department prescribes by rule and
must be verified by the applicant. To register with the
department, such attorney must provide:~~

~~(a) The applicant's Florida Bar number.~~

~~(b) A legible copy of the applicant's current driver
license showing the full name and current address of such
person. If a current driver license is not available, another
form of identification showing the full name and current address
of such person or persons shall be filed with the department.~~

~~(c) The business address and telephone number of the
applicant's firm or employer.~~

~~(d) The names of agents or employees, if any, who are
designated to act on behalf of the attorney, together with a
legible copy of their photo identification issued by an agency
of the United States, or a state, or a political subdivision
thereof.~~

~~(e) Sufficient information to enable the department to~~



427888

~~disburse funds by electronic funds transfer.~~

~~(f) The tax identification number of the attorney's firm or employer.~~

~~(4)~~ Information and documents already on file with the department before the effective date of this provision need not be resubmitted in order to complete the registration.

~~(4)(5)~~ If a material change in the status of a registration occurs, the claimant representative ~~a registrant~~ must, within 30 days, provide the department with the updated documentation and information in writing. Material changes include, but are not limited to, the following, ÷ a designated agent or employee ceasing to act on behalf of the designating person, a surrender, suspension, or revocation of a license, or a license renewal.

(a) If a designated agent or employee ceases to act on behalf of the person who has designated the agent or employee to act on such person's behalf, the designating person must, within 30 days, inform the department ~~the Division of Unclaimed Property~~ in writing of the termination of agency or employment.

(b) If a registrant surrenders the registrant's license or the license is suspended or revoked, the registrant must, within 30 days, inform the division in writing of the surrender, suspension, or revocation.

(c) If a private investigator's Class "C" individual license under chapter 493 or a private investigator's employer's Class "A" business license under chapter 493 is renewed, the private investigator must provide a copy of the renewed license to the department within 30 days after the receipt of the renewed license by the private investigator or the private investigator's employer.



427888

(5)~~(6)~~ An applicant's claimant representative's A
~~registrant's~~ firm or employer may not have a name that might
lead another person to conclude that the claimant
representative's ~~registrant's~~ firm or employer is affiliated or
associated with the United States, or an agency thereof, or a
state or an agency or political subdivision of a state. The
department shall deny an application for registration or revoke
a registration if the applicant's or claimant representative's
~~registrant's~~ firm or employer has a name that might lead another
person to conclude that the firm or employer is affiliated or
associated with the United States, or an agency thereof, or a
state or an agency or political subdivision of a state. Names
that might lead another person to conclude that the firm or
employer is affiliated or associated with the United States, or
an agency thereof, or a state or an agency or political
subdivision of a state, include, but are not limited to, the
words United States, Florida, state, bureau, division,
department, or government.

(6)~~(7)~~ The licensing and other requirements of this section
must be maintained as a condition of registration with the
department.

(7) To maintain active registration under this section, a
claimant representative must file and obtain payment on at least
10 claims per calendar year following the date of initial
registration.

(a) If a claimant representative fails to meet this
requirement, the department must notify the claimant
representative in writing and provide 30 days to demonstrate
compliance or good cause for noncompliance.



427888

(b) If the claimant representative does not cure the deficiency or demonstrate good cause within the time provided, the department must revoke the registration.

(c) A claimant representative whose registration is revoked under this subsection may not reapply for registration under this section for a period of 1 year following the effective date of the revocation.

Section 84. Subsection (1) of section 1001.281, Florida Statutes, is amended to read:

1001.281 Operating Trust Fund.—

(1) The Operating Trust Fund, ~~FLAIR number 48-2-510~~, is created within the Department of Education.

Section 85. Subsection (1) of section 1001.282, Florida Statutes, is amended to read:

1001.282 Administrative Trust Fund.—

(1) The Administrative Trust Fund, ~~FLAIR number 48-2-021~~, is created within the Department of Education.

Section 86. Paragraph (a) of subsection (2) of section 197.582, Florida Statutes, is amended to read:

197.582 Disbursement of proceeds of sale.—

(2)(a) If the property is purchased for an amount in excess of the statutory bid of the certificateholder, the surplus must be paid over and disbursed by the clerk as set forth in subsections (3), (5), and (6). If the opening bid included the homestead assessment pursuant to s. 197.502(6)(c), that amount must be treated as surplus and distributed in the same manner. The clerk shall distribute the surplus to the governmental units for the payment of any lien of record held by a governmental unit against the property, including any tax certificates not



427888

incorporated in the tax deed application and omitted taxes, if any. If there remains a balance of undistributed funds, the balance must be retained by the clerk for the benefit of persons described in s. 197.522(1)(a), except those persons described in s. 197.502(4)(h), as their interests may appear. The clerk shall mail notices to such persons notifying them of the funds held for their benefit at the addresses provided in s. 197.502(4). Such notice constitutes compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing notices shall be paid out of the excess balance held by the clerk. Notice must be provided in substantially the following form:

NOTICE OF SURPLUS FUNDS
FROM TAX DEED SALE

CLERK OF COURT

.... COUNTY, FLORIDA

Tax Deed #.....

Certificate #.....

Property Description:

Pursuant to chapter 197, Florida Statutes, the above property was sold at public sale on ...(date of sale)..., and a surplus of \$...(amount)... (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in



427888

section 197.502(4)(h), Florida Statutes).

To the extent possible, these funds will be used to satisfy in full each claimant with a senior mortgage or lien in the property before distribution of any funds to any junior mortgage or lien claimant or to the former property owner. To be considered for funds when they are distributed, you must file a notarized statement of claim with this office within 120 days of this notice. If you are a lienholder, your claim must include the particulars of your lien and the amounts currently due. Any lienholder claim that is not filed within the 120-day deadline is barred.

A copy of this notice must be attached to your statement of claim. After the office examines the filed claim statements, it will notify you if you are entitled to any payment.

Dated:

Clerk of Court

Section 87. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(t) *Certain life insurance relations with funeral directors prohibited.*—

1. No life insurer shall permit any funeral director or direct disposer to act as its representative, adjuster, claim agent, special claim agent, or agent for such insurer in soliciting, negotiating, or effecting contracts of life



427888

insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts except as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

2. No life insurer shall:

a. Affix, or permit to be affixed, advertising matter of any kind or character of any licensed funeral director or direct disposer to such policies of insurance.

b. Circulate, or permit to be circulated, any such advertising matter with such insurance policies.

c. Attempt in any manner or form to influence policyholders of the insurer to employ the services of any particular licensed funeral director or direct disposer.

3. No such insurer shall maintain, or permit its agent to maintain, an office or place of business in the office, establishment, or place of business of any funeral director or direct disposer in this state.

Section 88. For the purpose of incorporating the amendment made by this act to section 717.101, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 772.13, Florida Statutes, is reenacted to read:

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

(6)(a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance



427888

Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08;

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in



427888

a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security entitlements to the Office of Foreign Assets Control of the United States Department of the Treasury, and such financial assets or security entitlements shall be subject to execution, garnishment, and turnover by the United States securities custodian or intermediary; and

5. Notwithstanding s. 670.502(4), when an electronic funds transfer is not completed within 5 banking days and is canceled pursuant to s. 670.211(4) because a United States intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary, then the blocked funds shall be deemed owned by the terrorist party or its agency or instrumentality and shall be subject to execution and garnishment.

Section 89. This act shall take effect upon becoming a law.

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

Delete everything before the enacting clause
and insert:

A bill to be entitled



427888

3984 An act relating to the Department of Financial
3985 Services; amending s. 17.11, F.S.; revising the
3986 subsystem used for a certain report of disbursements
3987 made; amending s. 17.13, F.S.; requiring the
3988 replacement, rather than the duplication, of lost or
3989 destroyed warrants; amending s. 110.113, F.S.;
3990 deleting the Department of Financial Services'
3991 authority to make semimonthly salary payments;
3992 amending s. 112.3135, F.S.; authorizing a public
3993 official to take specified actions in relation to the
3994 employment of a relative as a firefighter; amending s.
3995 215.422, F.S.; requiring agencies to pay interest from
3996 available appropriations under certain circumstances;
3997 amending s. 215.5586, F.S.; defining terms; revising
3998 eligibility requirements for a hurricane mitigation
3999 inspection under the My Safe Florida Home Program;
4000 revising the circumstances under which applicants may
4001 submit a subsequent hurricane mitigation inspection
4002 application; deleting the requirement that licensed
4003 inspectors determine mitigation measures during
4004 initial inspections of eligible homes; deleting
4005 inspectors' authorization to inspect townhouses;
4006 revising the criteria for eligibility for a hurricane
4007 mitigation grant; deleting an expiration date;
4008 revising the improvements for which grants may be
4009 used; requiring that improvements be identified in the
4010 final hurricane mitigation inspection to receive grant
4011 funds; deleting a provision related to grants for
4012 townhouses; revising the required prioritization of



427888

4013 inspection applications and grant applications;
4014 revising the timeframe within which the department is
4015 required to start accepting inspection applications
4016 and grant applications; authorizing the program to
4017 accept a specified certification directly from
4018 applicants; requiring applicants who receive grants to
4019 finalize construction and request a final inspection
4020 within a specified timeframe; specifying that an
4021 application is deemed abandoned, rather than
4022 withdrawn, under certain circumstances; amending s.
4023 215.89, F.S.; deleting provisions regarding the
4024 reporting structure for charts of accounts relating to
4025 the use of public funds by governmental entities;
4026 amending s. 215.93, F.S.; revising the subsystems of
4027 the Florida Financial Management Information System;
4028 requiring that certain requests for records be made to
4029 a specified entity; prohibiting such requests from
4030 being made to the functional owner of the subsystem;
4031 providing an exception; amending s. 215.94, F.S.;
4032 providing that the department is the functional owner
4033 of the Financial Management Subsystem rather than the
4034 Florida Accounting Information Resource Subsystem;
4035 revising the functions of such subsystem; amending s.
4036 215.96, F.S.; revising the composition of the
4037 coordinating council; deleting a requirement for the
4038 design and coordination staff; requiring that minutes
4039 of meetings be available to interested persons;
4040 revising the composition of ex officio members of the
4041 council; revising the duties, powers, and



427888

responsibilities of the council; amending ss. 215.985, 216.102, and 216.141, F.S.; conforming provisions to changes made by the act; amending s. 440.13, F.S.; revising the timeframe in which health care providers must petition the department to resolve utilization and reimbursement disputes; revising petition service requirements; revising the timeframe in which the panel determining the statewide schedule of maximum reimbursement allowances must submit certain recommendations to the Legislature; creating s. 497.1411, F.S.; defining the term "applicant"; specifying that certain applicants are permanently barred from licensure; specifying that certain applicants are subject to disqualifying periods; requiring the Board of Funeral, Cemetery, and Consumer Services to adopt rules; specifying requirements, authorizations, and prohibitions for such rules; specifying when a disqualifying period begins; specifying that the applicant has certain burdens to demonstrate that he or she is qualified for licensure; specifying that certain applicants who have been granted a pardon or restoration of civil rights are not barred or disqualified from licensure; specifying that such pardon or restoration does not require the board to award a license; authorizing the board to grant an exemption from disqualification under certain circumstances; specifying requirements for the applicant in order for the board to grant an exemption; specifying that the board has discretion to



427888

4071 grant or deny an exemption; specifying that certain
4072 decisions are subject to ch. 120, F.S.; providing
4073 applicability and construction; amending s. 497.142,
4074 F.S.; prohibiting an application from being deemed
4075 complete under certain circumstances; revising the
4076 list of crimes to be disclosed on a license
4077 application; amending s. 626.0428, F.S.; conforming a
4078 provision to changes made by the act; amending s.
4079 626.171, F.S.; deleting reinsurance intermediaries
4080 from certain application requirements; revising the
4081 list of persons from whom the department is required
4082 to accept uniform applications; making clarifying
4083 changes regarding the voluntary submission of cellular
4084 telephone numbers; revising the exemption from the
4085 application filing fee for members of the United
4086 States Armed Forces; amending s. 626.292, F.S.;
4087 revising applicant requirements for a license
4088 transfer; amending s. 626.611, F.S.; requiring the
4089 department to require license reexamination of certain
4090 persons, and suspend or revoke the eligibility to hold
4091 a license or appointment of such persons under certain
4092 circumstances; amending the grounds for suspension or
4093 revocation; amending 626.621, F.S.; authorizing the
4094 department to require a reexamination of certain
4095 persons; amending s. 626.731, F.S.; revising the
4096 qualifications for a general lines agent's license;
4097 amending s. 626.785, F.S.; revising the qualifications
4098 for a life agent's license; amending s. 626.831, F.S.;
4099 revising the qualifications for a health agent's



427888

4100 license; amending s. 626.8417, F.S.; revising the
4101 persons who are exempt from certain provisions
4102 relating to title insurance licensing and appointment
4103 requirements; amending s. 626.854, F.S.; requiring a
4104 public adjuster, public adjuster apprentice, or public
4105 adjusting firm to respond with specific information
4106 within a specified timeframe and document in the file
4107 the response or information provided; repealing s.
4108 627.797, F.S., relating to agents exempt from title
4109 insurance licensing; amending s. 648.34, F.S.;
4110 revising requirements for bail bond agent applicants;
4111 amending s. 648.382, F.S.; requiring officers or
4112 officials of the appointing insurer to obtain, rather
4113 than submit, certain information; amending s. 717.001,
4114 F.S.; revising the short title; amending s. 717.101,
4115 F.S.; revising and adding definitions; amending s.
4116 717.102, F.S.; providing that certain intangible
4117 property is presumed abandoned; deleting a provision
4118 relating to the presumption that certain intangible
4119 property is presumed unclaimed; specifying the
4120 dormancy period for property presumed abandoned;
4121 requiring that property be considered payable or
4122 distributable under certain circumstances; deleting a
4123 provision relating to when property is payable or
4124 distributable; revising a presumption; providing that
4125 property shall be presumed abandoned under certain
4126 circumstances; providing an exception; amending s.
4127 717.103, F.S.; requiring that intangible property be
4128 subject to the custody of the department under certain



427888

4129 circumstances; amending criteria for when intangible
4130 property is subject to the custody of the department;
4131 repealing s. 717.1035, F.S., relating to property
4132 originated or issued by this state, any political
4133 subdivision of this state, or any entity incorporated,
4134 organized, created, or otherwise located in this
4135 state; amending ss. 717.104, 717.1045, 717.105,
4136 717.106, 717.107, 717.1071, 717.108, and 717.109,
4137 F.S.; conforming provisions to changes made by the
4138 act; amending s. 717.1101, F.S.; revising the
4139 timelines and conditions under which stock, other
4140 equity interests, or debt of a business association is
4141 considered abandoned; requiring the holder to attempt
4142 to confirm the apparent owner's interest in the equity
4143 interest by sending an e-mail communication under
4144 certain circumstances; requiring the holder to attempt
4145 to contact the apparent owner by first-class United
4146 States mail under certain circumstances; specifying
4147 that equity interest is presumed abandoned under
4148 certain circumstances; revising when unmatured,
4149 unredeemed, matured, or redeemed debt is presumed
4150 abandoned; specifying that the applicable dormancy
4151 period ceases under certain circumstances; revising
4152 the timeframe that a sum held for or owing by a
4153 business association is presumed abandoned; amending
4154 ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and
4155 717.116, F.S.; conforming provisions to changes made
4156 by the act; amending s. 717.117, F.S.; specifying that
4157 property is presumed abandoned upon the expiration of



427888

4158 the applicable dormancy periods; specifying that
4159 property is not deemed abandoned for certain purposes
4160 until the holder meets certain requirements; requiring
4161 holders of property presumed abandoned that has a
4162 specified value to use due diligence to locate and
4163 notify the apparent owner; requiring, before a
4164 specified timeframe, a holder in possession of
4165 presumed abandoned property to send a specified
4166 written notice to the apparent owner; specifying the
4167 method of delivery of such notice; requiring, before a
4168 specified timeframe, the holder to send a second
4169 written notice under certain circumstances;
4170 authorizing the reasonable cost for the notice to be
4171 deducted from the property; specifying that a signed
4172 return receipt constitutes an affirmative
4173 demonstration of continued interest; specifying
4174 requirements of the written notice; requiring holders
4175 of abandoned property to submit a specified report to
4176 the department; prohibiting certain balances,
4177 overpayments, deposits, and refunds from being
4178 reported as abandoned property; prohibiting certain
4179 securities from being included in the report;
4180 requiring the holder to report and deliver such
4181 securities under certain circumstances; requiring the
4182 report to be signed and verified and contain a
4183 specified statement; deleting certain provisions
4184 relating to the due diligence and notices to apparent
4185 owners; amending s. 717.118, F.S.; revising the
4186 state's obligation to notify apparent owners that



427888

4187 their abandoned property has been reported and
4188 remitted to the department; requiring the department
4189 to use a cost-effective means to make an attempt to
4190 notify certain apparent owners; specifying
4191 requirements for the notice; requiring the department
4192 to maintain a specified website; revising
4193 applicability; amending s. 717.119, F.S.; conforming
4194 provisions to changes made by the act; revising
4195 requirements for firearms or ammunition found in an
4196 abandoned safe-deposit box or safekeeping repository;
4197 revising requirements if a will or trust instrument is
4198 included among the contents of an abandoned safe-
4199 deposit box or safekeeping repository; amending ss.
4200 717.1201 and 717.122, F.S.; conforming provisions to
4201 changes made by the act; amending s. 717.123, F.S.;
4202 conforming provisions to changes made by the act;
4203 revising the name of a certain trust fund; amending s.
4204 717.1235, F.S.; conforming provisions to changes made
4205 by the act; amending s. 717.124, F.S.; conforming
4206 provisions to changes made by the act; deleting
4207 provisions related to requirements of claimants'
4208 representatives; specifying that the department is
4209 authorized to make a distribution of property or money
4210 in accordance with a specified agreement under certain
4211 circumstances; requiring that shares of securities be
4212 delivered directly to the claimant under certain
4213 circumstances; deleting a provision authorizing the
4214 department to develop a process by which a buyer of
4215 unclaimed property may electronically submit certain



427888

4216 images and documents; deleting provisions relating to
4217 a buyer of unclaimed property's filing of a claim;
4218 amending s. 717.12403, F.S.; conforming provisions to
4219 changes made by the act; amending s. 717.12404, F.S.;
4220 requiring that claims on behalf of an active
4221 corporation include a specified driver license;
4222 conforming provisions to changes made by the act;
4223 amending ss. 717.12405 and 717.12406, F.S.; conforming
4224 provisions to changes made by the act; amending s.
4225 717.1241, F.S.; defining the term "conflicting claim";
4226 conforming provisions to changes made by the act;
4227 revising requirements for remitting property when
4228 conflicting claims have been received by the
4229 department; amending ss. 717.1242, 717.1243, 717.1244,
4230 717.1245, 717.125, 717.126, 717.1261, 717.1262,
4231 717.129, 717.1301, 717.1315, and 717.132, F.S.;
4232 conforming provisions to changes made by the act;
4233 amending s. 717.1322, F.S.; revising the acts that
4234 constitute grounds for administrative enforcement
4235 action by the department; conforming provisions to
4236 changes made by the act; amending ss. 717.133,
4237 717.1333, and 717.1341, F.S.; conforming provisions to
4238 changes made by the act; amending s. 717.135, F.S.;
4239 conforming provisions to changes made by the act;
4240 deleting applicability; creating s. 717.1356, F.S.;
4241 specifying that agreements for the purchase of
4242 abandoned property reported to the department are
4243 valid only under certain circumstances; authorizing
4244 the seller to cancel a purchase agreement without



427888

4245 penalty or obligation within a specified timeframe;
4246 specifying that the agreement must contain certain
4247 language; requiring a copy of an executed Florida
4248 Abandoned Property Purchase Agreement be filed with
4249 the purchaser's claim; prohibiting the department from
4250 approving the claim under certain circumstances;
4251 specifying that certain purchase agreements are
4252 enforceable only by the seller; amending s. 717.138,
4253 F.S.; conforming provisions to changes made by the
4254 act; amending s. 717.1382, F.S.; conforming provisions
4255 to changes made by the act; conforming a cross-
4256 reference; amending s. 717.139, F.S.; providing
4257 legislative findings; revising a statement of public
4258 policy; deleting a legislative declaration; providing
4259 legislative intent; prohibiting title to abandoned
4260 property from transferring to the state except under
4261 certain circumstances; amending s. 717.1400, F.S.;
4262 requiring an individual to meet certain requirements
4263 in order to file claims as a claimant representative;
4264 revising application requirements for registering as a
4265 claimant representative; requiring claimant
4266 representatives to file and obtain payment on a
4267 specified number of claims within a specified
4268 timeframe to maintain active registration; requiring
4269 the department to notify the claimant representative
4270 in writing and provide a certain timeframe to
4271 demonstrate compliance or good cause for noncompliance
4272 under certain circumstances; requiring the department
4273 to revoke a registration under certain circumstances;



427888

4274 prohibiting a claimant representative from reapplying
4275 under certain circumstances; amending ss. 1001.281 and
4276 1001.282, F.S.; conforming provisions to changes made
4277 by the act; amending ss. 197.582 and 626.9541, F.S.;
4278 conforming cross-references; reenacting s.
4279 772.13(6)(a), F.S., relating to postjudgment execution
4280 proceedings to enforce a judgment entered against a
4281 terrorist party, to incorporate the amendment made to
4282 s. 717.101, F.S., in a reference thereto; providing an
4283 effective date.

By the Committee on Banking and Insurance; and Senator Truenow

597-02499-26

20261452c1

1 A bill to be entitled
 2 An act relating to the Department of Financial
 3 Services; amending s. 215.422, F.S.; revising the
 4 Chief Financial Officer's rulemaking authority;
 5 amending s. 215.5586, F.S.; defining terms; revising
 6 eligibility requirements for a hurricane mitigation
 7 inspection under the My Safe Florida Home Program;
 8 revising the circumstances under which applicants may
 9 submit a subsequent hurricane mitigation inspection;
 10 deleting the requirement that licensed inspectors must
 11 determine mitigation measures during initial
 12 inspections of eligible homes; deleting inspectors'
 13 authorization to inspect townhouses; revising the
 14 criteria for eligibility for a hurricane mitigation
 15 grant; revising the grant's applicant requirements;
 16 revising the improvements that grants may be used for;
 17 requiring that improvements be identified in the final
 18 hurricane mitigation inspection to receive grant
 19 funds; deleting a provision related to grants for
 20 townhouses; authorizing the program to accept a
 21 specified certification directly from applicants;
 22 requiring applicants who receive grants to finalize
 23 construction and request a final inspection within a
 24 specified timeframe; specifying that an application is
 25 deemed abandoned, rather than withdrawn, under certain
 26 circumstances; amending s. 215.96, F.S.; revising the
 27 composition of the coordinating council; deleting a
 28 requirement for the design and coordination staff;
 29 requiring minutes of meetings to be available to

Page 1 of 140

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

597-02499-26

20261452c1

30 interested persons; revising the composition of ex
 31 officio members of the council; revising the duties,
 32 powers, and responsibilities of the council; amending
 33 s. 284.08, F.S.; authorizing the department to
 34 determine what property insurance coverage is
 35 necessary; authorizing the department to purchase
 36 certain insurance coverages; authorizing the
 37 department to contract with insurance or reinsurance
 38 brokers for certain purposes; amending s. 284.33,
 39 F.S.; authorizing the department to purchase certain
 40 insurance coverages; authorizing the department to
 41 contract with insurance or reinsurance brokers for
 42 certain purposes; amending s. 440.13, F.S.; revising
 43 the timeframe in which health care providers must
 44 petition the department to resolve utilization and
 45 reimbursement disputes; revising petition service
 46 requirements; revising the timeframe in which the
 47 panel determining the statewide schedule of maximum
 48 reimbursement allowances must submit certain
 49 recommendations to the Legislature; creating s.
 50 497.1411, F.S.; defining the term "applicant";
 51 specifying that certain applicants are permanently
 52 barred from licensure; specifying that certain
 53 applicants are subject to disqualifying periods;
 54 requiring the Board of Funeral, Cemetery, and Consumer
 55 Services to adopt rules; specifying requirements,
 56 authorizations, and prohibitions for such rules;
 57 specifying when a disqualifying period begins;
 58 specifying that the applicant has certain burdens to

Page 2 of 140

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

597-02499-26

20261452c1

59 demonstrate that he or she is qualified for licensure;
 60 specifying that certain applicants who have been
 61 granted a pardon or restoration of civil rights are
 62 not barred or disqualified from licensure; specifying
 63 that such pardon or restoration does not require the
 64 board to award a license; authorizing the board to
 65 grant an exemption from disqualification under certain
 66 circumstances; specifying requirements for the
 67 applicant in order for the board to grant an
 68 exemption; specifying that the board has discretion to
 69 grant or deny an exemption; specifying that certain
 70 decisions are subject to ch. 120, F.S.; providing
 71 applicability and construction; amending s. 497.142,
 72 F.S.; prohibiting an application from being deemed
 73 complete under certain circumstances; revising the
 74 list of crimes to be disclosed on a license
 75 application; amending s. 626.0428, F.S.; conforming a
 76 provision to changes made by the act; amending s.
 77 626.171, F.S.; deleting reinsurance intermediaries
 78 from certain application requirements; revising the
 79 list of persons from whom the department is required
 80 to accept uniform applications; making clarifying
 81 changes regarding the voluntary submission of cellular
 82 telephone numbers; revising the exemption from the
 83 application filing fee for members of the United
 84 States Armed Forces; amending s. 626.292, F.S.;
 85 revising applicant requirements for a license
 86 transfer; amending s. 626.611, F.S.; requiring the
 87 department to require license reexamination of certain

597-02499-26

20261452c1

88 persons, and suspend or revoke the eligibility to hold
 89 a license or appointment of such persons under certain
 90 circumstances; amending the grounds for suspension or
 91 revocation; amending 626.621, F.S.; authorizing the
 92 department to require a reexamination of certain
 93 persons; amending s. 626.731, F.S.; revising the
 94 qualifications for a general lines agent's license;
 95 amending s. 626.785, F.S.; revising the qualifications
 96 for a life agent's license; amending s. 626.831, F.S.;
 97 revising the qualifications for a health agent's
 98 license; amending s. 626.8417, F.S.; revising the
 99 persons who are exempt from certain provisions
 100 relating to title insurance licensing and appointment
 101 requirements; amending s. 626.854, F.S.; requiring a
 102 public adjuster, public adjuster apprentice, or public
 103 adjusting firm to respond with specific information
 104 within a specified timeframe and document in the file
 105 the response or information provided; repealing s.
 106 627.797, F.S., relating to agents exempt from title
 107 insurance licensing; amending s. 648.34, F.S.;
 108 revising requirements for bail bond agent applicants;
 109 amending s. 648.382, F.S.; requiring officers or
 110 officials of the appointing insurer to obtain, rather
 111 than submit, certain information; amending s. 717.001,
 112 F.S.; revising the short title; amending s. 717.101,
 113 F.S.; revising and adding definitions; amending s.
 114 717.102, F.S.; providing that certain intangible
 115 property is presumed abandoned; deleting a provision
 116 relating to the presumption that certain intangible

597-02499-26

20261452c1

117 property is presumed unclaimed; specifying the
 118 dormancy period for property presumed abandoned;
 119 requiring that property be considered payable or
 120 distributable under certain circumstances; deleting a
 121 provision relating to when property is payable or
 122 distributable; revising a presumption; providing that
 123 property shall be presumed abandoned under certain
 124 circumstances; providing an exception; amending s.
 125 717.103, F.S.; requiring that intangible property be
 126 subject to the custody of the department under certain
 127 circumstances; amending criteria for when intangible
 128 property is subject to the custody of the department;
 129 repealing s. 717.1035, F.S., relating to property
 130 originated or issued by this state, any political
 131 subdivision of this state, or any entity incorporated,
 132 organized, created, or otherwise located in the state;
 133 amending ss. 717.104, 717.1045, 717.105, 717.106,
 134 717.107, 717.1071, 717.108, and 717.109, F.S.;
 135 conforming provisions to changes made by the act;
 136 amending s. 717.1101, F.S.; revising the timelines and
 137 conditions under which stock, other equity interests,
 138 or debt of a business association is considered
 139 abandoned; requiring the holder to attempt to confirm
 140 the apparent owner's interest in the equity interest
 141 by sending an e-mail communication under certain
 142 circumstances; requiring the holder to attempt to
 143 contract the apparent owner by first-class United
 144 States mail under certain circumstances; specifying
 145 that equity interest is presumed abandoned under

Page 5 of 140

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

597-02499-26

20261452c1

146 certain circumstances; revising when unmatured,
 147 unredeemed, matured, or redeemed debt is presumed
 148 abandoned; specifying that the applicable dormancy
 149 period ceases under certain circumstances; revising
 150 the timeframe that a sum held for or owing by a
 151 business association is presumed abandoned; amending
 152 ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and
 153 717.116, F.S.; conforming provisions to changes made
 154 by the act; amending s. 717.117, F.S.; specifying that
 155 property is presumed abandoned upon the expiration of
 156 the applicable dormancy periods; specifying that
 157 property is not deemed abandoned for certain purposes
 158 until the holder meets certain requirements; requiring
 159 holders of property presumed abandoned that has a
 160 specified value to use due diligence to locate and
 161 notify the apparent owner; requiring, before a
 162 specified timeframe, a holder in possession of
 163 presumed abandoned property to send a specified
 164 written notice to the apparent owner; specifying the
 165 method of delivery of such notice; requiring, before a
 166 specified timeframe, the holder to send a second
 167 written notice under certain circumstances;
 168 authorizing the reasonable cost for the notice to be
 169 deducted from the property; specifying that a signed
 170 return receipt constitutes an affirmative
 171 demonstration of continued interest; specifying
 172 requirements of the written notice; requiring holders
 173 of abandoned property to submit a specified report to
 174 the department; prohibiting certain balances,

Page 6 of 140

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

597-02499-26

20261452c1

175 overpayments, deposits, and refunds from being
 176 reported as abandoned property; prohibiting certain
 177 securities from being included in the report;
 178 requiring the holder to report and deliver such
 179 securities under certain circumstances; requiring the
 180 report to be signed and verified and contain a
 181 specified statement; deleting certain provisions
 182 relating to the due diligence and notices to apparent
 183 owners; amending s. 717.118, F.S.; revising the
 184 state's obligation to notify apparent owners that
 185 their abandoned property has been reported and
 186 remitted to the department; requiring the department
 187 to use a cost-effective means to make an attempt to
 188 notify certain apparent owners; specifying
 189 requirements for the notice; requiring the department
 190 to maintain a specified website; revising
 191 applicability; amending s. 717.119, F.S.; conforming
 192 provisions to changes made by the act; revising
 193 requirements for firearms or ammunition found in an
 194 abandoned safe-deposit box or safekeeping repository;
 195 revising requirements if a will or trust instrument is
 196 included among the contents of an abandoned safe-
 197 deposit box or safekeeping repository; amending ss.
 198 717.1201 and 717.122, F.S.; conforming provisions to
 199 changes made by the act; amending s. 717.123, F.S.;
 200 conforming provisions to changes made by the act;
 201 revising the name of a certain trust fund; revising
 202 the amount the department must retain from certain
 203 funds received; revising a required transfer of funds

597-02499-26

20261452c1

204 to the State School Fund; amending s. 717.1235, F.S.;
 205 conforming provisions to changes made by the act;
 206 amending s. 717.124, F.S.; conforming provisions to
 207 changes made by the act; deleting provisions related
 208 to requirements of claimant's representatives;
 209 specifying that the department is authorized to make a
 210 distribution of property or money in accordance with a
 211 specified agreement under certain circumstances;
 212 requiring shares of securities to be delivered
 213 directly to the claimant under certain circumstances;
 214 deleting a provision authorizing the department to
 215 develop a process by which a buyer of unclaimed
 216 property may electronically submit certain images and
 217 documents; deleting provisions relating to a buyer of
 218 unclaimed property's filing of a claim; amending s.
 219 717.12403, F.S.; conforming provisions to changes made
 220 by the act; amending s. 717.12404, F.S.; requiring
 221 claims on behalf of an active corporation to include a
 222 specified driver license; conforming provisions to
 223 changes made by the act; amending ss. 717.12405 and
 224 717.12406, F.S.; conforming provisions to changes made
 225 by the act; amending s. 717.1241, F.S.; defining the
 226 term "conflicting claim"; conforming provisions to
 227 changes made by the act; revising requirements for
 228 remitting property when conflicting claims have been
 229 received by the department; amending ss. 717.1242,
 230 717.1243, 717.1244, 717.1245, 717.125, 717.126,
 231 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and
 232 717.132, F.S.; conforming provisions to changes made

597-02499-26

20261452c1

233 by the act; amending s. 717.1322, F.S.; revising the
 234 acts that constitute grounds for administrative
 235 enforcement action by the department; conforming
 236 provisions to changes made by the act; amending ss.
 237 717.133, 717.1333, and 717.1341, F.S.; conforming
 238 provisions to changes made by the act; amending s.
 239 717.135, F.S.; conforming provisions to changes made
 240 by the act; deleting applicability; creating s.
 241 717.1356, F.S.; specifying that agreements for the
 242 purchase of abandoned property reported to the
 243 department are valid only under certain circumstances;
 244 authorizing the seller to cancel a purchase agreement
 245 without penalty or obligation within a specified
 246 timeframe; specifying that the agreement must contain
 247 certain language; requiring a copy of an executed
 248 Florida Abandoned Property Purchase Agreement be filed
 249 with the purchaser's claim; prohibiting the department
 250 from approving the claim under certain circumstances;
 251 specifying that certain purchase agreements are
 252 enforceable only by the seller; amending s. 717.138,
 253 F.S.; conforming provisions to changes made by the
 254 act; amending s. 717.1382, F.S.; conforming provisions
 255 to changes made by the act; conforming a cross-
 256 reference; amending s. 717.139, F.S.; providing
 257 legislative findings; revising a statement of public
 258 policy; deleting a legislative declaration; providing
 259 legislative intent; prohibiting title to abandoned
 260 property from transferring to the state except under
 261 certain circumstances; amending s. 717.1400, F.S.;

597-02499-26

20261452c1

262 requiring an individual to meet certain requirements
 263 in order to file claims as a claimant representative;
 264 revising application requirements for registering as a
 265 claimant representative; requiring claimant
 266 representatives to file and obtain payment on a
 267 specified number of claims within a specified
 268 timeframe to maintain active registration; requiring
 269 the department to notify the claimant representative
 270 in writing and provide a certain timeframe to
 271 demonstrate compliance or good cause for noncompliance
 272 under certain circumstances; requiring the department
 273 to revoke a registration under certain circumstances;
 274 prohibiting a claimant representative from reapplying
 275 under certain circumstances; amending ss. 197.582 and
 276 626.9541, F.S.; conforming cross-references;
 277 reenacting s. 772.13(6)(a), F.S., relating to
 278 postjudgment execution proceedings to enforce a
 279 judgment entered against a terrorist party, to
 280 incorporate the amendment made to s. 717.101, F.S., in
 281 a reference thereto; providing an effective date.

282
 283 Be It Enacted by the Legislature of the State of Florida:

284
 285 Section 1. Subsection (15) of section 215.422, Florida
 286 Statutes, is amended to read:

287 215.422 Payments, warrants, and invoices; processing time
 288 limits; dispute resolution; agency or judicial branch
 289 compliance.—

290 (15) The Chief Financial Officer may adopt rules to

597-02499-26

20261452c1

291 authorize advance payments for goods and services, including,
 292 but not limited to, maintenance agreements and subscriptions,
 293 such as prepaid multiyear software licenses. Such rules shall
 294 provide objective criteria for determining when it is in the
 295 best interest of the state to make payments in advance and shall
 296 also provide for adequate protection to ensure that such goods
 297 or services will be provided.

298 Section 2. Paragraphs (a) through (e) of subsection (1),
 299 subsections (2) and (3), paragraph (a) of subsection (8), and
 300 subsection (10) of section 215.5586, Florida Statutes, are
 301 amended to read:

302 215.5586 My Safe Florida Home Program.—There is established
 303 within the Department of Financial Services the My Safe Florida
 304 Home Program. The department shall provide fiscal
 305 accountability, contract management, and strategic leadership
 306 for the program, consistent with this section. This section does
 307 not create an entitlement for property owners or obligate the
 308 state in any way to fund the inspection or retrofitting of
 309 residential property in this state. Implementation of this
 310 program is subject to annual legislative appropriations. It is
 311 the intent of the Legislature that, subject to the availability
 312 of funds, the My Safe Florida Home Program provide licensed
 313 inspectors to perform hurricane mitigation inspections of
 314 eligible homes and grants to fund hurricane mitigation projects
 315 on those homes. The department shall implement the program in
 316 such a manner that the total amount of funding requested by
 317 accepted applications, whether for inspections, grants, or other
 318 services or assistance, does not exceed the total amount of
 319 available funds. If, after applications are processed and

597-02499-26

20261452c1

320 approved, funds remain available, the department may accept
 321 applications up to the available amount. The program shall
 322 develop and implement a comprehensive and coordinated approach
 323 for hurricane damage mitigation pursuant to the requirements
 324 provided in this section.

325 (1) HURRICANE MITIGATION INSPECTIONS.—

326 (a) 1. For the purposes of this paragraph, the term:

327 a. "Attached" means a dwelling unit that shares a wall with
 328 another dwelling unit.

329 b. "Detached" means a dwelling that does not share a wall
 330 with another dwelling unit or building and has greater than zero
 331 clearance between it and any other building. This term includes
 332 a garage that is located under a contiguous roof with a
 333 residence.

334 c. "Single-family" means a residence designed for and
 335 containing only one dwelling unit.

336 2. An applicant is ~~To be~~ eligible for a hurricane
 337 mitigation inspection under the program if all of the following
 338 conditions are met:

339 a.1- The ~~A~~ home for which the inspection is sought is ~~must~~
 340 ~~be~~ a single-family, unit on an individual parcel of land that
 341 is:

342 (I) ~~A~~ detached residential property; or

343 (II) ~~An~~ attached residential property not exceeding three
 344 stories. ~~A townhouse as defined in s. 481.203,~~

345 b.2- The ~~A~~ home for which the inspection is sought is ~~must~~
 346 ~~be~~ site-built and owner-occupied, ~~and~~

347 c.3- The applicant is homeowner ~~must have been~~ granted a
 348 homestead exemption on the home under chapter 196.

597-02499-26

20261452c1

(b)1. An application for a hurricane mitigation inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one inspection application on the home or that the application is allowed under subparagraph 2., and the application must have documents attached which demonstrate that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent hurricane mitigation inspection application for the same home only if:

a. The original hurricane mitigation inspection application has been denied or withdrawn because of material errors or omissions in the application;

b. The original hurricane mitigation inspection application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for an inspection at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is the home now ~~is~~ eligible for an inspection; ~~or~~

c. The program's eligibility requirements for an inspection have changed since the original application date, and the applicant reasonably believes that her or she the home is eligible under the new requirements; ~~or-~~

d. More than 24 months have passed since the applicant received a hurricane mitigation inspection under this section, and the applicant has not received a grant payment through the program for that inspection.

(c) An applicant meeting the requirements of paragraph (a) may receive an inspection of the ~~a~~ home through ~~under~~ the program without being eligible for a grant under subsection (2)

597-02499-26

20261452c1

or applying for such grant.

(d) Licensed inspectors are to provide initial ~~home~~ inspections of eligible homes to determine ~~what mitigation measures are needed,~~ what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. ~~An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection mitigation as listed in subparagraph (2)(c)1. would provide improvements to mitigate hurricane damage.~~

(e) The department shall contract with wind certification entities to provide hurricane mitigation inspections. The initial inspections provided to applicants ~~homeowners~~, at a minimum, must include:

1. A home inspection and report that summarizes the inspection results and identifies recommended improvements an applicant ~~a homeowner~~ may make ~~take~~ to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Information regarding estimated premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

(2) HURRICANE MITIGATION GRANTS.—Financial grants shall be used by applicants ~~homeowners~~ to make improvements recommended by an initial inspection which increase a home's resistance to hurricane damage.

(a) An applicant ~~A homeowner~~ is eligible for a hurricane

597-02499-26

20261452c1

mitigation grant if all of the following criteria are met:

1. The applicant ~~home~~ must be eligible for an inspection under subsection (1).

2. The home must be a dwelling with an insured value of \$700,000 or less. Applicants Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.

3. The home must undergo an initial ~~acceptable~~ hurricane mitigation inspection through the program as provided in subsection (1).

4. The ~~building permit application for initial construction~~ of the home must have been built ~~made~~ before January 1, 2008, as reflected on the county property appraiser's website.

5. The applicant ~~homeowner~~ must agree to make his or her home available for a final inspection once a mitigation project is completed.

6. The applicant ~~homeowner~~ must agree to provide to the department information received from the applicant's ~~homeowner's~~ insurer identifying the discounts realized by the applicant ~~homeowner~~ because of the mitigation improvements funded through the program.

7.a. The applicant ~~homeowner~~ must be a low-income person or moderate-income person as defined in s. 420.0004.

b. The hurricane mitigation inspection must have occurred within the previous 24 months from the date of application.

c. Notwithstanding subparagraph 2., applicants homeowners who are low-income persons, as defined in s. 420.0004(11), are not exempt from the requirement that the home must be a dwelling with an insured value of \$700,000 or less.

597-02499-26

20261452c1

d. This subparagraph expires July 1, 2026.

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one grant application or that the application is allowed under subparagraph 2., and the application must have documents attached demonstrating that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for a grant at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the~~ ~~home~~ now is eligible for a grant; or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is ~~an~~ eligible ~~homeowner~~ under the new requirements.

3. A grant application must include a statement from the applicant ~~homeowner~~ which contains the name and state license number of the contractor that the applicant ~~homeowner~~ acknowledges as the intended contractor for the mitigation work. The program must ~~electronically~~ verify that the contractor's state license number is valid ~~accurate and up to date before grant approval~~.

(c) All grants must be matched on the basis of \$1 provided by the applicant for \$2 provided by the state up to a maximum

597-02499-26

20261452c1

state contribution of \$10,000 toward the actual cost of the mitigation project, except as provided in paragraph (h).

(d) All hurricane mitigation performed under the program must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors.

(e) When recommended by an initial a hurricane mitigation inspection, grants for eligible applicants ~~homes~~ may be used for all of the following improvements:

1. Opening protection improvements, including:

a. Exterior doors.~~7~~

b. Garage doors.~~7~~

c. Windows.~~7~~ ~~and~~

d. Skylights.

2. Roof improvements, including:

a. Reinforcing roof-to-wall connections.

b.3- Improving the strength of roof-deck attachments.

c.4- Installing secondary water resistance for roof and replacing the roof covering.

(f) Improvements must be identified by the final hurricane mitigation inspection to receive grant funds ~~When recommended by a hurricane mitigation inspection, grants for townhouses, as defined in s. 481.203, may only be used for opening protection.~~

(g) The department may require that improvements be made to all openings, including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing an applicant ~~a homeowner~~ approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) ~~or paragraph (f)~~.

597-02499-26

20261452c1

(h) Low-income applicants ~~homeowners~~, as defined in s. 420.0004(11), who otherwise meet the applicable requirements of this subsection are eligible for a grant of up to \$10,000 and are not required to provide a matching amount to receive the grant.

(i)1. The department shall develop a process that ensures the most efficient means to collect and verify inspection applications and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

2. The department shall prioritize the review and approval of such inspection applications and grant applications in the following order:

a. First, applications from low-income persons, as defined in s. 420.0004, who are at least 60 years old;

b. Second, applications from all other low-income persons, as defined in s. 420.0004;

c. Third, applications from moderate-income persons, as defined in s. 420.0004, who are at least 60 years old;

d. Fourth, applications from all other moderate-income persons, as defined in s. 420.0004; and

e. Last, all other applications.

3. The department shall start accepting inspection applications and grant applications no earlier than the effective date of a legislative appropriation funding inspections and grants, as follows:

a. Initially, from applicants prioritized under sub-

597-02499-26

20261452c1

subparagraph 2.a.;

b. From applicants prioritized under sub-subparagraph 2.b., beginning 15 days after the program initially starts accepting applications;

c. From applicants prioritized under sub-subparagraph 2.c., beginning 30 days after the program initially starts accepting applications;

d. From applicants described in sub-subparagraph 2.d., beginning 45 days after the program initially starts accepting applications; and

e. From all other applicants, beginning 60 days after the program initially starts accepting applications.

4. The program may accept a certification directly from a low-income applicant ~~homeowner~~ or moderate-income applicant ~~homeowner~~ who meets the requirements of s. 420.0004(11) or (12), respectively, if the applicant ~~homeowner~~ provides such certification in a signed or electronically verified statement made under penalty of perjury.

5. The program may accept a certification directly from an applicant attesting to his or her age if the applicant provides such certification in a signed or electronically verified statement made under penalty of perjury.

(j) An applicant ~~A homeowner~~ who receives a grant shall finalize construction and request a final inspection, ~~or request an extension for an additional 6 months,~~ within 18 months ~~1 year~~ after grant application approval. If an applicant ~~a homeowner~~ fails to comply with this paragraph, his or her application is deemed abandoned and the grant money reverts to the department.

(3) REQUESTS FOR INFORMATION.—The department may request

597-02499-26

20261452c1

that an applicant provide additional information. An application is deemed abandoned ~~withdrawn~~ by the applicant if the department does not receive a response to its request for additional information within 60 days after the notification of any apparent error or omission.

(8) CONTRACT MANAGEMENT.—

(a) The department may contract with third parties for grants management, inspection services, contractor services for low-income applicants ~~homeowners~~, information technology, educational outreach, and auditing services. Such contracts are considered direct costs of the program and are not subject to administrative cost limits. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(10) REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, and the estimated average annual amount of insurance premium discounts and total estimated annual amount of insurance premium discounts applicants ~~homeowners~~ received from insurers as a result of mitigation funded through the program. The report must be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 3. Subsections (2) and (3) of section 215.96, Florida Statutes, are amended to read:

597-02499-26

20261452c1

581 215.96 Coordinating council and design and coordination
 582 staff.—
 583 (2) The coordinating council shall consist of the Chief
 584 Financial Officer; the Commissioner of Agriculture; the Attorney
 585 General; the Secretary of Management Services; the state chief
 586 information officer; the executive director of the Department of
 587 Revenue; and the Director of Planning and Budgeting, Executive
 588 Office of the Governor, or their designees. The Chief Financial
 589 Officer, or his or her designee, shall be chair of the council,
 590 and the design and coordination staff shall provide
 591 administrative and clerical support to the council and the
 592 board. ~~The design and coordination staff shall maintain the~~
 593 Minutes of each meeting shall be and make such minutes available
 594 to any interested person. The Auditor General, the State Courts
 595 Administrator, ~~a an executive officer of the Florida Association~~
 596 ~~of state agency administrative services director selected by the~~
 597 ~~council Directors~~, and ~~a an executive officer of the Florida~~
 598 ~~Association of~~ state budget officer selected by the council
 599 ~~Officers~~, or their designees, shall serve without voting rights
 600 as ex officio members of the council. The chair may call
 601 meetings of the council as often as necessary to transact
 602 business; however, the council shall meet at least once a year.
 603 Action of the council shall be by motion, duly made, seconded
 604 and passed by a majority of the council voting in the
 605 affirmative for approval of items that are to be recommended for
 606 approval to the Financial Management Information Board.
 607 (3) The coordinating council, assisted by the design and
 608 coordination staff, shall have the following duties, powers, and
 609 responsibilities pertaining to the Florida Financial Management

597-02499-26

20261452c1

610 Information System:
 611 (a) To review and coordinate annual workplans to ensure
 612 that the Florida Financial Management Information System remains
 613 aligned across participating entities. The coordination council
 614 shall ensure that each participating entity submits an annual
 615 workplan by October 1 of each year. The coordinating council
 616 shall review and discuss the workplans, identify potential
 617 impacts or conflicts, facilitate resolutions when practicable,
 618 and expedite unresolved issues as appropriate.
 619 (b) To conduct such studies and to establish committees,
 620 workgroups, and teams to develop recommendations for rules,
 621 policies, procedures, principles, and standards to the board as
 622 necessary to assist the board in its efforts to design,
 623 implement, and perpetuate a financial management information
 624 system, including, but not limited to, the establishment of
 625 common data codes, and the development of integrated financial
 626 management policies that address the information and management
 627 needs of the functional owner subsystems. The coordinating
 628 council shall make available a copy of the approved plan in
 629 writing or through electronic means to each of the coordinating
 630 council members, the fiscal committees of the Legislature, and
 631 any interested person.
 632 ~~(c) (b)~~ To recommend to the board solutions, policy
 633 alternatives, and legislative budget request issues that will
 634 provide ensure a framework for the timely, positive, preplanned,
 635 and prescribed data transfer between information subsystems ~~and~~
 636 ~~to recommend to the board solutions, policy alternatives, and~~
 637 ~~legislative budget request issues that ensure the availability~~
 638 ~~of data and information that support state planning, policy~~

597-02499-26 20261452c1

development, management, evaluation, and performance monitoring.

~~(c) To report to the board all actions taken by the coordinating council for final action.~~

~~(d) To review the annual work plans of the functional owner information subsystems by October 1 of each year. The review shall be conducted to assess the status of the Florida Financial Management Information System and the functional owner subsystems in regard to the provisions of s. 215.91. The coordinating council, as part of the review process, may make recommendations for modifications to the functional owner information subsystems annual work plans.~~

Section 4. Section 284.08, Florida Statutes, is amended to read:

284.08 Purchase of insurance, excess insurance, reinsurance, and services ~~Reinsurance on excess coverage and approval by Department of Management Services.~~ Notwithstanding the requirements of s. 287.022(1), the Department of Financial Services shall determine what property insurance excess coverage is necessary and may purchase insurance, excess insurance, and reinsurance as necessary to provide insurance coverages authorized by this part thereon upon approval by the Department of Management Services. The Department of Financial Services may contract with an insurance or reinsurance broker to market the insurance program and facilitate the purchase of insurance, excess insurance, and reinsurance on behalf of the department.

Section 5. Section 284.33, Florida Statutes, is amended to read:

284.33 Purchase of insurance, reinsurance, excess insurance, and services.—

597-02499-26 20261452c1

(1) Notwithstanding the requirements of s. 287.022(1), the Department of Financial Services is authorized to purchase provide insurance, specific excess insurance, and reinsurance aggregate excess insurance through the Department of Management Services, pursuant to the provisions of part I of chapter 287, as necessary to provide insurance coverages authorized by this part, consistent with market availability. The Department of Financial Services may contract with an insurance or reinsurance broker to market the insurance program and facilitate the purchase of insurance, excess insurance, and reinsurance on behalf of the department. ~~However,~~ The Department of Financial Services may directly purchase annuities by using a structured settlement insurance consulting firm selected by the department to assist in the settlement of claims being handled by the Division of Risk Management. The selection of the structured settlement insurance services consultant shall be made by using competitive sealed proposals. The consulting firm shall act as an agent of record for the department in procuring the best annuity products available to facilitate structured settlement of claims, considering price, insurer financial strength, and the best interests of the state risk management program. Purchase of annuities by the department using a structured settlement method is excepted from competitive sealed bidding or proposal requirements. The Department of Financial Services is further authorized to purchase such risk management services, including, but not limited to, risk and claims control; safety management; and legal, investigative, and adjustment services, as may be required and pay claims. The department may contract with a service organization for such services and advance money

597-02499-26

20261452c1

to such service organization for deposit in a special checking account for paying claims made against the state under ~~the provisions of~~ this part. The special checking account shall be maintained in this state in a bank or savings association organized under the laws of this state or of the United States. The department may replenish such account as often as necessary upon the presentation by the service organization of documentation for payments of claims equal to the amount of the requested reimbursement.

(2) ~~Nothing contained in~~ Chapter 287 may not ~~shall~~ be construed as requiring written agreements for health and mental health services or drugs in the examinations, diagnoses, or treatments of sick or injured employees or other benefits as required by ~~the provisions of~~ chapter 440.

Section 6. Paragraph (a) of subsection (7) and paragraph (j) of subsection (12) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 60 ~~45~~ days after receipt of notice of disallowance or adjustment of payment, petition the department to resolve the dispute. The petitioner must serve, by the United States Postal Service certified mail or by common carrier with verifiable tracking methods, a copy of the petition on the carrier and on all affected parties listed on the notice of disallowance or adjustment ~~by certified mail~~. The petition

597-02499-26

20261452c1

must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the department results in dismissal of the petition.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(j) In addition to establishing the uniform schedule of maximum reimbursement allowances, the panel shall:

1. Take testimony, receive records, and collect data to evaluate the adequacy of the workers' compensation fee schedule, nationally recognized fee schedules and alternative methods of reimbursement to health care providers and health care facilities for inpatient and outpatient treatment and care.

2. Survey health care providers and health care facilities to determine the availability and accessibility of workers' compensation health care delivery systems for injured workers.

3. Survey carriers to determine the estimated impact on carrier costs and workers' compensation premium rates by implementing changes to the carrier reimbursement schedule or implementing alternative reimbursement methods.

4. Submit recommendations on or before January 15, 2031 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President of the Senate and the Speaker of the House of Representatives on methods to improve the workers' compensation health care delivery system.

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The

597-02499-26

20261452c1

department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking possession of that medication.

Section 7. Section 497.1411, Florida Statutes, is created to read:

497.1411 Disqualification of applicants and licenses; penalties against licensees; rulemaking.—

(1) For purposes of this section, the term "applicant" means an individual applying for licensure or relicensure under this chapter, or an officer, director, majority owner, partner, manager, or other person who manages or controls an entity applying for licensure or relicensure under this chapter.

(2) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to any of the following offenses, regardless of adjudication, is permanently barred from licensure under this chapter:

(a) A felony of the first degree.

(b) A felony involving conduct prohibited under chapter

597-02499-26

20261452c1

497, chapter 787, chapter 794, chapter 796, chapter 800, chapter 825, chapter 827, or chapter 847.

(c) A felony involving moral turpitude.

(3) An applicant who has been found guilty of, or has entered a plea of guilty or nolo contendere to an offense not subject to the permanent bar under subsection (2), regardless of adjudication, is subject to the following disqualifying periods:

(a) A 10-year disqualifying period for any felony to which the permanent bar in subsection (2) does not apply.

Notwithstanding subsection (4), an applicant who has completed at least one-half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if, during that time, the applicant has not been found guilty of, or has not entered a plea of guilty or nolo contendere to, any offense.

(b) A 5-year disqualifying period for all misdemeanors directly related to chapter 497.

(4) The board shall adopt rules to administer this section. Such rules must provide additional disqualifying periods for applicants who have committed multiple criminal offenses and may provide additional factors for disqualification reasonably related to the applicant's criminal history. The rules must also establish mitigating and aggravating factors. However, mitigation may not reduce any disqualifying period to less than 5 years and may not be applied to reduce the 5-year disqualifying period provided in paragraph (3)(b).

(5) For purposes of this section, a disqualifying period begins upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence. The board

597-02499-26

20261452c1

may not approve issuance of a license to an applicant until the applicant provides proof that all related fines, court costs, fees, and court-ordered restitution have been paid.

(6) After the disqualifying period has expired, the burden is on the applicant to demonstrate to the board that he or she has been rehabilitated, does not pose a risk to the public, is fit and trustworthy to engage in business regulated by this chapter, and is otherwise qualified for licensure.

(7) Notwithstanding subsections (2) and (3), an applicant who has been found guilty of, or has pleaded guilty or nolo contendere to, a crime in subsection (2) or subsection (3), and who has subsequently been granted a pardon or the restoration of civil rights pursuant to chapter 940 and s. 8, Art. IV of the State Constitution, or a pardon or the restoration of civil rights under the laws of another jurisdiction with respect to a conviction in that jurisdiction, is not barred or disqualified from licensure under this chapter; however, such a pardon or restoration of civil rights does not require the board to award such license.

(8)(a) The board may grant an exemption from disqualification to any person disqualified from licensure under subsection (3) if:

1. The applicant has paid in full any fee, fine, fund, lien, civil judgment, restitution, or cost of prosecution imposed by the court as part of the judgment and sentence for any disqualifying offense; and

2. At least 2 years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or any nonmonetary condition imposed by the court

597-02499-26

20261452c1

for a disqualifying offense.

(b) For the board to grant an exemption under this subsection, the applicant must clearly and convincingly demonstrate that he or she would not pose a risk to persons or property if licensed under this chapter, evidence of which must include, but need not be limited to, facts and circumstances surrounding the disqualifying offense, the time that has elapsed since the offense, the nature of the offense and harm caused to the victim, the applicant's history before and after the offense, and any other evidence or circumstances indicating that the applicant will not present a danger if licensed or certified.

(c) The board has discretion whether to grant or deny an exemption under this subsection. The board's decision is subject to chapter 120.

(9) The disqualification periods provided in this section do not apply to the renewal of a license or to a new application for licensure if the applicant has an active license as of July 1, 2026, and the applicable criminal history was considered by the board on the prior approval of any active license held by the applicant. This section does not affect any criminal history disclosure requirements of this chapter.

Section 8. Subsection (9) and paragraph (c) of subsection (10) of section 497.142, Florida Statutes, are amended to read: 497.142 Licensing; fingerprinting and criminal background checks.—

(9) If any applicant under this chapter has been, ~~within the 10 years preceding the application under this chapter,~~ convicted or found guilty of, or entered a plea of nolo

597-02499-26

20261452c1

871 contendere to, regardless of adjudication, any crime in any
 872 jurisdiction, the application ~~may shall~~ not be deemed complete
 873 until such time as the applicant provides such certified true
 874 copies of the court records evidencing the conviction, finding,
 875 or plea, as required in this section or as the licensing
 876 authority may by rule require.

877 (10)

878 (c) Crimes to be disclosed are:

879 1. Any felony ~~or misdemeanor~~, no matter when committed,
 880 ~~that was directly or indirectly related to or involving any~~
 881 ~~aspect of the practice or business of funeral directing,~~
 882 ~~embalming, direct disposition, cremation, funeral or cemetery~~
 883 ~~preneed sales, funeral establishment operations, cemetery~~
 884 ~~operations, or cemetery monument or marker sales or~~
 885 ~~installation.~~

886 2. Any misdemeanor, no matter when committed, that was
 887 directly or indirectly related to the practice or activities
 888 regulated under this chapter ~~Any other felony not already~~
 889 ~~disclosed under subparagraph 1. that was committed within the 20~~
 890 ~~years immediately preceding the application under this chapter.~~

891 3. Any other misdemeanor not already disclosed under
 892 subparagraph 2. which ~~subparagraph 1. that~~ was committed within
 893 the 5 years immediately preceding the application under this
 894 chapter.

895 Section 9. Subsection (3) of section 626.0428, Florida
 896 Statutes, is amended to read:

897 626.0428 Agency personnel powers, duties, and limitations.-

898 (3) An employee or an authorized representative located at
 899 a designated branch of an agent or agency may not initiate

597-02499-26

20261452c1

900 contact with any person for the purpose of soliciting insurance
 901 unless licensed and appointed as an agent or customer
 902 representative. As to title insurance, an employee of an agent
 903 or agency may not initiate contact with any individual proposed
 904 insured for the purpose of soliciting title insurance unless
 905 licensed as a title insurance agent or exempt from such
 906 licensure pursuant to s. 626.8417(4) ~~and (5).~~

907 Section 10. Section 626.171, Florida Statutes, is amended
 908 to read:

909 626.171 Application for license as an agent, customer
 910 representative, adjuster, or service representative, ~~or~~
 911 ~~reinsurance intermediary.-~~

912 (1) The department may not issue a license as agent,
 913 customer representative, adjuster, or service representative, ~~or~~
 914 ~~reinsurance intermediary~~ to any person except upon written
 915 application filed with the department, meeting the
 916 qualifications for the license applied for as determined by the
 917 department, and payment in advance of all applicable fees. The
 918 application must be made under the oath of the applicant and be
 919 signed by the applicant. An applicant may permit a third party
 920 to complete, submit, and sign an application on the applicant's
 921 behalf, but is responsible for ensuring that the information on
 922 the application is true and correct and is accountable for any
 923 misstatements or misrepresentations. The department shall accept
 924 the uniform application for resident and nonresident agent and
 925 adjuster licensing. The department may adopt revised versions of
 926 the uniform application by rule.

927 (2) In the application, the applicant must include all of
 928 the following ~~shall set forth:~~

597-02499-26

20261452c1

- 929 (a) The applicant's ~~His or her~~ full name, age, social
 930 security number, residence address, business address, mailing
 931 address, contact telephone numbers, including a business
 932 telephone number, and e-mail address.
- 933 (b) A statement indicating the method the applicant used or
 934 is using to meet any required prelicensing education, knowledge,
 935 experience, or instructional requirements for the type of
 936 license applied for.
- 937 (c) Whether the applicant ~~he or she~~ has been refused or has
 938 voluntarily surrendered or has had suspended or revoked a
 939 license to solicit insurance by the department or by the
 940 supervising officials of any state.
- 941 (d) Whether any insurer or any managing general agent
 942 claims the applicant is indebted under any agency contract or
 943 otherwise and, if so, the name of the claimant, the nature of
 944 the claim, and the applicant's defense thereto, if any.
- 945 (e) Proof that the applicant meets the requirements for the
 946 type of license for which he or she is applying.
- 947 (f) The applicant's gender (male or female).
- 948 (g) The applicant's native language.
- 949 (h) The highest level of education achieved by the
 950 applicant.
- 951 (i) The applicant's race or ethnicity (African American,
 952 white, American Indian, Asian, Hispanic, or other).
- 953 (j) Such other or additional information as the department
 954 may deem proper to enable it to determine the character,
 955 experience, ability, and other qualifications of the applicant
 956 to hold himself or herself out to the public as an insurance
 957 representative.

597-02499-26

20261452c1

- 958
 959 However, the application must contain a statement that an
 960 applicant is not required to disclose his or her race or
 961 ethnicity, gender, or native language, that he or she will not
 962 be penalized for not doing so, and that the department will use
 963 this information exclusively for research and statistical
 964 purposes and to improve the quality and fairness of the
 965 examinations. The department may ~~shall~~ make provisions for
 966 applicants to voluntarily submit their cellular telephone
 967 numbers as part of the application process solely ~~on a voluntary~~
 968 ~~basis only~~ for the purpose of two-factor authentication of
 969 secure login credentials ~~only~~.
- 970 (3) Each application must be accompanied by payment of any
 971 applicable fee.
- 972 (4) An applicant for a license issued by the department
 973 under this chapter must submit a set of the individual
 974 applicant's fingerprints, or, if the applicant is not an
 975 individual, a set of the fingerprints of the sole proprietor,
 976 majority owner, partners, officers, and directors, to the
 977 department and must pay the fingerprint processing fee set forth
 978 in s. 624.501. Fingerprints must be processed in accordance with
 979 s. 624.34 and used to investigate the applicant's qualifications
 980 pursuant to s. 626.201. The fingerprints must be taken by a law
 981 enforcement agency or other department-approved entity. The
 982 department may not approve an application for licensure as an
 983 agent, customer ~~service~~ representative, adjuster, or service
 984 representative, ~~or reinsurance intermediary~~ if fingerprints have
 985 not been submitted.
- 986 (5) The application for license filing fee prescribed in s.

597-02499-26

20261452c1

624.501 is not subject to refund.

(6) Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have separated from service ~~within 24 months~~ before application for licensure, are exempt from the application filing fee prescribed in s. 624.501. Qualified individuals must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper or separation document that indicates such members are currently in good standing or such veterans were honorably discharged.

(7) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement must be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 11. Paragraph (c) of subsection (2) of section 626.292, Florida Statutes, is amended to read:

626.292 Transfer of license from another state.—

(2) To qualify for a license transfer, an individual applicant must meet the following requirements:

(c) The individual must submit a completed application for this state which is received by the department within 90 days after the date the individual became a resident of this state, along with payment of the applicable fees set forth in s. 624.501 and submission of the following documents:

1. A certification issued by the appropriate official of

597-02499-26

20261452c1

the applicant's home state identifying the type of license and lines of authority under the license and stating that, ~~at the time the license from the home state was canceled,~~ the applicant was in good standing in that state or that the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries, indicate that the agent or all-lines adjuster is or was licensed in good standing for the line of authority requested. An applicant may hold a resident license in another state for 30 days after the Florida resident license has been issued to facilitate the transfer of licensure between states.

2. A set of the applicant's fingerprints in accordance with s. 626.171(4).

Section 12. Subsection (1) of section 626.611, Florida Statutes, is amended to read:

626.611 Grounds for compulsory refusal, suspension, or revocation of agent's, title agency's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—

(1) The department shall require license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent, and it shall suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist:

(a) Lack of one or more of the qualifications for the

597-02499-26

20261452c1

license or appointment as specified in this code.

(b) Material misstatement, misrepresentation, or fraud in obtaining the license or appointment or in attempting to obtain the license or appointment.

(c) Failure to pass to the satisfaction of the department any examination required under this code, including cheating on an examination required for licensure or violating test center or examination procedures delivered orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator.

(d) If the license or appointment is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this code.

(e) Willful misrepresentation of any insurance policy or annuity contract or willful deception with regard to any such policy or contract, done either in person or by any form of dissemination of information or advertising.

(f) If, as an adjuster, or agent licensed and appointed to adjust claims under this code, he or she has materially misrepresented to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of claim for loss or damage or benefit under such contract on less favorable terms than those provided in and contemplated by the contract.

(g) Demonstrated lack of fitness or trustworthiness to engage in the business of insurance.

(h) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the license or appointment.

597-02499-26

20261452c1

(i) Fraudulent or dishonest practices in the conduct of business under the license or appointment.

(j) Misappropriation, conversion, or unlawful withholding of moneys belonging to insurers or insureds or beneficiaries or to others and received in conduct of business under the license or appointment.

(k) Unlawfully rebating, attempting to unlawfully rebate, or unlawfully dividing or offering to divide his or her commission with another.

(l) Having obtained or attempted to obtain, or having used or using, a license or appointment as agent or customer representative for the purpose of soliciting or handling "controlled business" as defined in s. 626.730 with respect to general lines agents, s. 626.784 with respect to life agents, and s. 626.830 with respect to health agents.

(m) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this code.

(n) Having been found guilty of or having pleaded guilty or nolo contendere to a misdemeanor directly related to the financial services business, any felony, or any crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(o) Fraudulent or dishonest practice in submitting or aiding or abetting any person in the submission of an application for workers' compensation coverage under chapter 440

597-02499-26

20261452c1

containing false or misleading information as to employee payroll or classification for the purpose of avoiding or reducing the amount of premium due for such coverage.

(p) Sale of an unregistered security that was required to be registered, pursuant to chapter 517.

(q) In transactions related to viatical settlement contracts as defined in s. 626.9911:

1. Commission of a fraudulent or dishonest act.

2. No longer meeting the requirements for initial licensure.

3. Having received a fee, commission, or other valuable consideration for his or her services with respect to viatical settlements that involved unlicensed viatical settlement providers or persons who offered or attempted to negotiate on behalf of another person a viatical settlement contract as defined in s. 626.9911 and who were not licensed life agents.

4. Dealing in bad faith with viators.

Section 13. Section 626.621, Florida Statutes, is amended to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—The department may, in its discretion, require a license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, adjuster, customer representative, service representative, or managing general agent, and it may suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or

597-02499-26

20261452c1

appointee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

(1) Any cause for which issuance of the license or appointment could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this code or of any other law applicable to the business of insurance in the course of dealing under the license or appointment.

(3) Violation of any lawful order or rule of the department, commission, or office.

(4) Failure or refusal, upon demand, to pay over to any insurer he or she represents or has represented any money coming into his or her hands belonging to the insurer.

(5) Violation of the provision against twisting, as defined in s. 626.9541(1)(1).

(6) In the conduct of business under the license or appointment, engaging in unfair methods of competition or in unfair or deceptive acts or practices, as prohibited under part IX of this chapter, or having otherwise shown himself or herself to be a source of injury or loss to the public.

(7) Willful overinsurance of any property or health insurance risk.

(8) If a life agent, violation of the code of ethics.

(9) Cheating on an examination required for licensure or violating test center or examination procedures published orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator. Communication of test center and examination

597-02499-26

20261452c1

procedures must be clearly established and documented.

(10) Failure to inform the department in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

(11) Knowingly aiding, assisting, procuring, advising, or abetting any person in the violation of or to violate a provision of the insurance code or any order or rule of the department, commission, or office.

(12) Has been the subject of or has had a license, permit, appointment, registration, or other authority to conduct business subject to any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, final agency action, or administrative order by any court of competent jurisdiction, administrative law proceeding, state agency, federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association involving a violation of any federal or state securities or commodities law or any rule or regulation adopted thereunder, or a violation of any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association.

(13) Failure to comply with any civil, criminal, or administrative action taken by the child support enforcement program under Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq., to determine paternity or to establish, modify,

597-02499-26

20261452c1

enforce, or collect support.

(14) Directly or indirectly accepting any compensation, inducement, or reward from an inspector for the referral of the owner of the inspected property to the inspector or inspection company. This prohibition applies to an inspection intended for submission to an insurer in order to obtain property insurance coverage or establish the applicable property insurance premium.

(15) Denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

(16) Taking an action that allows the personal financial or medical information of a consumer or customer to be made available or accessible to the general public, regardless of the format in which the record is stored.

(17) Initiating in-person or telephone solicitation after 9 p.m. or before 8 a.m. local time of the prospective customer unless requested by the prospective customer.

(18) Cancellation of the applicant's, licensee's, or appointee's resident license in a state other than Florida.

Section 14. Subsection (1) of section 626.731, Florida Statutes, is amended to read:

626.731 Qualifications for general lines agent's license.—

(1) The department ~~may~~ shall not grant or issue a license as general lines agent to any individual found by it to be untrustworthy or incompetent or who does not meet ~~each~~ all of the following qualifications:

(a) The applicant is a natural person at least 18 years of

597-02499-26

20261452c1

age.

(b) The applicant is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a bona fide resident of this state. ~~An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.~~

(c) The applicant's place of business will be located in this state and he or she will be actively engaged in the business of insurance and will maintain a place of business, the location of which is identifiable by and accessible to the public.

(d) The license is not being sought for the purpose of writing or handling controlled business, in violation of s. 626.730.

(e) The applicant is qualified as to knowledge, experience, or instruction in the business of insurance and meets the requirements provided in s. 626.732.

(f) The applicant has passed any required examination for license required under s. 626.221.

Section 15. Subsection (2) of section 626.785, Florida Statutes, is amended to read:

626.785 Qualifications for license.—

597-02499-26

20261452c1

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.~~

Section 16. Section 626.831, Florida Statutes, is amended to read:

626.831 Qualifications for license.—

~~(1)~~ The department may ~~shall~~ not grant or issue a license as health agent as to any individual found by it to be untrustworthy or incompetent, or who does not meet all of the following qualifications:

(1)(a) ~~Is Must be~~ a natural person of at least 18 years of age.

(2)(b) ~~Is Must be~~ a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a bona fide resident of this state.

(3)(c) ~~Is Must not be~~ an employee of the United States Department of Veterans Affairs or state service office, as referred to in s. 626.833.

(4)(d) ~~Has taken Must take and passed pass~~ any examination for license required under s. 626.221.

(5)(e) ~~Is Must be~~ qualified as to knowledge, experience, or instruction in the business of insurance and meets ~~meet~~ the

597-02499-26

20261452c1

requirements relative thereto provided in s. 626.8311.

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.~~

Section 17. Subsections (4) and (5) of section 626.8417, Florida Statutes, are amended to read:

626.8417 Title insurance agent licensure; exemptions.—

(4) Title insurers, acting through designated corporate officers, or attorneys duly admitted to practice law in this state and in good standing with The Florida Bar are exempt from the provisions of this chapter relating to title insurance licensing and appointment requirements.

~~(5) An insurer may designate a corporate officer of the insurer to occasionally issue and countersign binders, commitments, and policies of title insurance. The designated officer is exempt from the provisions of this chapter relating to title insurance licensing and appointment requirements while the officer is acting within the scope of the designation.~~

Section 18. Subsection (24) is added to section 626.854, Florida Statutes, to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the

597-02499-26

20261452c1

unauthorized practice of law.

(24) A public adjuster, public adjuster apprentice, or public adjusting firm must respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within 14 days after the date of the request and shall document in the file the response or information provided.

Section 19. Section 627.797, Florida Statutes, is repealed.

Section 20. Subsection (4) of section 648.34, Florida Statutes, is amended to read:

648.34 Bail bond agents; qualifications.—

(4) The applicant shall furnish, with his or her application, a complete set of his or her fingerprints in accordance with s. 626.171(4) and a recent credential-sized, fullface photograph of the applicant. The department may shall not authorize an applicant to take the required examination until the department has received a report from the Department of Law Enforcement and the Federal Bureau of Investigation relative to the existence or nonexistence of a criminal history report based on the applicant's fingerprints.

Section 21. Subsection (2) of section 648.382, Florida Statutes, is amended to read:

648.382 Appointment of bail bond agents and bail bond agencies; effective date of appointment.—

(2) Before any appointment, an appropriate officer or official of the appointing insurer must obtain all of the following information ~~submit~~:

(a) A certified statement or affidavit to the department stating what investigation has been made concerning the proposed

597-02499-26

20261452c1

1335 appointee and the proposed appointee's background and the
 1336 appointing person's opinion to the best of his or her knowledge
 1337 and belief as to the moral character and reputation of the
 1338 proposed appointee. In lieu of such certified statement or
 1339 affidavit, by authorizing the effectuation of an appointment for
 1340 a licensee, the appointing entity certifies to the department
 1341 that such investigation has been made and that the results of
 1342 the investigation and the appointing person's opinion is that
 1343 the proposed appointee is a person of good moral character and
 1344 reputation and is fit to engage in the bail bond business.

1345 (b) An affidavit under oath on a form prescribed by the
 1346 department, signed by the proposed appointee, stating that
 1347 premiums are not owed to any insurer and that the appointee will
 1348 discharge all outstanding forfeitures and judgments on bonds
 1349 previously written. If the appointee does not satisfy or
 1350 discharge such forfeitures or judgments, the former insurer
 1351 shall file a notice, with supporting documents, with the
 1352 appointing insurer, the former agent or agency, and the
 1353 department, stating under oath that the licensee has failed to
 1354 timely satisfy forfeitures and judgments on bonds written and
 1355 that the insurer has satisfied the forfeiture or judgment from
 1356 its own funds. Upon receipt of such notification and supporting
 1357 documents, the appointing insurer shall immediately cancel the
 1358 licensee's appointment. The licensee may be reappointed only
 1359 upon certification by the former insurer that all forfeitures
 1360 and judgments on bonds written by the licensee have been
 1361 discharged. The appointing insurer or former agent or agency
 1362 may, within 10 days, file a petition with the department seeking
 1363 relief from this paragraph. Filing of the petition stays the

597-02499-26

20261452c1

1364 duty of the appointing insurer to cancel the appointment until
 1365 the department grants or denies the petition.

1366 (c) Any other information that the department reasonably
 1367 requires concerning the proposed appointee.

1368 (d) Effective January 1, 2025, a certification that the
 1369 appointing entity obtained from each appointee the following
 1370 sworn statement:

1371
 1372 Pursuant to section 648.382(2)(b), Florida Statutes, I
 1373 do solemnly swear that I owe no premium to any insurer
 1374 or agency and that I will discharge all outstanding
 1375 forfeitures and judgments on bonds that have been
 1376 previously written. I acknowledge that failure to do
 1377 this will result in my active appointments being
 1378 canceled.

1379
 1380 An appointed bail bond agency must have the attestation under
 1381 this paragraph signed by its owner.

1382 Section 22. Section 717.001, Florida Statutes, is amended
 1383 to read:

1384 717.001 Short title.—This chapter may be cited as the
 1385 "Florida Disposition of Abandoned Personal Unclaimed Property
 1386 Act."

1387 Section 23. Present subsections (1) through (4), (5)
 1388 through (8), (10) through (13), (15) through (20), (21), (22)
 1389 through (28), and (31), (32), and (33) of section 717.101,
 1390 Florida Statutes, are redesignated as subsections (4) through
 1391 (7), (9) through (12), (13) through (16), (17) through (22),
 1392 (24), (26) through (32), and (33), (34), and (35), respectively,

597-02499-26

20261452c1

1393 new subsections (1), (2), (3), (8), (23), and (25) are added to
 1394 that section, and present subsections (1), (2), (5), (6), (8),
 1395 (9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and
 1396 (30) of that section are amended, to read:

1397 717.101 Definitions.—As used in this chapter, unless the
 1398 context otherwise requires:

1399 (1) "Abandoned property" means property held by a holder
 1400 for which all of the following are true:

1401 (a) The apparent owner has shown no activity or indication
 1402 of interest for the duration of the applicable dormancy period
 1403 established under this chapter.

1404 (b) The holder has complied with the due diligence
 1405 requirements set forth in this chapter, including the issuance
 1406 of notice to the apparent owner, and has received no response or
 1407 contact sufficient to demonstrate continued interest in the
 1408 property.

1409 (2) "Abandoned Property Purchase Agreement" means the form
 1410 adopted by the department pursuant to s. 717.135 which must be
 1411 used, without modification or amendment, by a claimant
 1412 representative to purchase abandoned property from an owner.

1413 (3) "Abandoned Property Recovery Agreement" means the form
 1414 adopted by the department pursuant to s. 717.135 which must be
 1415 used, without modification or amendment, by a claimant
 1416 representative to obtain consent and authority to recover
 1417 abandoned property on behalf of a person.

1418 (4)(1) "Aggregate" means the amounts reported for owners of
 1419 abandoned unclaimed property of less than \$10 or where there is
 1420 no name for the individual or entity listed on the holder's
 1421 records, regardless of the amount to be reported.

597-02499-26

20261452c1

1422 (5)(2) "Apparent owner" means the person whose name appears
 1423 on the records of the holder as the owner of the abandoned
 1424 property, but whose status as the true owner entitled to receive
 1425 the property may be subject to change due to the passage of time
 1426 or changes in circumstances person entitled to property held,
 1427 issued, or owing by the holder.

1428 (8) "Authorized representative" means a person or entity
 1429 legally empowered to act on behalf of the apparent owner or his
 1430 or estate, including, but not limited to, an agent, a fiduciary,
 1431 a personal representative, a trustee, a legal heir, a guardian,
 1432 or any other individual or entity authorized by law or
 1433 agreement.

1434 (9)(5) "Banking or financial organization" means any and
 1435 all banks, trust companies, private bankers, savings banks,
 1436 industrial banks, safe-deposit companies, savings and loan
 1437 associations, credit unions, savings associations, banking
 1438 organizations, international bank agencies, cooperative banks,
 1439 building and loan associations, and investment companies in this
 1440 state, organized under or subject to the laws of this state or
 1441 of the United States, including entities organized under 12
 1442 U.S.C. s. 611, but does not include federal reserve banks. The
 1443 term also includes any corporation, business association, or
 1444 other organization that:

1445 (a) Is a wholly or partially owned subsidiary of any
 1446 banking, banking corporation, or bank holding company that
 1447 performs any or all of the functions of a banking organization;
 1448 or

1449 (b) Performs functions pursuant to the terms of a contract
 1450 with any banking organization.

597-02499-26

20261452c1

1451 ~~(10)(6)~~ "Business association" means any for-profit or
 1452 nonprofit corporation other than a public corporation; joint
 1453 stock company; investment company; unincorporated association or
 1454 association of two or more individuals for business purposes,
 1455 whether or not for profit; partnership; joint venture; limited
 1456 liability company; sole proprietorship; business trust; trust
 1457 company; land bank; safe-deposit company; safekeeping
 1458 depository; banking or financial organization; insurance
 1459 company; federally chartered entity; utility company; transfer
 1460 agent; or other business entity, whether or not for profit.

1461 ~~(12)(8)~~ "Claimant ~~Claimant's~~ representative" means an
 1462 attorney who is a member in good standing with ~~of~~ The Florida
 1463 Bar, a certified public accountant licensed in this state, or a
 1464 private investigator ~~who is duly licensed to do business in this~~
 1465 ~~the state, who is~~ registered with the department, and authorized
 1466 to file claims on behalf of persons with the department by the
 1467 ~~claimant to claim unclaimed property on the claimant's behalf.~~
 1468 The term does not include a person acting in a representative or
 1469 fiduciary capacity, such as a personal representative, guardian,
 1470 trustee, or attorney, whose representation is not contingent
 1471 upon the discovery or location of abandoned unclaimed property,
 1472 and it expressly excludes locators, who engage in locating
 1473 owners of abandoned property for a fee but are not registered
 1474 with the department; provided, however, that any agreement
 1475 entered into for the purpose of evading s. 717.135 is invalid
 1476 and unenforceable.

1477 ~~(9)~~ "Credit balance" means an account balance in the
 1478 customer's favor.

1479 ~~(15)(12)~~ "Due diligence" means the use of reasonable and

597-02499-26

20261452c1

1480 prudent methods under particular circumstances to locate
 1481 apparent owners of presumed abandoned property ~~inactive accounts~~
 1482 using the taxpayer identification number or social security
 1483 number, if known, which may include, but are not limited to,
 1484 using a nationwide database, cross-indexing with other records
 1485 of the holder, mailing to the last known address unless the last
 1486 known address is known to be inaccurate, providing written
 1487 notice as described in this chapter by electronic mail if an
 1488 apparent owner has elected such delivery, or engaging a licensed
 1489 agency or company capable of conducting such search and
 1490 providing updated addresses.

1491 ~~(14)~~ "Financial organization" means a savings association,
 1492 savings and loan association, savings bank, industrial bank,
 1493 bank, banking organization, trust company, international bank
 1494 agency, cooperative bank, building and loan association, or
 1495 credit union.

1496 ~~(18)(16)~~ "Holder" means a person who is in possession of
 1497 property belonging to another or who owes a debt or an
 1498 obligation to another person, including, but not limited to,
 1499 financial institutions, insurance companies, corporations,
 1500 partnerships, fiduciaries, and government agencies.

1501 ~~(a)~~ ~~A person who is in possession or control or has custody~~
 1502 ~~of property or the rights to property belonging to another, is~~
 1503 ~~indebted to another on an obligation, or is obligated to hold~~
 1504 ~~for the account of, or to deliver or pay to, the owner, property~~
 1505 ~~subject to this chapter, or~~

1506 ~~(b)~~ ~~A trustee in case of a trust.~~

1507 ~~(20)(18)~~ "Intangible property" includes, by way of
 1508 illustration and not limitation:

597-02499-26

20261452c1

(a) Moneys, checks, virtual currency, drafts, deposits, interest, dividends, and income.

(b) Credit balances, customer overpayments, security deposits and other instruments as defined by chapter 679, refunds, unpaid wages, unused airline tickets, and unidentified remittances.

(c) Stocks, and other intangible ownership interests in business associations except for:

1. A non-freely transferable security; or

2. A security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security.

(d) Moneys deposited to redeem stocks, bonds, bearer bonds, original issue discount bonds, coupons, and other securities, or to make distributions.

(e) Amounts due and payable under the terms of insurance policies.

(f) Amounts distributable from a trust or custodial fund established under a plan to provide any health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefit.

~~(21)-(19)~~ (21) "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail. For the purposes of identifying, reporting, and remitting property to the department ~~which is presumed to be unclaimed~~, the term "last known address" includes any partial

597-02499-26

20261452c1

description of the location of the apparent owner sufficient to establish the apparent owner was a resident of this state at the time of last contact with the apparent owner or at the time the property became due and payable.

~~(22)-(20)~~ (22) "Lawful charges" means charges against the property or the account in which the property is held ~~dormant accounts~~ that are authorized by statute for the purpose of offsetting the costs of maintaining the property or the account in which the property is held ~~dormant account~~.

(23) "Locator" means a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. Locators are not employees or agents of the state and are not registered with the department.

(25) "Non-freely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

~~(26)-(22)~~ (26) "Owner" means the ~~a person, or the person's legal representative,~~ entitled to receive or having a legal or equitable interest in the abandoned property. An owner establishes his or her entitlement by filing a valid claim with the department pursuant ~~or claim against property subject to this chapter; a depositor in the case of a deposit; a beneficiary in the case of a trust or a deposit in trust; or a payee in the case of a negotiable instrument or other intangible~~

597-02499-26

20261452c1

property.

(29)(25) "Record" means information that is captured or maintained in any format, including written, printed, electronic, audio, visual, or other forms, and that can be made perceptible or understandable to a person, either directly or through technological means, including assistive technologies inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(29) "Unclaimed Property Purchase Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to purchase unclaimed property from an owner.

(30) "Unclaimed Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to obtain an owner's consent and authority to recover unclaimed property on the owner's behalf.

Section 24. Section 717.102, Florida Statutes, is amended to read:

717.102 Property presumed abandoned ~~unclaimed~~; general rule.—

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment thereon less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and for which the apparent owner or authorized representative fails to demonstrate continued interest for more than the applicable dormancy period prescribed by this chapter shall be presumed abandoned elaim

597-02499-26

20261452c1

~~such property for more than 5 years after the property becomes payable or distributable is presumed unclaimed, except as otherwise provided by this chapter. Unless otherwise specified by law, the dormancy period shall be 5 years from the date the property becomes payable or distributable. For the purposes of this chapter, property shall be considered payable or distributable once the holder's obligation to pay or deliver the property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment.~~

(2) Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.

(3) A presumption that property is abandoned may be ~~unclaimed~~ is rebutted by the affirmative demonstration of continued interest by the apparent owner or authorized representative an apparent owner's expression of interest in the property. Such demonstration An owner's expression of continued interest in property includes, but is not limited to, any of the following:

(a) A record communicated by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held.

(b) An oral communication by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held, if the holder or its agent contemporaneously

597-02499-26

20261452c1

1625 ~~records makes and preserves evidence a record of the fact of the~~
 1626 ~~apparent owner's communication.~~

1627 (c) Presentment of a check or other instrument ~~for of~~
 1628 ~~payment of a dividends dividend, interest payment, or other~~
 1629 ~~distributions related to the property. distribution, with~~
 1630 ~~respect to an account, underlying security, or interest in a~~
 1631 ~~business association.~~

1632 (d) Any account activity initiated directed by an apparent
 1633 owner or authorized representative in the account in which the
 1634 property is held, including accessing the account or directing
 1635 changes to information concerning the account, or to the amount
 1636 or type of property held, excluding routine automatic
 1637 transactions previously authorized, a direction by the apparent
 1638 owner to increase, decrease, or otherwise change the amount or
 1639 type of property held in the account.

1640 (e) Any A deposit into or withdrawal from the property or
 1641 the an account in which the property is held at a financial
 1642 organization, excluding an automatic deposits, withdrawals, or
 1643 reinvestments deposit or withdrawal previously authorized by the
 1644 apparent owner or authorized representative. an automatic
 1645 reinvestment of dividends or interest, which does not constitute
 1646 an expression of interest, or

1647 (f) Any other action by the apparent owner or authorized
 1648 representative which reasonably demonstrates to the holder that
 1649 the apparent owner or authorized representative is aware of and
 1650 maintains an interest in ~~knows that~~ the property exists.

1651 ~~(3)(4)~~ If a holder learns or receives confirmation of an
 1652 apparent owner's death, the property shall be presumed abandoned
 1653 unclaimed 2 years after the date of death, unless an authorized

597-02499-26

20261452c1

1654 representative makes an affirmative demonstration a fiduciary
 1655 ~~appointed to represent the estate of the apparent owner has made~~
 1656 ~~an expression~~ of interest in the property before the expiration
 1657 of the 2-year period. This subsection may not be construed to
 1658 extend the otherwise applicable dormancy period prescribed by
 1659 this chapter.

1660 Section 25. Section 717.103, Florida Statutes, is amended
 1661 to read:

1662 717.103 General rules for taking custody of intangible
 1663 abandoned unclaimed property. Unless otherwise provided in this
 1664 chapter or by other statute of this state, intangible property
 1665 is subject to the custody of the department as abandoned
 1666 unclaimed property when if the conditions leading to a
 1667 presumption that the property is abandoned unclaimed as
 1668 described in ss. 717.102 and 717.105-717.116 are satisfied and
 1669 the holder has fulfilled all required due diligence obligations
 1670 without receiving any response or claim from the apparent owner,
 1671 and one or more of the following criteria apply:

1672 (1) The last known address, as shown on the records of the
 1673 holder, of the apparent owner is in this state.

1674 (2) The records of the holder do not identify the name of
 1675 the apparent owner, but do reflect ~~the identity of the person~~
 1676 ~~entitled to the property, and it is established~~ that the last
 1677 known address of the apparent owner person entitled to the
 1678 property is in this state.

1679 (3) The records of the holder do not reflect the last known
 1680 address of the apparent owner, ~~but and~~ it is established that
 1681 either of the following conditions apply:

1682 (a) The last known address of the apparent owner person

597-02499-26

20261452c1

entitled to the property is in this state, ~~or~~

(b) The holder is domiciled in this state, a ~~domiciliary~~ or is a government entity or governmental subdivision ~~or agency~~ of this state, and has not previously paid the property to the state of the last known address of the apparent owner, ~~or other person entitled to the property,~~

(4) The last known address, as shown on the records of the holder, of the apparent owner ~~or other person entitled to the property~~ is in a jurisdiction state that does not have applicable provide by law for the escheat, abandoned, or unclaimed property laws ~~custodial taking of the property, or its~~ escheat or unclaimed property law is not applicable to the property, and the holder is domiciled in this state a ~~domiciliary~~ or is a government entity ~~or governmental subdivision or agency of this state,~~

(5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is domiciled in this state a ~~domiciliary~~ or is a government entity ~~or governmental subdivision or agency of this state,~~

(6) The transaction out of which the property arose occurred in this state, ~~and both of the following are true:~~

(a) ~~1.~~ The last known address of the apparent owner ~~or other person entitled to the property~~ is unknown, ~~or~~

~~2.~~ The last known address of the apparent owner ~~or other person entitled to the property~~ is in a state that does not ~~provide by law for the escheat or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property; and~~

597-02499-26

20261452c1

(b) The holder is domiciled in a jurisdiction a ~~domiciliary~~ of a state that does not have applicable provide by law for the escheat, abandoned, or ~~custodial taking of the property, or its~~ escheat or unclaimed property laws ~~law is not applicable to the property.~~

Section 26. Section 717.1035, Florida Statutes, is repealed.

Section 27. Section 717.104, Florida Statutes, is amended to read:

717.104 Traveler's checks and money orders.—

(1) Subject to subsection (4), any sum payable on a traveler's check that has been outstanding for more than 15 years after its issuance is presumed abandoned unclaimed unless the apparent owner or authorized representative, within 15 years, has demonstrated a continued interest in the property in accordance with s. 717.102 communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file with the issuer.

(2) Subject to subsection (4), any sum payable on a money order or similar written instrument, other than a third party bank check, that has been outstanding for more than 7 years after its issuance is presumed abandoned unclaimed unless the apparent owner or authorized representative, within 7 years, has demonstrated a continued interest in the property in accordance with s. 717.102 communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file with the issuer.

(3) A ~~No~~ holder may not deduct from the amount of any

597-02499-26

20261452c1

traveler's check or money order any charges imposed by reason of the failure to present those instruments for payment unless there is a valid and enforceable written contract between the ~~holder issuer~~ and the apparent owner of the property pursuant to which the ~~holder issuer~~ may impose those charges and the ~~holder issuer~~ regularly imposes those charges and does not regularly reverse or otherwise cancel those charges with respect to the property.

(4) No sum payable on a traveler's check, money order, or similar written instrument, other than a third party bank check, described in subsections (1) and (2) may be subjected to the custody of this state as abandoned unclaimed property unless any of the following conditions are met:

(a) The records of the ~~holder issuer~~ show that the traveler's check, money order, or similar written instrument was purchased in this state.~~+~~

(b) The ~~holder issuer~~ has its principal place of business in this state and its ~~the records of the issuer~~ do not show the state in which the traveler's check, money order, or similar written instrument was purchased.~~+~~~~or~~

(c) The ~~holder issuer~~ has its principal place of business in this state; the ~~holder's~~ records ~~of the issuer~~ show the state in which the traveler's check, money order, or similar written instrument was purchased; and the ~~laws of the state of purchase does not provide applicable do not provide for the escheat, abandoned, or unclaimed property laws or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property.~~

(5) Notwithstanding any other provision of this chapter,

597-02499-26

20261452c1

subsection (4) applies to sums payable on traveler's checks, money orders, and similar written instruments presumed abandoned unclaimed on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

Section 28. Section 717.1045, Florida Statutes, is amended to read:

717.1045 Gift certificates and similar credit items.—Notwithstanding s. 717.117, an unredeemed gift certificate or credit memo as defined in s. 501.95 is not required to be reported as abandoned unclaimed property.

(1) The consideration paid for an unredeemed gift certificate or credit memo is the property of the issuer of the unredeemed gift certificate or credit memo.

(2) An unredeemed gift certificate or credit memo is subject only to any rights of a purchaser or owner thereof and is not subject to a claim made by any state acting on behalf of a purchaser or owner.

(3) It is the intent of the Legislature that this section apply to the custodial holding of unredeemed gift certificates and credit memos.

(4) However, a gift certificate or credit memo described in s. 501.95(2)(b) shall be reported as abandoned unclaimed property. The consideration paid for such a gift certificate or credit memo is the property of the owner of the gift certificate or credit memo.

Section 29. Section 717.105, Florida Statutes, is amended to read:

717.105 Checks, drafts, and similar instruments issued or

597-02499-26

20261452c1

certified by banking and financial organizations.—

(1) Any sum payable on a check, draft, or similar instrument, except those subject to ss. 717.104 and 717.115, on which a banking or financial organization is directly liable, including, but not limited to, a cashier's check or a certified check, which has been outstanding for more than 5 years after it was payable or after its issuance if payable on demand, is presumed ~~abandoned unclaimed~~ unless the apparent owner or authorized representative, within 5 years, has communicated in writing with the banking or financial organization concerning it or otherwise demonstrated a continued interest in the property in accordance with s. 717.102 ~~indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization.~~

(2) A ~~no~~ holder may not deduct from the amount of any instrument subject to this section any charges imposed by reason of the failure to present the instrument for encashment unless there is a valid and enforceable written contract between the holder and the apparent owner of the instrument pursuant to which the holder may impose those charges and does not regularly reverse or otherwise cancel those charges with respect to the instrument.

Section 30. Subsection (1), paragraphs (a) and (b) of subsection (3), and subsections (4) and (5) of section 717.106, Florida Statutes, are amended to read:

717.106 Bank deposits and funds in financial organizations.—

(1) Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are

597-02499-26

20261452c1

automatically renewable, and any funds paid toward the purchase of shares, a mutual investment certificate, or any other interest in a banking or financial organization is presumed ~~abandoned unclaimed~~ unless the apparent owner or authorized representative has, within 5 years, engaged in any of the following activities:

(a) Increased or decreased the amount of the deposit or presented the passbook or other similar evidence of the deposit for the crediting of interest.†

(b) Communicated in writing or by documented telephone contact with the banking or financial organization concerning the property.†

(c) Otherwise demonstrated a continued ~~indicated an~~ interest in the property as evidenced by a memorandum or other record on file with the banking or financial organization.†

(d) Owned other property to which paragraph (a), paragraph (b), or paragraph (c) is applicable and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed ~~abandoned unclaimed~~ under this subsection at the address to which communications regarding the other property regularly are sent.†~~or~~

(e) Had another relationship with the banking or financial organization concerning which the apparent owner has:

1. Communicated in writing with the banking or financial organization; or

2. Otherwise demonstrated a continued ~~indicated an~~ interest as evidenced by a memorandum or other record on file with the banking or financial organization and if the banking or

597-02499-26

20261452c1

financial organization communicates in writing with the apparent owner or authorized representative with regard to the property that would otherwise be presumed abandoned unclaimed under this subsection at the address to which communications regarding the other relationship regularly are sent.

(3) ~~A~~ No holder may not impose with respect to property described in subsection (1) any charges due to dormancy or inactivity or cease payment of interest unless:

(a) There is an enforceable written contract between the holder and the apparent owner of the property pursuant to which the holder may impose those charges or cease payment of interest.

(b) For property in excess of \$2, the holder, no more than 3 months prior to the initial imposition of those charges or cessation of interest, has given written notice to the apparent owner of the amount of those charges at the last known address of the apparent owner stating that those charges shall be imposed or that interest shall cease, but the notice provided in this section need not be given with respect to charges imposed or interest ceased before July 1, 1987.

(4) Any property described in subsection (1) that is automatically renewable is matured for purposes of subsection (1) upon the expiration of its initial time period except that, in the case of any renewal to which the apparent owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which

597-02499-26

20261452c1

consent was given. If, at the time provided for delivery in s. 717.119, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

(5) If the documents establishing a deposit described in subsection (1) state the address of a beneficiary of the deposit, and the account has a value of at least \$50, notice shall be given to the beneficiary as provided for notice to the apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection shall apply to accounts opened on or after October 1, 1990.

Section 31. Subsection (1) of section 717.107, Florida Statutes, is amended to read:

717.107 Funds owing under life insurance policies, annuity contracts, and retained asset accounts; fines, penalties, and interest; United States Social Security Administration Death Master File.—

(1) Funds held or owing under any life or endowment insurance policy or annuity contract which has matured or terminated are presumed abandoned unclaimed if unclaimed for more than 5 years after the date of death of the insured, the annuitant, or the retained asset account holder, but property described in paragraph (3)(d) is presumed abandoned unclaimed if such property is not claimed for more than 2 years. The amount presumed abandoned unclaimed shall include any amount due and payable under s. 627.4615.

Section 32. Section 717.1071, Florida Statutes, is amended to read:

717.1071 Lost owners of abandoned unclaimed

597-02499-26

20261452c1

demutualization, rehabilitation, or related reorganization proceeds.—

(1) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned 2 years after the date the property is first distributable if, at the time of the first distribution, the last known address of the apparent owner on the books and records of the holder is known to be incorrect or the distribution or statements are returned by the post office as undeliverable; and the apparent owner or authorized representative ~~owner~~ has not communicated in writing with the holder or its agent regarding the interest or otherwise communicated with the holder regarding the interest as evidenced by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection (1) shall be reportable as otherwise provided by this chapter.

(3) Property subject to this section shall be reported and delivered no later than May 1 as of the preceding December 31; however, the initial report under this section shall be filed no later than November 1, 2003, as of December 31, 2002.

Section 33. Section 717.108, Florida Statutes, is amended to read:

717.108 Deposits held by utilities.—Any deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful charges, that remains unclaimed

597-02499-26

20261452c1

by the apparent owner for more than 1 year after termination of the services for which the deposit or advance payment was made is presumed abandoned ~~unclaimed~~.

Section 34. Section 717.109, Florida Statutes, is amended to read:

717.109 Refunds held by business associations.—Except as otherwise provided by law, any sum that a business association has been ordered to refund by a court or administrative agency which has been unclaimed by the apparent owner for more than 1 year after it became payable in accordance with the final determination or order providing for the refund, regardless of whether the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned ~~unclaimed~~.

Section 35. Section 717.1101, Florida Statutes, is amended to read:

717.1101 Abandoned ~~Unclaimed~~ equity and debt of business associations.—

(1)(a) Stock, ~~or~~ other equity interests, or debt of ~~interest in~~ a business association is presumed abandoned ~~unclaimed~~ on the date of the earliest of any of the following:

1. Three years after the date a communication, other than communications required by s. 717.117, sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service. If such returned communication is resent within 1 month to the apparent owner, the 3-year dormancy period does not begin until the day the resent item is returned as undelivered.

2. Five ~~Three~~ years after the most recent of any account

597-02499-26

20261452c1

~~owner-generated~~ activity or communication initiated by the
~~apparent owner or authorized representative which demonstrates~~
~~continued interest in the related to the account, as recorded~~
~~and maintained by in the holder. Routine automatic reinvestments~~
~~or other routine transactions previously authorized by the~~
~~apparent owner or authorized representative do not prevent,~~
~~interrupt, or reset the dormancy period and do not constitute an~~
~~affirmative demonstration of continued interest. holder's~~
~~database and records systems sufficient enough to demonstrate~~
~~the owner's continued awareness or interest in the property;~~

3.2- Two Three years after the date of the death of the
 apparent owner, as evidenced by:

a. Notice to the holder of the apparent owner's death by an
authorized representative administrator, beneficiary, relative,
 or trustee, or by a personal representative or other legal
 representative of the owner's estate;

b. Receipt by the holder of a copy of the death certificate
 of the apparent owner;

c. Confirmation by the holder of the apparent owner's death
through ~~though~~ other means; or

d. Other evidence from which the holder may reasonably
 conclude that the apparent owner is deceased, ~~or~~

~~3. One year after the date on which the holder receives~~
~~notice under subparagraph 2. if the notice is received 2 years~~
~~or less after the owner's death and the holder lacked knowledge~~
~~of the owner's death during that period of 2 years or less.~~

(b) If the holder does not send communication to the
apparent owner of a security by first-class United States mail
on an annual basis, the holder shall attempt to confirm the

597-02499-26

20261452c1

apparent owner's interest in the equity interest by sending the
apparent owner an e-mail communication not later than 3 years
after the apparent owner's or authorized representative's last
demonstration of continued interest in the equity interest.

However, the holder shall promptly attempt to contact the
apparent owner by first-class United States mail if:

1. The holder does not have information needed to send the
apparent owner an e-mail communication or the holder believes
that the apparent owner's e-mail address in the holder's records
is not valid;

2. The holder received notification that the e-mail
communication was not received; or

3. The apparent owner does not respond to the e-mail
communication within 30 days after the communication was sent.

(c) If first-class United States mail sent under paragraph
(b) is returned to the holder undelivered by the United States
Postal Service, the equity interest is presumed abandoned in
accordance with paragraph (1) (a).

(d) Unmatured or unredeemed debt, other than a bearer bond
or an original issue discount bond, is presumed abandoned 5
unclaimed 3 years after the date of the most recent interest
payment unclaimed by the owner.

(e) (e) Matured or redeemed debt is presumed abandoned 5
unclaimed 3 years after the date of maturity or redemption.

(f) (d) At the time property is presumed abandoned unclaimed
under paragraph (a) or paragraph (b), any other property right
accrued or accruing to the owner as a result of the property
interest and not previously presumed abandoned unclaimed is also
presumed abandoned unclaimed.

597-02499-26

20261452c1

(2) The running of the applicable dormancy period under this section ~~such 3-year period~~ ceases if the apparent owner or authorized representative demonstrates continued interest under s. 717.102, including by any of the following actions ~~person:~~

(a) ~~1- Communicating~~ Communicates in writing or by other means with the association or its agent regarding the interest, ~~or a dividend, distribution, or other sum payable as a result of the interest, as recorded by the association or its agent, or~~

~~2. Otherwise communicates with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association or its agent.~~

(b) Presenting ~~Presents~~ an instrument issued to pay interest, ~~or a dividend, or other cash distribution.~~ If any future dividend, distribution, or other sum payable ~~to the owner~~ as a result of the interest is subsequently unclaimed ~~not claimed by the owner~~, a new period in which the property is presumed abandoned unclaimed commences and relates back only to the time a subsequent dividend, distribution, or other sum became due and payable.

(3) At the same time any interest is presumed abandoned unclaimed under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, is presumed abandoned unclaimed.

(4) Any dividend, profit, distribution, interest redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificateholder, member, bondholder, or other security holder, who has not claimed such amount or corresponded in writing with

597-02499-26

20261452c1

the business association concerning such amount, within 5 ~~3~~ years after the date prescribed for payment or delivery, is presumed abandoned unclaimed.

Section 36. Section 717.111, Florida Statutes, is amended to read:

717.111 Property of business associations held in course of dissolution.—All intangible property distributable in the course of a voluntary or involuntary dissolution of a business association which is not claimed by the apparent owner for more than 6 months after the date specified for final distribution is presumed abandoned unclaimed.

Section 37. Subsections (1) and (5) of section 717.112, Florida Statutes, are amended to read:

717.112 Property held by agents and fiduciaries.—

(1) All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person, including property held by an attorney in fact or an agent, except as provided in ss. 717.1125 and 733.816, is presumed abandoned unclaimed unless the apparent owner has within 5 years after it has become payable or distributable increased or decreased the principal, accepted payment of principal or income, communicated in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary.

(5) All intangible property, and any income or increment thereon, issued by a government or governmental subdivision or agency, public corporation, or public authority and held in an agency capacity for the governmental subdivision, agency, public corporation, or public authority for the benefit of the owner of

597-02499-26 20261452c1

record, is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 1 year after such property has become payable or distributable, increased or decreased the principal, accepted payment of the principal or income, communicated concerning the property, or otherwise indicated an interest in the property as evidenced by a memorandum or other record on file with the fiduciary.

Section 38. Section 717.1125, Florida Statutes, is amended to read:

717.1125 Property held by fiduciaries under trust instruments.—All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person under a trust instrument is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 2 years after it has become payable or distributable, increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code.

Section 39. Section 717.113, Florida Statutes, is amended to read:

717.113 Property held by courts and public agencies.—All intangible property held for the apparent owner by any court, government or governmental subdivision or agency, public corporation, or public authority that has not been claimed by the apparent owner for more than 1 year after it became payable or distributable is presumed abandoned ~~unclaimed~~. Except as provided in s. 45.032(3)(c), money held in the court registry

597-02499-26 20261452c1

and for which no court order has been issued to determine an owner does not become payable or distributable and is not subject to reporting under this chapter. Notwithstanding the provisions of this section, funds deposited in the Minerals Trust Fund pursuant to s. 377.247 are presumed abandoned ~~unclaimed~~ only if the funds have not been claimed by the apparent owner for more than 5 years after the date of first production from the well.

Section 40. Section 717.115, Florida Statutes, is amended to read:

717.115 Wages.—Unpaid wages, including wages represented by unpresented payroll checks, owing in the ordinary course of the holder's business that have not been claimed by the apparent owner for more than 1 year after becoming payable are presumed abandoned ~~unclaimed~~.

Section 41. Section 717.116, Florida Statutes, is amended to read:

717.116 Contents of safe-deposit box or other safekeeping repository.—All tangible and intangible property held by a banking or financial organization in a safe-deposit box or any other safekeeping repository in this state in the ordinary course of the holder's business, and proceeds resulting from the sale of the property permitted by law, that has not been claimed by the apparent owner or authorized representative for more than 3 years after the lease or rental period on the box or other repository has expired are presumed abandoned ~~unclaimed~~.

Section 42. Section 717.117, Florida Statutes, is amended to read:

717.117 Holder due diligence and report of abandoned

597-02499-26

20261452c1

2147 ~~unclaimed~~ property.-

2148 (1) Property is presumed abandoned upon expiration of the
2149 applicable dormancy period under this chapter. However, such
2150 property is not deemed abandoned for purposes of reporting or
2151 remittance to the department until the holder has conducted
2152 reasonable due diligence as required by this section, resulting
2153 in no indication of interest from the apparent owner or
2154 authorized representative.

2155 (2) Holders of property presumed abandoned that has a value
2156 of \$50 or more shall use due diligence to locate and notify the
2157 apparent owner that the holder is in possession of property
2158 subject to this chapter. At least 90 days, but not more than 180
2159 days, before filing the report required by this section, a
2160 holder in possession of presumed abandoned property shall send
2161 written notice by first-class United States mail to the apparent
2162 owner's last known address as shown in the holder's records or
2163 from other available sources, or by e-mail if the apparent owner
2164 has elected for e-mail delivery, informing the apparent owner
2165 that the holder is in possession of property subject to this
2166 chapter, provided that the holder's records contain a mailing or
2167 e-mail address for the apparent owner which is not known by the
2168 holder to be inaccurate. The holder may provide notice by mail,
2169 by e-mail, or by both methods. If the holder's records indicate
2170 that the mailing address is inaccurate, notice may be provided
2171 by e-mail if the apparent owner has elected e-mail delivery.

2172 (3) If the value of the property is greater than \$1,000,
2173 the holder shall send a second written notice by certified
2174 United States mail, return receipt requested, to the apparent
2175 owner's last known address at least 60 days before filing the

597-02499-26

20261452c1

2176 report required by this section, if the holder's records contain
2177 a mailing address for the apparent owner which is not known by
2178 the holder to be inaccurate. Reasonable costs paid to the United
2179 States Postal Service for certified mail, return receipt
2180 requested, may be deducted from the property as a service
2181 charge. A signed return receipt received in response to the
2182 certified mail notice constitutes an affirmative demonstration
2183 of continued interest as described in s. 717.102.

2184 (4) The written notice required under this section must
2185 include:

2186 (a) A heading that reads substantially as follows: "Notice:
2187 The State of Florida requires us to notify you that your
2188 property may be transferred to the custody of the Florida
2189 Department of Financial Services if you do not contact us before
2190 ...(insert date that is at least 30 days after the date of
2191 notice)...."

2192 (b) A description of the type, nature, and, unless the
2193 property does not have a fixed value, value of the property that
2194 is the subject of the notice.

2195 (c) A statement that the property will be turned over to
2196 the custody of the department as abandoned property if no
2197 response is received.

2198 (d) A statement that noncash property will be sold or
2199 liquidated by the department.

2200 (e) A statement that, after the property is remitted to the
2201 department, a claim must be filed with the department to recover
2202 the property.

2203 (f) A statement that the property is currently in the
2204 custody of the holder and that the apparent owner may prevent

597-02499-26

20261452c1

transfer of the property by contacting the holder before the deadline stated in the notice.

(5) Every holder of ~~abandoned person holding funds or other~~ property, tangible or intangible, ~~presumed unclaimed and~~ subject to custody ~~as unclaimed property~~ under this chapter shall submit a report to the department via electronic medium as the department may prescribe by rule. The report must include:

(a) Except for traveler's checks and money orders, the name, social security number or taxpayer identification number, date of birth, if known, and last known address, if any, of each ~~apparent person appearing from the records of the holder to be~~ the owner of any property which is abandoned ~~presumed unclaimed~~ and which has a value of \$10 or more.

(b) For abandoned ~~unclaimed~~ funds that have a value of \$10 or more held or owing under any life or endowment insurance policy or annuity contract, the identifying information provided in paragraph (a) for both the insured or annuitant and the beneficiary according to records of the insurance company holding or owing the funds.

(c) For all tangible property held in a safe-deposit box or other safekeeping repository, a description of the property and the place where the property is held and may be inspected by the department, and any amounts owing to the holder. Contents of a safe-deposit box or other safekeeping repository which consist of documents or writings ~~of a private nature and~~ which have little or no commercial value may ~~apparent value shall~~ not be reported as abandoned property ~~presumed unclaimed~~.

(d) The nature or type of property, any accounting or identifying number associated with the property, a description

597-02499-26

20261452c1

of the property, and the amount appearing from the records to be due. Items of value of less than \$10 each may be reported in the aggregate.

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property.

(f) Any other information the department may prescribe by rule as necessary for the administration of this chapter.

~~(6)(2)~~ If the total value of all abandoned ~~presumed~~ ~~unclaimed~~ property, whether tangible or intangible, held by a person is less than \$10, a zero balance report may be filed for that reporting period.

~~(7)(3)~~ Credit balances, customer overpayments, security deposits, and refunds having a value of less than \$10 may not be reported as abandoned property ~~shall not be presumed unclaimed~~.

(8) A security identified by the holder as non-freely transferable or worthless may not to be included in a report filed under this section. If the holder determines that a security is no longer non-freely transferable or worthless, the holder shall report and deliver the security on the next regular report date prescribed for delivery of securities by the holder under this chapter.

~~(9)(4)~~ If the holder of abandoned property ~~presumed unclaimed and~~ subject to custody under this chapter ~~as unclaimed property~~ is a successor holder or if the holder has changed the holder's name while in possession of the property, the holder shall file with the holder's report all known names and addresses of each prior holder of the property. Compliance with this subsection means the holder exercises reasonable and

597-02499-26

20261452c1

prudent efforts to determine the names of all prior holders.

(10) The report must be signed by or on behalf of the holder and verified as to its completeness and accuracy, and the holder must state that it has complied with the due diligence requirements of this section.

~~(11)(5)~~ The report must be filed before May 1 of each year. The report applies to the preceding calendar year. Upon written request by any person required to file a report, and upon a showing of good cause, the department may extend the reporting date. The department may impose and collect a penalty of \$10 per day up to a maximum of \$500 for the failure to timely report, if an extension was not provided or if the holder of the property failed to include in a report information required by this chapter which was in the holder's possession at the time of reporting. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing. As necessary for proper administration of this chapter, the department may waive any penalty due with appropriate justification. The department must provide information contained in a report filed with the department to any person requesting a copy of the report or information contained in a report, to the extent the information requested is not confidential, within 45 days after the department determines that the report is accurate and acceptable and that the reported property is the same as the remitted property.

~~(6) Holders of inactive accounts having a value of \$50 or more shall use due diligence to locate and notify apparent owners that the entity is holding unclaimed property available~~

597-02499-26

20261452c1

~~for them to recover. Not more than 120 days and not less than 60 days prior to filing the report required by this section, the holder in possession of property presumed unclaimed and subject to custody as unclaimed property under this chapter shall send written notice by first class United States mail to the apparent owner at the apparent owner's last known address from the holder's records or from other available sources, or via electronic mail if the apparent owner has elected this method of delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, if the holder has in its records a mailing or electronic address for the apparent owner which the holder's records do not disclose to be inaccurate. These two means of contact are not mutually exclusive, if the mailing address is determined to be inaccurate, electronic mail may be used if so elected by the apparent owner.~~

~~(7) The written notice to the apparent owner required under this section must:~~

~~(a) Contain a heading that reads substantially as follows: "Notice. The State of Florida requires us to notify you that your property may be transferred to the custody of the Florida Department of Financial Services if you do not contact us before ... (insert date that is at least 30 days after the date of notice)"~~

~~(b) Identify the type, nature, and, except for property that does not have a fixed value, value of the property that is the subject of the notice.~~

~~(c) State that the property will be turned over to the custody of the department as unclaimed property if no response~~

597-02499-26

20261452c1

to this letter is received.

~~(d) State that any property that is not legal tender of the United States may be sold or liquidated by the department.~~

~~(e) State that after the property is turned over to the department, an apparent owner seeking return of the property may file a claim with the department.~~

~~(f) State that the property is currently with a holder and provide instructions that the apparent owner must follow to prevent the holder from reporting and paying for the property or from delivering the property to the department.~~

(12)~~(8)~~ Any holder of intangible property may file with the department a petition for determination that the property is abandoned and unclaimed requesting the department to accept custody of the property. The petition shall state any special circumstances that exist, contain the information required by subsection (9) ~~subsection (4)~~, and show that a diligent search has been made to locate the apparent owner. If the department finds that the proof of diligent search is satisfactory, it shall give notice as provided in s. 717.118 and accept custody of the property.

(13)~~(9)~~ Upon written request by any entity or person required to file a report, stating such entity's or person's justification for such action, the department may place that entity or person in an inactive status as an abandoned unclaimed property "holder."

(14)~~(10)~~ (a) This section does not apply to the abandoned unclaimed patronage refunds as provided for by contract or through bylaw provisions of entities organized under chapter 425 or that are exempt from ad valorem taxation pursuant to s.

Page 81 of 140

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

597-02499-26

20261452c1

196.2002.

(b) This section does not apply to intangible property held, issued, or owing by a business association subject to the jurisdiction of the United States Surface Transportation Board or its successor federal agency if the apparent owner of such intangible property is a business association. The holder of such property does not have any obligation to report, to pay, or to deliver such property to the department.

(c) This section does not apply to credit balances, overpayments, refunds, or outstanding checks owed by a health care provider to a managed care payor with whom the health care provider has a managed care contract, provided that the credit balances, overpayments, refunds, or outstanding checks become due and owing pursuant to the managed care contract.

(15)~~(11)~~ (a) As used in this subsection, the term "property identifier" means the descriptor used by the holder to identify the abandoned unclaimed property.

(b) Social security numbers and property identifiers contained in reports required under this section, held by the department, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(c) This exemption applies to social security numbers and property identifiers held by the department before, on, or after the effective date of this exemption.

Section 43. Section 717.118, Florida Statutes, is amended to read:

717.118 Notification of apparent owners of abandoned unclaimed property.—

(1) It is specifically recognized that the state has an

Page 82 of 140

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

597-02499-26

20261452c1

2379 obligation to make an effort to notify apparent owners in a
 2380 cost-effective manner that their abandoned property has been
 2381 reported and remitted to the department of unclaimed property in
 2382 a cost-effective manner. In order to provide all the citizens of
 2383 this state an effective and efficient program for the recovery
 2384 of abandoned personal unclaimed property, the department shall
 2385 use cost-effective means to make at least one active attempt to
 2386 notify apparent owners of abandoned unclaimed property accounts
 2387 valued at \$50 or more, abandoned tangible property, and
 2388 abandoned shares of stock for which more than \$250 with a
 2389 reported address or taxpayer identification number is available.
 2390 Such active attempt to notify apparent owners shall include any
 2391 attempt by the department to directly contact the apparent
 2392 owner. Other means of notification, such as publication of the
 2393 names of apparent owners in the newspaper, on television, on the
 2394 Internet, or through other promotional efforts and items in
 2395 which the department does not directly attempt to contact the
 2396 apparent owner are expressly declared to be passive attempts.
 2397 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
 2398 agencies or entities of state government from notifying owners
 2399 of the existence of abandoned unclaimed property or attempting
 2400 to notify apparent owners of abandoned unclaimed property.

2401 (2) Notification provided directly to individual apparent
 2402 owners shall contain ~~consist of~~ a description of the abandoned
 2403 property and information regarding recovery of the unclaimed
 2404 property from the department. The form and content of the
 2405 department's notice shall be tailored to the type of property
 2406 reported and shall include any information necessary to
 2407 reasonably inform the apparent owner of the consequences of

Page 83 of 140

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

597-02499-26

20261452c1

2408 failure to claim the property, including potential sale or
 2409 disposition under s. 717.122.

2410 (3) The department shall maintain a publicly accessible,
 2411 electronically searchable website that includes the names of
 2412 apparent owners of abandoned property reported to the department
 2413 and instructions for filing a claim. The website must list
 2414 property valued at \$10 or more and provide instructions for
 2415 filing a claim. Abandoned property valued at less than \$10
 2416 remains recoverable from the department in accordance with this
 2417 chapter.

2418 (4) This section is not applicable to abandoned sums
 2419 payable on traveler's checks, money orders, and other written
 2420 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
 2421 abandoned property reported without the necessary identifying
 2422 information to establish ownership.

2423 Section 44. Section 717.119, Florida Statutes, is amended
 2424 to read:

2425 717.119 Payment or delivery of abandoned unclaimed
 2426 property.—

2427 (1) Every person who is required to file a report under s.
 2428 717.117 shall simultaneously pay or deliver to the department
 2429 all abandoned unclaimed property required to be reported. Such
 2430 payment or delivery shall accompany the report as required in
 2431 this chapter for the preceding calendar year.

2432 (2) Payment of abandoned unclaimed funds may be made to the
 2433 department by electronic funds transfer.

2434 (3) If the apparent owner establishes the right to receive
 2435 the abandoned unclaimed property to the satisfaction of the
 2436 holder before the property has been delivered to the department

Page 84 of 140

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

597-02499-26

20261452c1

or it appears that for some other reason ~~the presumption that~~
the property was erroneously classified as abandoned ~~is~~
~~unclaimed is erroneous~~, the holder need not pay or deliver the
property to the department. In lieu of delivery, the holder
shall file a verified written explanation of the proof of claim
or of the error in classification of the presumption that the
property as abandoned ~~was unclaimed~~.

(4) All virtual currency reported under this chapter on the
annual report filing required in s. 717.117 shall be remitted to
the department with the report. The holder shall liquidate the
virtual currency and remit the proceeds to the department. The
liquidation must occur within 30 days before the filing of the
report. Upon delivery of the virtual currency proceeds to the
department, the holder is relieved of all liability of every
kind in accordance with the provisions of s. 717.1201 to every
person for any losses or damages resulting to the person by the
delivery to the department of the virtual currency proceeds.

(5) All stock or other intangible ownership interest
reported under this chapter on the annual report filing required
in s. 717.117 shall be remitted to the department with the
report. Upon delivery of the stock or other intangible ownership
interest to the department, the holder and any transfer agent,
registrar, or other person acting for or on behalf of a holder
is relieved of all liability of every kind in accordance with
the provisions of s. 717.1201 to every person for any losses or
damages resulting to the person by the delivery to the
department of the stock or other intangible ownership interest.

(6) All intangible and tangible property held in a safe-
deposit box or any other safekeeping repository reported under

597-02499-26

20261452c1

s. 717.117 shall not be delivered to the department until 120
days after the report due date. The delivery of the property,
through the United States mail or any other carrier, shall be
insured by the holder at an amount equal to the estimated value
of the property. Each package shall be clearly marked on the
outside "Deliver Unopened." A holder's safe-deposit box contents
shall be delivered to the department in a single shipment. In
lieu of a single shipment, holders may provide the department
with a single detailed shipping schedule that includes package
tracking information for all packages being sent pursuant to
this section.

(a) Holders may remit the value of cash and coins found in
~~abandoned unclaimed~~ safe-deposit boxes to the department by
cashier's check or by electronic funds transfer, unless the cash
or coins have a value above face value. The department shall
identify by rule those cash and coin items having a numismatic
value. Cash and coin items identified as having a numismatic
value shall be remitted to the department in their original
form.

(b) Any firearm or ammunition found in an abandoned
~~unclaimed~~ safe-deposit box or any other safekeeping repository
shall be delivered by the holder to a law enforcement agency for
property handling or disposal pursuant to s. 705.103(2)(b). If
the firearm is sold by the law enforcement agency, ~~with the~~
balance of the proceeds shall be deposited into the State School
Fund ~~if the firearm is sold. However,~~ The department is
authorized to make a reasonable attempt to ascertain the
historical value to collectors of any firearm that has been
delivered to the department. Any firearm appearing to have

597-02499-26

20261452c1

historical value to collectors may be sold by the department pursuant to s. 717.122 to a person having a federal firearms license. Any firearm which is not sold pursuant to s. 717.122 shall be delivered by the department to a law enforcement agency in this state for proper handling or disposal. In accordance with pursuant to s. 705.103(2)(b), if the firearm is sold by the law enforcement agency, ~~with~~ the balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold~~. The department shall not be administratively, civilly, or criminally liable for any firearm delivered by the department to a law enforcement agency in this state for disposal.

(c) If such property is not paid or delivered to the department on or before the applicable payment or delivery date, the holder shall pay to the department a penalty for each safe-deposit box shipment received late. The penalty shall be \$100 for a safe-deposit box shipment container that is late 30 days or less. Thereafter, the penalty shall be \$500 for a safe-deposit box shipment container that is late for each additional successive 30-day period. The penalty assessed against a holder for a late safe-deposit box shipment container shall not exceed \$4,000 annually. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing.

(d) The department may waive any penalty due with appropriate justification, as provided by rule.

(e) If a will or trust instrument is included among the contents of an abandoned ~~a~~ safe-deposit box or other safekeeping repository delivered to the department, the department must provide a copy of the will, trust, and any codicils or

597-02499-26

20261452c1

amendments to such will or trust instrument, upon request, to anyone who provides the department with a certified copy of the death certificate ~~evidence of the death~~ of the testator or settlor.

(7) Any holder may request an extension in writing of up to 60 days for the delivery of property if extenuating circumstances exist for the late delivery of the property. Any such extension the department may grant shall be in writing.

(8) A holder may not assign or otherwise transfer its obligation to report, pay, or deliver property or to comply with the provisions of this chapter, other than to a parent, subsidiary, or affiliate of the holder.

(a) Unless otherwise agreed to by the parties to a transaction, the holder's successor by merger or consolidation, or any person or entity that acquires all or substantially all of the holder's capital stock or assets, is responsible for fulfilling the holder's obligation to report, pay, or deliver property or to comply with the duties of this chapter regarding the transfer of property owed to the holder's successor and being held for an owner resulting from the merger, consolidation, or acquisition.

(b) This subsection does not prohibit a holder from contracting with a third party for the reporting of abandoned ~~unclaimed~~ property, but the holder remains responsible to the department for the complete, accurate, and timely reporting of the property.

Section 45. Subsections (1), (2), and (4) of section 717.1201, Florida Statutes, are amended to read:

717.1201 Custody by state; holder liability; reimbursement

597-02499-26

20261452c1

of holder paying claim; reclaiming for owner; payment of safe-deposit box or repository charges.—

(1) Upon the good faith payment or delivery of abandoned ~~unclaimed~~ property to the department, the state assumes custody and responsibility for the safekeeping of the property. Any person who pays or delivers abandoned ~~unclaimed~~ property to the department in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made with ~~in~~ respect to the property.

(a) A holder's substantial compliance with the due diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith payment or delivery of abandoned ~~unclaimed~~ property to the department releases the holder from liability that may arise from such payment or delivery, and such delivery and payment may be pleaded as a defense in any suit or action brought by reason of such delivery or payment. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code or Florida Probate Code.

(b) If the holder pays or delivers property to the department in good faith and thereafter any other person claims the property from the holder paying or delivering, or another state claims the money or property under that state's laws relating to escheat or abandoned or unclaimed property, the department, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim, except that a holder may not be indemnified against penalties imposed by another state.

(2) For the purposes of this section, a payment or delivery

597-02499-26

20261452c1

of abandoned ~~unclaimed~~ property is made in good faith if:

(a) The payment or delivery was made in conjunction with an accurate and acceptable report.

(b) The payment or delivery was made in a reasonable attempt to comply with this chapter and other applicable general law.

(c) The holder had a reasonable basis for believing, based on the facts then known, that the property was abandoned ~~unclaimed~~ and subject to this chapter.

(d) There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry.

(4) Any holder who has delivered property, including a certificate of any interest in a business association, other than money to the department pursuant to this chapter may reclaim the property if still in the possession of the department, without payment of any fee or other charges, upon filing proof that the person entitled to the property ~~owner~~ has claimed it ~~the property~~ from the holder.

Section 46. Section 717.122, Florida Statutes, is amended to read:

717.122 Public sale of abandoned ~~unclaimed~~ property.—

(1) Except as provided in paragraph (2)(a), the department after the receipt of abandoned ~~unclaimed~~ property shall sell it to the highest bidder at public sale on the Internet or at a specified physical location wherever in the judgment of the department the most favorable market for the property involved exists. The department may decline the highest bid and reoffer the property for sale if in the judgment of the department the

597-02499-26

20261452c1

bid is insufficient. The department shall have the discretion to withhold from sale any abandoned ~~unclaimed~~ property that the department deems to be of benefit to the people of the state. If in the judgment of the department the probable cost of sale exceeds the value of the property, it need not be offered for sale and may be disposed of as the department determines appropriate. Any sale at a specified physical location held under this section must be preceded by a single publication of notice, at least 3 weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold. The department shall proportionately deduct auction fees, preparation costs, and expenses from the amount posted to an the ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the contents are sold. No action or proceeding may be maintained against the department for or on account of any decision to decline the highest bid or withhold any abandoned ~~unclaimed~~ property from sale.

(2)(a) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the department deems advisable. The department may authorize the agent or broker acting on behalf of the department to deduct fees from the proceeds of these sales at a rate agreed upon in advance by the agent or broker and the department. The department shall reimburse owners' accounts for these brokerage fees from the State School Fund unless the securities are sold at the owner's request.

(b) Unless the department deems it to be in the public

597-02499-26

20261452c1

interest to do otherwise, all abandoned securities ~~presumed~~ ~~unclaimed and~~ delivered to the department may be sold upon receipt. Any person making a claim pursuant to this chapter is entitled to receive either the securities delivered to the department by the holder, if they still remain in the hands of the department, or the proceeds received from sale, but no person has any claim under this chapter against the state, the holder, any transfer agent, any registrar, or any other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the state.

(c) Certificates for abandoned ~~unclaimed~~ stock or other equity interest of business associations that cannot be canceled and registered in the department's name or that cannot be readily liquidated and converted into the currency of the United States may be sold for the value of the certificate, if any, in accordance with subsection (1) or may be destroyed in accordance with s. 717.128.

(3) The purchaser of property at any sale conducted by the department pursuant to this chapter is entitled to ownership of the property purchased free from all claims of the owner or previous holder thereof and of all persons claiming through or under them. The department shall execute all documents necessary to complete the transfer of ownership.

(4) The sale of abandoned ~~unclaimed~~ tangible personal property is not subject to tax under chapter 212 when such property is sold by or on behalf of the department pursuant to this section.

Section 47. Section 717.123, Florida Statutes, is amended

597-02499-26

20261452c1

to read:

717.123 Deposit of funds.—

(1) All funds received under this chapter, including the proceeds from the sale of ~~abandoned unclaimed~~ property under s. 717.122, shall ~~immediately forthwith~~ be deposited by the department in the ~~Abandoned Unclaimed~~ Property Trust Fund. The department shall retain, at minimum, from funds received under this chapter, the an amount estimated by the Revenue Estimating Conference for not exceeding \$15 million from which the department to shall make prompt payment of claims allowed by the department and ~~shall pay~~ the administrative costs incurred ~~by the department~~ in administering and enforcing this chapter. Before the close of each fiscal year, the department shall transfer to the State School Fund no more than the transfer amount estimated by the Revenue Estimating Conference ~~All remaining funds received by the department under this chapter shall be deposited by the department into the State School Fund.~~

(2) The department shall record the name and last known address of each person appearing from the holder's reports to be entitled to the ~~abandoned unclaimed~~ property in the total amounts of \$5 or greater; the name and the last known address of each insured person or annuitant; and with respect to each policy or contract listed in the report of an insurance corporation, its number, the name of the corporation, and the amount due.

Section 48. Section 717.1235, Florida Statutes, is amended to read:

717.1235 Dormant campaign accounts; ~~report of unclaimed property.~~ Abandoned Unclaimed funds reported in the name of a

597-02499-26

20261452c1

campaign for public office, for any campaign that must dispose of surplus funds in its campaign account pursuant to s. 106.141, after being reported to the department, shall be deposited with the Chief Financial Officer to the credit of the State School Fund.

Section 49. Section 717.124, Florida Statutes, is amended to read:

717.124 ~~Abandoned Unclaimed~~ property claims.—

(1) Any person, excluding another state, claiming an interest in any property paid or delivered to the department under this chapter may file with the department a claim on a form prescribed by the department and verified by the claimant or the claimant ~~claimant's~~ representative. ~~The claimant's representative must be an attorney licensed to practice law in this state, a licensed Florida-certified public accountant, or a private investigator licensed under chapter 493.~~ The claimant ~~claimant's~~ representative must be registered with the department under this chapter. The claimant, or the claimant ~~claimant's~~ representative, shall provide the department with a legible copy of a valid driver license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver license at the time the original claim form is filed, the department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. In lieu of photographic identification, a notarized sworn statement by the claimant may be provided which affirms the claimant's

597-02499-26

20261452c1

identity and states the claimant's full name and address. The claimant must produce to the notary photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned Unclaimed Property Recovery Agreement or Abandoned Unclaimed Property Purchase Agreement, if applicable, is void.

(a) Within 90 days after receipt of a claim, the department may return any claim that provides for the receipt of fees and costs greater than that permitted under this chapter or that contains any apparent errors or omissions. The department may also request that the claimant or the claimant ~~claimant's~~ representative provide additional information. The department shall retain a copy or electronic image of the claim.

(b) A claim is considered to have been withdrawn by a claimant or the claimant ~~claimant's~~ representative if the department does not receive a response to its request for additional information within 60 days after the notification of any apparent errors or omissions.

(c) Within 90 days after receipt of the claim, or the response of the claimant or the claimant ~~claimant's~~ representative to the department's request for additional information, whichever is later, the department shall determine each claim. Such determination shall contain a notice of rights provided by ss. 120.569 and 120.57. The 90-day period shall be

597-02499-26

20261452c1

extended by 60 days if the department has good cause to need additional time or if the abandoned unclaimed property:

1. Is owned by a person who has been a debtor in bankruptcy;

2. Was reported with an address outside of the United States;

3. Is being claimed by a person outside of the United States; or

4. Contains documents filed in support of the claim that are not in the English language and have not been accompanied by an English language translation.

(2) A claim for a cashier's check or a stock certificate without the original instrument may require an indemnity bond equal to the value of the claim to be provided prior to issue of the stock or payment of the claim by the department.

(3) The department may require an affidavit swearing to the authenticity of the claim, lack of documentation, and an agreement to allow the department to provide the name and address of the claimant to subsequent claimants coming forward with substantiated proof to claim the account. This shall apply to claims equal to or less than \$250. The exclusive remedy of a subsequent claimant to the property shall be against the person who received the property from the department.

(4)(a) Except as otherwise provided in this chapter, if a claim is determined in favor of the claimant, the department shall deliver or pay over to the claimant the property or the amount the department actually received or the proceeds if it has been sold by the department, together with any additional amount required by s. 717.121.

597-02499-26

20261452c1

2785 (b) If a claimant ~~an owner~~ authorizes a claimant
 2786 ~~representative an attorney licensed to practice law in this~~
 2787 ~~state, a Florida-certified public accountant, or a private~~
 2788 ~~investigator licensed under chapter 493, and~~ registered with the
 2789 department under this chapter, to claim the abandoned unclaimed
 2790 property on the claimant's owner's behalf, the department is
 2791 authorized to make distribution of the property or money in
 2792 accordance with the Abandoned Unclaimed Property Recovery
 2793 Agreement or Abandoned Unclaimed Property Purchase Agreement
 2794 under s. 717.135. The original Abandoned Unclaimed Property
 2795 Recovery Agreement or Abandoned Unclaimed Property Purchase
 2796 Agreement must be executed by the claimant or seller and must be
 2797 filed with the department.

2798 (c)1. Payments of approved claims for unclaimed cash
 2799 accounts must be made to the owner after deducting any fees and
 2800 costs authorized by the claimant under an Abandoned Unclaimed
 2801 Property Recovery Agreement. The contents of a safe-deposit box
 2802 or shares of securities must be delivered directly to the
 2803 claimant.

2804 2. Payments of fees and costs authorized under an Abandoned
 2805 Unclaimed Property Recovery Agreement for approved claims must
 2806 be made or issued to the law firm of the designated attorney
 2807 licensed to practice law in this state, the public accountancy
 2808 firm of the licensed Florida-certified public accountant, or the
 2809 designated employing private investigative agency licensed by
 2810 this state. Such payments shall be made by electronic funds
 2811 transfer and may be made on such periodic schedule as the
 2812 department may define by rule, provided the payment intervals do
 2813 not exceed 31 days. Payment made to an attorney licensed in this

597-02499-26

20261452c1

2814 state, a Florida-certified public accountant, or a private
 2815 investigator licensed under chapter 493, operating individually
 2816 or as a sole practitioner, must be to the attorney, certified
 2817 public accountant, or private investigator.

2818 (5) The department shall not be administratively, civilly,
 2819 or criminally liable for any property or funds distributed
 2820 pursuant to this section, provided such distribution is made in
 2821 good faith.

2822 (6) This section does not supersede the licensing
 2823 requirements of chapter 493.

2824 (7) The department may allow an apparent owner to
 2825 electronically submit a claim for abandoned unclaimed property
 2826 to the department. If a claim is submitted electronically for
 2827 \$2,000 or less, the department may use a method of identity
 2828 verification other than a copy of a valid driver license, other
 2829 government-issued photographic identification, or a sworn
 2830 notarized statement. The department may adopt rules to implement
 2831 this subsection.

2832 (8) Notwithstanding any other provision of this chapter,
 2833 the department may develop and implement an identification
 2834 verification and disbursement process by which an account valued
 2835 at \$2,000 or less, after being received by the department and
 2836 added to the abandoned unclaimed property database, may be
 2837 disbursed to an apparent owner after the department has verified
 2838 that the apparent owner is living and that the apparent owner's
 2839 current address is correct. The department shall include with
 2840 the payment a notification and explanation of the dollar amount,
 2841 the source, and the property type of each account included in
 2842 the disbursement. The department shall adopt rules to implement

597-02499-26

20261452c1

2843 this subsection.

2844 (9) (a) Notwithstanding any other provision of this chapter,
2845 the department may develop and implement a verification and
2846 disbursement process by which an account, after being received
2847 by the department and added to the abandoned unclaimed property
2848 database, for which the apparent owner entity is:

2849 1. A state agency in this state or a subdivision or
2850 successor agency thereof;

2851 2. A county government in this state or a subdivision
2852 thereof;

2853 3. A public school district in this state or a subdivision
2854 thereof;

2855 4. A municipality in this state or a subdivision thereof;
2856 or

2857 5. A special taxing district or authority in this state,
2858 may be disbursed to the apparent owner entity or successor
2859 entity. The department shall include with the payment a
2860 notification and explanation of the dollar amount, the source,
2861 and the property type of each account included in the
2862 disbursement.
2863

2864 (b) The department may adopt rules to implement this
2865 subsection.

2866 (10) Notwithstanding any other provision of this chapter,
2867 the department may develop a process by which a claimant
2868 ~~claimant's representative or a buyer of unclaimed property~~ may
2869 electronically submit to the department an electronic image of a
2870 completed claim and claims-related documents under this chapter,
2871 including an Abandoned Unclaimed Property Recovery Agreement or

597-02499-26

20261452c1

2872 Abandoned Unclaimed Property Purchase Agreement that has been
2873 signed and dated by a claimant or seller under s. 717.135, after
2874 the claimant ~~claimant's representative or the buyer of unclaimed~~
2875 ~~property~~ receives the original documents provided by the
2876 claimant or the seller for any claim. Each claim filed by a
2877 claimant ~~claimant's representative or a buyer of unclaimed~~
2878 ~~property~~ must include a statement by the claimant ~~claimant's~~
2879 ~~representative or the buyer of unclaimed property~~ attesting that
2880 all documents are true copies of the original documents and that
2881 all original documents are physically in the possession of the
2882 claimant ~~claimant's representative or the buyer of unclaimed~~
2883 ~~property~~. All original documents must be kept in the original
2884 form, by claim number, under the secure control of the claimant
2885 ~~claimant's representative or the buyer of unclaimed property~~ and
2886 must be available for inspection by the department in accordance
2887 with s. 717.1315. The department may adopt rules to implement
2888 this subsection.

2889 (11) This section applies to all abandoned unclaimed
2890 property reported and remitted to the Chief Financial Officer,
2891 including, but not limited to, property reported pursuant to ss.
2892 45.032, 732.107, 733.816, and 744.534.

2893 Section 50. Section 717.12403, Florida Statutes, is amended
2894 to read:

2895 717.12403 Abandoned Unclaimed demand, savings, or checking
2896 account in a financial institution held in the name of more than
2897 one person.—

2898 (1) (a) If an abandoned unclaimed demand, savings, or
2899 checking account in a financial institution is reported as an
2900 "and" account in the name of two or more persons who are not

597-02499-26

20261452c1

beneficiaries, it is presumed that each person must claim the account in order for the claim to be approved by the department. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "or" account.

(b) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "and" account and one of the persons on the account is deceased, it is presumed that the account is a survivorship account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account is not a survivorship account.

(2) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "or" account in the name of two or more persons who are not beneficiaries, it is presumed that either person listed on the account may claim the entire amount held in the account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(3) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported in the name of two or more persons who are not beneficiaries without identifying whether the account is an "and" account or an "or" account, it is presumed that the account is an "or" account.

597-02499-26

20261452c1

This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(4) The department shall be deemed to have made a distribution in good faith if the department remits funds consistent with this section.

Section 51. Subsection (2) of section 717.12404, Florida Statutes, is amended to read:

717.12404 Claims on behalf of a business entity or trust.—

(2) Claims on behalf of an active or ~~a dissolved~~ corporation, a business entity ~~other than an active corporation~~, or a trust must include a legible copy of a valid driver license of the person acting on behalf of the ~~dissolved~~ corporation, business entity ~~other than an active corporation~~, or trust. If the person has not been issued a valid driver license, the department shall be provided with a legible copy of a photographic identification of the person issued by the United States, a foreign nation, or a political subdivision or agency thereof. In lieu of photographic identification, a notarized sworn statement by the person may be provided which affirms the person's identity and states the person's full name and address. The person must produce his or her photographic identification issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required

597-02499-26 20261452c1

identification or the sworn statement with the original claim form and the original ~~Abandoned Unclaimed~~ Property Recovery Agreement or ~~Abandoned Unclaimed~~ Property Purchase Agreement, if applicable, is void.

Section 52. Section 717.12405, Florida Statutes, is amended to read:

717.12405 Claims by estates.—An estate or any person representing an estate or acting on behalf of an estate may claim ~~abandoned unclaimed~~ property only after the heir or legatee of the decedent entitled to the property has been located. Any estate, or any person representing an estate or acting on behalf of an estate, that receives ~~abandoned unclaimed~~ property before the heir or legatee of the decedent entitled to the property has been located, is personally liable for the ~~abandoned unclaimed~~ property and must immediately return the full amount of the ~~abandoned unclaimed~~ property or the value thereof to the department in accordance with s. 717.1341.

Section 53. Section 717.12406, Florida Statutes, is amended to read:

717.12406 Joint ownership of ~~abandoned unclaimed~~ securities or dividends.—For the purpose of determining joint ownership of ~~abandoned unclaimed~~ securities or dividends, the term:

- (1) "TEN COM" means tenants in common.
- (2) "TEN ENT" means tenants by the entireties.
- (3) "JT TEN" or "JT" means joint tenants with the right of survivorship and not as tenants in common.
- (4) "And" means tenants in common with each person entitled to an equal pro rata share.
- (5) "Or" means that each person listed on the account is

597-02499-26 20261452c1

entitled to all of the funds.

Section 54. Section 717.1241, Florida Statutes, is amended to read:

717.1241 Conflicting claims.—

(1) For purposes of this section, the term "conflicting claim" means two or more claims received by the department for the same abandoned property account or accounts in which two or more claimants appear to be equally entitled to the property. The term also includes circumstances in which the same claimant has more than one claim pending for the same property, including when the claimant is represented by more than one claimant representative or submits both a personal claim and a claim through a representative.

(2) When conflicting claims have been received by the department for the same ~~abandoned unclaimed~~ property account or accounts, the property shall be remitted in accordance with the claim filed by the person as follows, notwithstanding the withdrawal of a claim:

(a) To the person submitting the first claim received by the ~~Division of Unclaimed Property of the~~ department that is complete or made complete.

(b) If a claimant's claim and a ~~claimant's~~ claimant's representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and both claims are complete, to the claimant.

(c) If a buyer's claim or a purchasing claimant representative's claim and a claimant's claim or a ~~claimant's~~ claimant's representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~

597-02499-26

20261452c1

department on the same day and the claims are complete, to the buyer.

(d) As between two or more claimant representatives' ~~claimant's representative's~~ claims received by the ~~Division of Unclaimed Property~~ of the department that are complete or made complete on the same day, to the claimant ~~claimant's~~ representative who has agreed to receive the lowest fee. If the two or more claimant ~~claimant's~~ representatives whose claims received by the ~~Division of Unclaimed Property~~ of the department were complete or made complete on the same day are charging the same ~~lowest~~ fee, the fee shall be divided equally between the claimant ~~claimant's~~ representatives.

(e) If more than one buyer's claim received by the ~~Division of Unclaimed Property~~ of the department is complete or made complete on the same day, the department shall remit the abandoned ~~unclaimed~~ property to the buyer who paid the highest amount to the seller. If the buyers paid the same amount to the seller, the department shall remit the abandoned ~~unclaimed~~ property to the buyers divided in equal amounts.

~~(3)(2)~~ The purpose of this section is solely to provide guidance to the department regarding to whom it should remit the abandoned ~~unclaimed~~ property and is not intended to extinguish or affect any private cause of action that any person may have against another person for breach of contract or other statutory or common-law remedy. A buyer's sole remedy, if any, shall be against the claimant ~~claimant's~~ representative or the seller, or both. A claimant ~~claimant's~~ representative's sole remedy, if any, shall be against the buyer or the seller, or both. A claimant's or seller's sole remedy, if any, shall be against the

Page 105 of 140

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

597-02499-26

20261452c1

buyer or the claimant ~~claimant's~~ representative, or both.

Nothing in this section forecloses the right of a person to challenge the department's determination of completeness in a proceeding under ss. 120.569 and 120.57.

~~(4)(3)~~ A claim is complete when entitlement to the abandoned ~~unclaimed~~ property has been established.

Section 55. Subsection (1) of section 717.1242, Florida Statutes, is amended to read:

717.1242 Restatement of jurisdiction of the circuit court sitting in probate and the department.—

(1) It is and has been the intent of the Legislature that, pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of proceedings relating to the settlement of the estates of decedents and other jurisdiction usually pertaining to courts of probate. It is and has been the intent of the Legislature that, pursuant to this chapter, the department determines the merits of claims and entitlement to abandoned ~~unclaimed~~ property paid or delivered to the department under this chapter. Consistent with this legislative intent, any beneficiary, devisee, heir, personal representative, or other interested person, as those terms are defined in the Florida Probate Code and the Florida Trust Code, of an estate seeking to obtain property paid or delivered to the department under this chapter must file a claim with the department as provided in s. 717.124.

Section 56. Subsections (1) and (4) of section 717.1243, Florida Statutes, are amended to read:

717.1243 Small estate accounts.—

(1) A claim for abandoned ~~unclaimed~~ property made by a beneficiary, as defined in s. 731.201, of a deceased owner need

Page 106 of 140

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

597-02499-26

20261452c1

not be accompanied by an order of a probate court if the claimant files with the department an affidavit, signed by all beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid, and any additional information reasonably necessary to make a determination of entitlement. If the owner died testate, the claim shall be accompanied by a copy of the will.

(4) This section applies only if all of the abandoned ~~unclaimed~~ property held by the department on behalf of the owner has an aggregate value of \$20,000 or less and no probate proceeding is pending.

Section 57. Section 717.1244, Florida Statutes, is amended to read:

717.1244 Determinations of abandoned ~~unclaimed~~ property claims.—In rendering a determination regarding the merits of an abandoned ~~unclaimed~~ property claim, the department shall rely on the applicable statutory, regulatory, common, and case law. Agency statements applying the statutory, regulatory, common, and case law to abandoned ~~unclaimed~~ property claims are not agency statements subject to s. 120.56(4).

Section 58. Section 717.1245, Florida Statutes, is amended to read:

717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If any person files a petition for writ of garnishment seeking to obtain property paid or delivered to the department under this chapter, the petitioner shall be ordered to pay the department reasonable costs and attorney ~~attorney's~~ fees in any proceeding

597-02499-26

20261452c1

brought by the department to oppose, appeal, or collaterally attack the petition or writ if the department is the prevailing party in any such proceeding.

Section 59. Subsection (1) of section 717.125, Florida Statutes, is amended to read:

717.125 Claim of another state to recover property; procedure.—

(1) At any time after property has been paid or delivered to the department under this chapter, another state may recover the property if:

(a) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned ~~unclaimed~~ under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment or being unclaimed by that state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under laws of that state the property escheated to or was subject to a claim of abandonment by that state;

597-02499-26

20261452c1

3133 (d) The property was subject to custody by this state under
 3134 s. 717.103(6) and under the laws of the state of domicile of the
 3135 holder the property has escheated to or become subject to a
 3136 claim of abandonment by that state; or

3137 (e) The property is the sum payable on a traveler's check,
 3138 money order, or other similar instrument that was subjected to
 3139 custody by this state under s. 717.104, and the instrument was
 3140 purchased in the other state, and under the laws of that state
 3141 the property escheated to or became subject to a claim of
 3142 abandonment by that state.

3143 Section 60. Subsection (1) of section 717.126, Florida
 3144 Statutes, is amended to read:

3145 717.126 Administrative hearing; burden of proof; proof of
 3146 entitlement; venue.—

3147 (1) Any person aggrieved by a decision of the department
 3148 may petition for a hearing as provided in ss. 120.569 and
 3149 120.57. In any proceeding for determination of a claim to
 3150 property paid or delivered to the department under this chapter,
 3151 the burden shall be upon the claimant to establish entitlement
 3152 to the property by a preponderance of evidence. Having the same
 3153 name as that reported to the department is not sufficient, in
 3154 the absence of other evidence, to prove entitlement to abandoned
 3155 ~~unclaimed~~ property.

3156 Section 61. Section 717.1261, Florida Statutes, is amended
 3157 to read:

3158 717.1261 Death certificates.—Any person who claims
 3159 entitlement to abandoned ~~unclaimed~~ property by means of the
 3160 death of one or more persons shall file a copy of the death
 3161 certificate of the decedent or decedents that has been certified

597-02499-26

20261452c1

3162 as being authentic by the issuing governmental agency.

3163 Section 62. Section 717.1262, Florida Statutes, is amended
 3164 to read:

3165 717.1262 Court documents.—Any person who claims entitlement
 3166 to abandoned ~~unclaimed~~ property by reason of a court document
 3167 shall file a certified copy of the court document with the
 3168 department. A certified copy of each pleading filed with the
 3169 court to obtain a court document establishing entitlement, filed
 3170 within 180 days before the date the claim form was signed by the
 3171 claimant or claimant ~~claimant's~~ representative, must also be
 3172 filed with the department.

3173 Section 63. Section 717.129, Florida Statutes, is amended
 3174 to read:

3175 717.129 Periods of limitation.—

3176 (1) The expiration before or after July 1, 1987, of any
 3177 period of time specified by contract, statute, or court order,
 3178 during which a claim for money or property may be made or during
 3179 which an action or proceeding may be commenced or enforced to
 3180 obtain payment of a claim for money or to recover property, does
 3181 not prevent the money or property from being presumed abandoned
 3182 ~~unclaimed~~ or affect any duty to file a report or to pay or
 3183 deliver abandoned ~~unclaimed~~ property to the department as
 3184 required by this chapter.

3185 (2) The department may not commence an action or proceeding
 3186 to enforce this chapter with respect to the reporting, payment,
 3187 or delivery of property or any other duty of a holder under this
 3188 chapter more than 10 years after the duty arose. The period of
 3189 limitation established under this subsection is tolled by the
 3190 earlier of the department's or audit agent's delivery of a

597-02499-26

20261452c1

notice that a holder is subject to an audit or examination under s. 717.1301 or the holder's written election to enter into an abandoned unclaimed property voluntary disclosure agreement.

Section 64. Subsections (3) and (4) of section 717.1301, Florida Statutes, are amended to read:

717.1301 Investigations; examinations; subpoenas.—

(3) The department may authorize a compliance review of a report for a specified reporting year. The review must be limited to the contents of the report filed, as required by s. 717.117 and subsection (2), and all supporting documents related to the reports. If the review results in a finding of a deficiency in abandoned unclaimed property due and payable to the department, the department shall notify the holder in writing of the amount of deficiency within 1 year after the authorization of the compliance review. If the holder fails to pay the deficiency within 90 days, the department may seek to enforce the assessment under subsection (1). The department is not required to conduct a review under this section before initiating an audit.

(4) Notwithstanding any other provision of law, in a contract providing for the location or collection of abandoned unclaimed property, the department may authorize the contractor to deduct its fees and expenses for services provided under the contract from the abandoned unclaimed property that the contractor has recovered or collected under the contract. The department shall annually report to the Chief Financial Officer the total amount collected or recovered by each contractor during the previous fiscal year and the total fees and expenses deducted by each contractor.

Page 111 of 140

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

597-02499-26

20261452c1

Section 65. Section 717.1315, Florida Statutes, is amended to read:

717.1315 Retention of records by claimant claimant's representatives and buyers of abandoned unclaimed property.—

(1) Every claimant claimant's representative and buyer of abandoned unclaimed property shall keep and use in his or her business such books, accounts, and records of the business conducted under this chapter to enable the department to determine whether such person is complying with this chapter and the rules adopted by the department under this chapter. Every claimant claimant's representative and buyer of abandoned unclaimed property shall preserve such books, accounts, and records, including every Abandoned Unclaimed Property Recovery Agreement or Abandoned Unclaimed Property Purchase Agreement between the owner and such claimant claimant's representative or buyer, for at least 3 years after the date of the initial agreement.

(2) A claimant claimant's representative or buyer of abandoned unclaimed property, operating at two or more places of business in this state, may maintain the books, accounts, and records of all such offices at any one of such offices, or at any other office maintained by such claimant claimant's representative or buyer of abandoned unclaimed property, upon the filing of a written notice with the department designating in the written notice the office at which such records are maintained.

(3) A claimant claimant's representative or buyer of abandoned unclaimed property shall make all books, accounts, and records available at a convenient location in this state upon

Page 112 of 140

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

597-02499-26

20261452c1

request of the department.

Section 66. Subsections (2) and (3) of section 717.132, Florida Statutes, are amended to read:

717.132 Enforcement; cease and desist orders; fines.—

(2) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department may issue and serve upon a person an order to cease and desist and to take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department. For purposes of this subsection, the term "corrective action" includes refunding excessive charges, requiring a person to return abandoned ~~unclaimed~~ property, requiring a holder to remit abandoned ~~unclaimed~~ property, and requiring a holder to correct a report that contains errors or omissions. Any such order shall contain a notice of rights provided by ss. 120.569 and 120.57.

(3) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department or a court of competent jurisdiction may impose fines against any person found to have violated any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department in an amount not to exceed \$2,000 for each violation. All fines collected under this subsection shall be deposited as received in the Abandoned Unclaimed ~~Property~~ Trust Fund.

Section 67. Paragraphs (c), (d), and (j) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), and

597-02499-26

20261452c1

subsection (5) of section 717.1322, Florida Statutes, are amended to read:

717.1322 Administrative and civil enforcement.—

(1) The following acts are violations of this chapter and constitute grounds for an administrative enforcement action by the department in accordance with the requirements of chapter 120 and for civil enforcement by the department in a court of competent jurisdiction:

(c) ~~Fraudulent~~ Misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to the department or to an owner or apparent owner under this chapter, regardless of reliance by or damage to the owner or apparent owner.

(d) ~~Willful~~ Imposition of illegal or excessive charges in any abandoned ~~unclaimed~~ property transaction.

(j) Requesting or receiving compensation for notifying a person of his or her abandoned ~~unclaimed~~ property or assisting another person in filing a claim for abandoned ~~unclaimed~~ property, ~~unless the person is an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493,~~ or entering into, or making a solicitation to enter into, an agreement to file a claim for abandoned ~~unclaimed~~ property owned by another, unless such person is a registered claimant representative ~~registered with the department under this chapter and an attorney licensed to practice law in this state in the regular practice of her or his profession, a Florida-certified public accountant who is acting within the scope of the practice of public accounting as defined in chapter 473, or a private~~

597-02499-26

20261452c1

investigator licensed under chapter 493. This paragraph does not apply to a person who has been granted a durable power of attorney to convey and receive all of the real and personal property of the owner, is the court-appointed guardian of the owner, has been employed as an attorney or qualified representative to contest the department's denial of a claim, or has been employed as an attorney to probate the estate of the owner or an heir or legatee of the owner.

(2) Upon a finding by the department that any person has committed any of the acts set forth in subsection (1), the department may enter an order doing any of the following:

(a) Revoking for a minimum of 5 years or suspending for a maximum of 5 years a registration previously granted under this chapter during which time the registrant may not reapply for a registration under this chapter.

(b) Placing a claimant representative ~~registrant~~ or an applicant for a registration on probation for a period of time and subject to such conditions as the department may specify.

(c) Placing permanent restrictions or conditions upon issuance or maintenance of a registration under this chapter.

(d) Issuing a reprimand.

(e) Imposing an administrative fine not to exceed \$2,000 for each such act.

(f) Prohibiting any person from being a director, officer, agent, employee, or ultimate equitable owner of a 10 percent ~~10 percent~~ or greater interest in an employer of a claimant representative ~~registrant~~.

(3) A claimant ~~claimant's~~ representative is subject to civil enforcement and the disciplinary actions specified in

597-02499-26

20261452c1

subsection (2) for violations of subsection (1) by an agent or employee of the claimant representative's ~~registrant's~~ employer if the claimant ~~claimant's~~ representative knew or should have known that such agent or employee was violating any provision of this chapter.

(4)

(b) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity or repetition of specific offenses, or both. It is the legislative intent that minor violations be distinguished from more serious violations; that such guidelines consider the amount of the claim involved, the complexity of locating the owner, the steps taken to ensure the accuracy of the claim by the person filing the claim, the acts of commission and omission of the claimant ~~ultimate owners~~ in establishing themselves as rightful owners of the funds, the acts of commission or omission of the agent or employee of a claimant representative or its ~~an~~ employer in the filing of the claim, the actual knowledge of the agent, employee, employer, or owner in the filing of the claim, the departure, if any, by the agent or employee from the internal controls and procedures established by the claimant representative or its employer with regard to the filing of a claim, the number of defective claims previously filed by the agent, employee, employer, or owner; that such guidelines provide reasonable and meaningful notice of likely penalties that may be imposed for proscribed conduct; and that such penalties be consistently applied by the department.

(5) The department may seek any appropriate civil legal remedy available to it by filing a civil action in a court of

597-02499-26

20261452c1

competent jurisdiction against any person who has, directly or through a claimant ~~claimant's~~ representative, wrongfully submitted a claim as the ~~ultimate~~ owner of property and improperly received funds from the department in violation of this chapter.

Section 68. Subsections (1) and (3) of section 717.133, Florida Statutes, are amended to read:

717.133 Interstate agreements and cooperation; joint and reciprocal actions with other states.—

(1) The department may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine abandoned ~~unclaimed~~ property that it or another state may be entitled to subject to a claim of custody. The department may require the reporting of information needed to enable compliance with agreements made pursuant to this section and prescribe the form.

(3) At the request of another state, the department may bring an action in the name of the other state in any court of competent jurisdiction to enforce the abandoned ~~unclaimed~~ property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred in bringing the action.

Section 69. Subsection (2) of section 717.1333, Florida Statutes, is amended to read:

717.1333 Evidence; estimations; audit reports and worksheets, investigator reports and worksheets, other related documents.—

(2) If the records of the holder that are available for the

Page 117 of 140

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

597-02499-26

20261452c1

periods subject to this chapter are insufficient to permit the preparation of a report of the abandoned ~~unclaimed~~ property due and owing by a holder, or if the holder fails to provide records after being requested to do so, the amount due to the department may be reasonably estimated.

Section 70. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 717.1341, Florida Statutes, are amended to read:

717.1341 Invalid claims, recovery of property, interest and penalties.—

(1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned ~~unclaimed~~ property that the person is not entitled to receive. Any person who receives, or assists another person to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive is strictly, jointly, personally, and severally liable for the abandoned ~~unclaimed~~ property and shall immediately return the property, or the reasonable value of the property if the property has been damaged or disposed of, to the department plus interest at the rate set in accordance with s. 55.03(1). Assisting another person to receive abandoned ~~unclaimed~~ property includes executing a claim form on the person's behalf.

(2) The department may maintain a civil or administrative action:

(a) To recover abandoned ~~unclaimed~~ property that was paid or remitted to a person who was not entitled to the abandoned ~~unclaimed~~ property or to offset amounts owed to the department against amounts owed to an owner representative;

(b) Against a person who assists another person in receiving, or attempting to receive, abandoned ~~unclaimed~~

Page 118 of 140

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

597-02499-26

20261452c1

property that the person is not entitled to receive; or

(c) Against a person who attempts to receive abandoned ~~unclaimed~~ property that the person is not entitled to receive.

(4) ~~A No person may not shall~~ knowingly file, knowingly conspire to file, or knowingly assist in filing, a claim for abandoned ~~unclaimed~~ property the person is not entitled to receive. Any person who violates this subsection regarding abandoned ~~unclaimed~~ property of an aggregate value:

(a) Greater than \$50,000, commits is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(b) Greater than \$10,000 up to \$50,000, commits is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(c) Greater than \$250 up to \$10,000, commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(d) Greater than \$50 up to \$250, commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; or

(e) Up to \$50, commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 71. Section 717.135, Florida Statutes, is amended to read:

717.135 Recovery agreements and purchase agreements for claims filed by a claimant ~~claimant's~~ representative; fees and costs or total net gain.—

(1) In order to protect the interests of owners of

Page 119 of 140

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

597-02499-26

20261452c1

abandoned ~~unclaimed~~ property, the department shall adopt by rule a form entitled "Abandoned Unclaimed Property Recovery Agreement" and a form entitled "Abandoned Unclaimed Property Purchase Agreement."

(2) The Abandoned Unclaimed Property Recovery Agreement and the Abandoned Unclaimed Property Purchase Agreement must include and disclose all of the following:

(a) The total dollar amount of abandoned ~~unclaimed~~ property accounts claimed or sold.

(b) The total percentage of all authorized fees and costs to be paid to the claimant ~~claimant's~~ representative or the percentage of the value of the property to be paid as net gain to the purchasing claimant ~~claimant's~~ representative.

(c) The total dollar amount to be deducted and received from the claimant as fees and costs by the claimant ~~claimant's~~ representative or the total net dollar amount to be received by the purchasing claimant ~~claimant's~~ representative.

(d) The net dollar amount to be received by the claimant or the seller.

(e) For each account claimed, the abandoned ~~unclaimed~~ property account number.

(f) For the Abandoned Unclaimed Property Purchase Agreement, a statement that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The name, address, e-mail address, phone number, and license number of the claimant ~~claimant's~~ representative.

(h)1. The manual signature of the claimant or seller and the date signed, affixed on the agreement by the claimant or

Page 120 of 140

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

597-02499-26

20261452c1

3481 seller.

3482 2. Notwithstanding any other provision of this chapter to
 3483 the contrary, the department may allow ~~an apparent owner, who is~~
 3484 ~~also~~ the claimant or seller, to sign the agreement
 3485 electronically. All electronic signatures on the Abandoned
 3486 Unclaimed Property Recovery Agreement and the Abandoned
 3487 Unclaimed Property Purchase Agreement must be affixed on the
 3488 agreement by the claimant or seller using the specific,
 3489 exclusive eSignature product and protocol authorized by the
 3490 department.

3491 (i) The social security number or taxpayer identification
 3492 number of the claimant or seller, if a number has been issued to
 3493 the claimant or seller.

3494 (j) The total fees and costs, or the total discount in the
 3495 case of a purchase agreement, which may not exceed 30 percent of
 3496 the claimed amount. In the case of a recovery agreement, if the
 3497 total fees and costs exceed 30 percent, the fees and costs shall
 3498 be reduced to 30 percent and the net balance shall be remitted
 3499 directly by the department to the claimant. In the case of a
 3500 purchase agreement, if the total net gain of the claimant
 3501 ~~claimant's~~ representative exceeds 30 percent, the claim will be
 3502 denied.

3503 (3) For an Abandoned Unclaimed Property Purchase Agreement
 3504 form, proof that the purchaser has made payment must be filed
 3505 with the department along with the claim. If proof of payment is
 3506 not provided, the claim is void.

3507 (4) A claimant ~~claimant's~~ representative must use the
 3508 Abandoned Unclaimed Property Recovery Agreement or the Abandoned
 3509 Unclaimed Property Purchase Agreement as the exclusive means of

597-02499-26

20261452c1

3510 entering into an agreement or a contract with a claimant or
 3511 seller to file a claim with the department.

3512 (5) Fees and costs may be owed or paid to, or received by,
 3513 a claimant ~~claimant's~~ representative only after a filed claim
 3514 has been approved and if the claimant's representative used an
 3515 agreement authorized by this section.

3516 (6) A claimant ~~claimant's~~ representative may not use or
 3517 distribute any other agreement of any type, conveyed by any
 3518 method, with respect to the claimant or seller which relates,
 3519 directly or indirectly, to abandoned unclaimed property accounts
 3520 held by the department or the Chief Financial Officer other than
 3521 the agreements authorized by this section. Any engagement,
 3522 authorization, recovery, or fee agreement that is not authorized
 3523 by this section is void. A claimant ~~claimant's~~ representative is
 3524 subject to administrative and civil enforcement under s.
 3525 717.1322 if he or she uses an agreement that is not authorized
 3526 by this section and if the agreement is used to apply, directly
 3527 or indirectly, to abandoned unclaimed property held by this
 3528 state. This subsection does not prohibit lawful nonagreement,
 3529 noncontractual, or advertising communications between or among
 3530 the parties.

3531 (7) The Abandoned Unclaimed Property Recovery Agreement may
 3532 not contain language that makes the agreement irrevocable or
 3533 that creates an assignment of any portion of abandoned unclaimed
 3534 property held by the department.

3535 (8) When a claim is approved, the department may pay any
 3536 additional account that is owned by the claimant but has not
 3537 been claimed at the time of approval, provided that a subsequent
 3538 claim has not been filed or is not pending for the claimant at

597-02499-26

20261452c1

the time of approval.

(9) This section does not supersede s. 717.1241.

~~(10) This section does not apply to the sale and purchase of Florida-held unclaimed property accounts through a bankruptcy estate representative or other person or entity authorized pursuant to Title XI of the United States Code or an order of a bankruptcy court to act on behalf or for the benefit of the debtor, its creditors, and its bankruptcy estate.~~

Section 72. Section 717.1356, Florida Statutes, is created to read:

717.1356 Purchase of abandoned property.—

(1) Agreements for the purchase of abandoned property reported to the department shall be valid only if all of the following conditions are met:

(a) The agreement is entitled "Florida Abandoned Property Purchase Agreement" and is in writing, in minimum 12-point type.

(b) The agreement includes the social security number or taxpayer identification number of the seller, if a number has been issued to the seller; a valid e-mail address, mailing address, and telephone number for the seller; and is manually signed and dated by the seller with the signature notarized.

(c) The agreement discloses with specificity the nature and value of the abandoned property, including the name of the apparent owner as shown by the records of the department, the name of the holder who remitted the property, the date of last contact, and the property category. With respect to the value of the abandoned property, the agreement must contain the following:

1. The total dollar amount of all abandoned property to be

597-02499-26

20261452c1

sold.

2. The total percentage of the value of the abandoned property to be paid as net gain to the purchaser.

3. The total net dollar amount to be received by the purchaser.

4. The net dollar amount to be received by the seller.

(d) The agreement states the abandoned property account number for each abandoned property account sold.

(e) The purchase price does not discount the total value of all abandoned property subject to the sale by more than 30 percent.

(f) The agreement states that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The agreement includes the name, address, e-mail address, and phone number of the purchaser.

(h) The agreement states that the abandoned property is currently in the department's custody and that the seller can claim the property directly from the department on its electronically searchable website without being charged a fee. The agreement must provide the department's website address.

(2) A seller may cancel a purchase agreement without penalty or obligation within 15 business days after the date on which the agreement was executed. The agreement must contain the following language in minimum 12-point type: "You may cancel this agreement for any reason without penalty or obligation to you within 15 days after the date of this agreement by providing notice to . . . (name of purchaser) . . ., submitted in writing and sent by certified mail, return receipt requested, or other

597-02499-26

20261452c1

form of mailing that provides proof thereof, at the address or e-mail address specified in the agreement."

(3) A copy of an executed Florida Abandoned Property Purchase Agreement must be filed with the purchaser's claim, along with proof that the purchaser has made payment in full, and all other required documentation. If proof of payment is not provided, the department may not approve the claim.

(4) A purchase agreement under this section that discounts the value of abandoned property by more than the amount authorized in paragraph (1)(e) is enforceable only by the seller.

Section 73. Section 717.138, Florida Statutes, is amended to read:

717.138 Rulemaking authority.—The department shall administer and provide for the enforcement of this chapter. The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. The department may adopt rules to allow for electronic filing of fees, forms, and reports required by this chapter. The authority to adopt rules pursuant to this chapter applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported and remitted pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 74. Section 717.1382, Florida Statutes, is amended to read:

717.1382 United States savings bond; abandoned ~~unclaimed~~ property; escheatment; procedure.—

(1) Notwithstanding any other provision of law, a United

597-02499-26

20261452c1

States savings bond in possession of the department or registered to a person with a last known address in the state, including a bond that is lost, stolen, or destroyed, is presumed abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity and no longer earns interest and shall be reported and remitted to the department by the financial institution or other holder in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and (5)~~ and 717.119, if the department is not in possession of the bond.

(2)(a) After a United States savings bond is abandoned ~~and unclaimed~~ in accordance with subsection (1), the department may commence a civil action in a court of competent jurisdiction in Leon County for a determination that the bond shall escheat to the state. Upon determination of escheatment, all property rights to the bond or proceeds from the bond, including all rights, powers, and privileges of survivorship of an owner, co-owner, or beneficiary, shall vest solely in the state.

(b) Service of process by publication may be made on a party in a civil action pursuant to this section. A notice of action shall state the name of any known owner of the bond, the nature of the action or proceeding in short and simple terms, the name of the court in which the action or proceeding is instituted, and an abbreviated title of the case.

(c) The notice of action shall require a person claiming an interest in the bond to file a written defense with the clerk of the court and serve a copy of the defense by the date fixed in the notice. The date must not be less than 28 or more than 60 days after the first publication of the notice.

(d) The notice of action shall be published once a week for

597-02499-26

20261452c1

4 consecutive weeks in a newspaper of general circulation published in Leon County. Proof of publication shall be placed in the court file.

(e)1. If no person files a claim with the court for the bond and if the department has substantially complied with the provisions of this section, the court shall enter a default judgment that the bond, or proceeds from such bond, has escheated to the state.

2. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is not entitled to the bonds claimed by such claimant, the court shall enter a judgment that such bonds, or proceeds from such bonds, have escheated to the state.

3. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is entitled to the bonds claimed by such claimant, the court shall enter a judgment in favor of the claimant.

(3) The department may redeem a United States savings bond escheated to the state pursuant to this section or, in the event that the department is not in possession of the bond, seek to obtain the proceeds from such bond. Proceeds received by the department shall be deposited in accordance with s. 717.123.

Section 75. Section 717.139, Florida Statutes, is amended to read:

717.139 Uniformity of application and construction.—

(1) The Legislature finds that laws governing abandoned property serve a vital public purpose by protecting the property rights of owners, facilitating the return abandoned property to its owners, preventing private escheatment, and ensuring that

597-02499-26

20261452c1

abandoned assets are preserved and safeguarded from waste or misuse. It is the public policy of the state to protect the interests of owners of abandoned ~~unclaimed~~ property. ~~It is declared to be in the best interests of owners of unclaimed property that such owners receive the full amount of any unclaimed property without any fee.~~

(2) This chapter shall be applied and construed as to effectuate its general purpose of protecting the interest of missing owners of abandoned property, while providing that the benefit of all ~~unclaimed and~~ abandoned property shall go to all the people of the state, and to make uniform the law with respect to the subject of this chapter among states enacting it. It is the intent of the Legislature that property reported under this chapter remains the property of the owner and that the State of Florida acts solely as a custodian, not as the owner, of such property. Title to abandoned property may not transfer to the state except as expressly provided by law and only after all reasonable efforts to identify and return the property to its rightful owner have been exhausted.

Section 76. Section 717.1400, Florida Statutes, is amended to read:

717.1400 Registration.—

(1) In order to file claims as a claimant ~~claimant's~~ representative, receive a distribution of fees and costs for approved claims from the department, and obtain information regarding abandoned ~~unclaimed~~ property dollar amounts and numbers of reported shares of stock held by the department, an individual must meet all of the following requirements:

(a) Be one of the following:

597-02499-26

20261452c1

3713 1. A Florida-licensed private investigator holding a Class
 3714 "C" individual license under chapter 493;
 3715 2. A Florida-certified public account; or
 3716 3. A Florida-licensed attorney.
 3717 (b) Have obtained a certificate of registration from Must
 3718 register with the department.
 3719 (2) An application for registration as a claimant
 3720 representative must be submitted in writing on a form prescribed
 3721 by the department and must be accompanied by all of the
 3722 following:
 3723 (a) A legible color copy of the applicant's current driver
 3724 license showing the full name and current address of such
 3725 person. If a current driver license is not available, another
 3726 form of photo identification must be provided which shows the
 3727 full name and current address of such person.
 3728 (b) If the applicant is a private investigator:
 3729 1. on such form as the department prescribes by rule and
 3730 must be verified by the applicant. To register with the
 3731 department, a private investigator must provide:
 3732 (a) A legible copy of the applicant's Class "A" business
 3733 license under chapter 493 or that of the applicant's firm or
 3734 employer which holds a Class "A" business license under chapter
 3735 493; and-
 3736 2. (b) A legible copy of the applicant's Class "C"
 3737 individual license issued under chapter 493.
 3738 (c) If the applicant is a certified public account, the
 3739 applicant's Florida Board of Accountancy number.
 3740 (d) If the applicant is a licensed attorney, the
 3741 applicant's Florida Bar number.

Page 129 of 140

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

597-02499-26

20261452c1

3742 (e)(e) The business address, and telephone number, tax
 3743 identification number, and state of domicile or incorporation of
 3744 the applicant's private investigative firm or employer.
 3745 (f)(d) The names of agents, or employees, or independent
 3746 contractors, if any, who are designated or authorized to act on
 3747 behalf of the applicant private investigator, together with a
 3748 legible color copy of their photo identification issued by an
 3749 agency of the United States, or a state, or a political
 3750 subdivision thereof.
 3751 (g) A statement that the applicant has not, during the 5-
 3752 year period immediately preceding the submission of the
 3753 application, violated any part of the Florida Disposition of
 3754 Abandoned Personal Property Act.
 3755 (h) A statement that the applicant has not been convicted
 3756 of, or plead guilty to, a felony or any offense involving moral
 3757 turpitude; dishonesty; deceit; or breach of fiduciary duty,
 3758 including theft, attempted theft, falsification, tampering with
 3759 records, securing writings by deception, fraud, forgery, or
 3760 perjury.
 3761 (i)(e) Sufficient information to enable the department to
 3762 disburse funds by electronic funds transfer.
 3763 (j) The applicant's notarized signature immediately
 3764 following an acknowledgment that any false or perjured statement
 3765 subjects the applicant to criminal liability under the laws of
 3766 this state
 3767 (f) The tax identification number of the private
 3768 investigator's firm or employer which holds a Class "A" business
 3769 license under chapter 493.
 3770 (2) In order to file claims as a claimant's representative,

Page 130 of 140

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

597-02499-26

20261452c1

3771 ~~receive a distribution of fees and costs from the department,~~
 3772 ~~and obtain unclaimed property dollar amounts and numbers of~~
 3773 ~~reported shares of stock held by the department, a Florida-~~
 3774 ~~certified public accountant must register with the department on~~
 3775 ~~such form as the department prescribes by rule and must be~~
 3776 ~~verified by the applicant. To register with the department, a~~
 3777 ~~Florida-certified public accountant must provide:~~
 3778 ~~(a) The applicant's Florida Board of Accountancy number.~~
 3779 ~~(b) A legible copy of the applicant's current driver~~
 3780 ~~license showing the full name and current address of such~~
 3781 ~~person. If a current driver license is not available, another~~
 3782 ~~form of identification showing the full name and current address~~
 3783 ~~of such person or persons shall be filed with the department.~~
 3784 ~~(c) The business address and telephone number of the~~
 3785 ~~applicant's public accounting firm or employer.~~
 3786 ~~(d) The names of agents or employees, if any, who are~~
 3787 ~~designated to act on behalf of the Florida-certified public~~
 3788 ~~accountant, together with a legible copy of their photo~~
 3789 ~~identification issued by an agency of the United States, or a~~
 3790 ~~state, or a political subdivision thereof.~~
 3791 ~~(e) Sufficient information to enable the department to~~
 3792 ~~disburse funds by electronic funds transfer.~~
 3793 ~~(f) The tax identification number of the accountant's~~
 3794 ~~public accounting firm employer.~~
 3795 ~~(3) In order to file claims as a claimant's representative,~~
 3796 ~~receive a distribution of fees and costs from the department,~~
 3797 ~~and obtain unclaimed property dollar amounts and numbers of~~
 3798 ~~reported shares of stock held by the department, an attorney~~
 3799 ~~licensed to practice in this state must register with the~~

Page 131 of 140

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

597-02499-26

20261452c1

3800 ~~department on such form as the department prescribes by rule and~~
 3801 ~~must be verified by the applicant. To register with the~~
 3802 ~~department, such attorney must provide:~~
 3803 ~~(a) The applicant's Florida Bar number.~~
 3804 ~~(b) A legible copy of the applicant's current driver~~
 3805 ~~license showing the full name and current address of such~~
 3806 ~~person. If a current driver license is not available, another~~
 3807 ~~form of identification showing the full name and current address~~
 3808 ~~of such person or persons shall be filed with the department.~~
 3809 ~~(c) The business address and telephone number of the~~
 3810 ~~applicant's firm or employer.~~
 3811 ~~(d) The names of agents or employees, if any, who are~~
 3812 ~~designated to act on behalf of the attorney, together with a~~
 3813 ~~legible copy of their photo identification issued by an agency~~
 3814 ~~of the United States, or a state, or a political subdivision~~
 3815 ~~thereof.~~
 3816 ~~(e) Sufficient information to enable the department to~~
 3817 ~~disburse funds by electronic funds transfer.~~
 3818 ~~(f) The tax identification number of the attorney's firm or~~
 3819 ~~employer.~~
 3820 ~~(4) Information and documents already on file with the~~
 3821 ~~department before the effective date of this provision need not~~
 3822 ~~be resubmitted in order to complete the registration.~~
 3823 ~~(4)-(5) If a material change in the status of a registration~~
 3824 ~~occurs, the claimant representative a registrant must, within 30~~
 3825 ~~days, provide the department with the updated documentation and~~
 3826 ~~information in writing. Material changes include, but are not~~
 3827 ~~limited to, the following, a designated agent or employee~~
 3828 ~~ceasing to act on behalf of the designating person, a surrender,~~

Page 132 of 140

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

597-02499-26

20261452c1

suspension, or revocation of a license, or a license renewal.

(a) If a designated agent or employee ceases to act on behalf of the person who has designated the agent or employee to act on such person's behalf, the designating person must, within 30 days, inform the department ~~the Division of Unclaimed Property~~ in writing of the termination of agency or employment.

(b) If a registrant surrenders the registrant's license or the license is suspended or revoked, the registrant must, within 30 days, inform the division in writing of the surrender, suspension, or revocation.

(c) If a private investigator's Class "C" individual license under chapter 493 or a private investigator's employer's Class "A" business license under chapter 493 is renewed, the private investigator must provide a copy of the renewed license to the department within 30 days after the receipt of the renewed license by the private investigator or the private investigator's employer.

~~(5)(6)~~ An applicant's claimant representative's A ~~registrant's~~ firm or employer may not have a name that might lead another person to conclude that the claimant representative's ~~registrant's~~ firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. The department shall deny an application for registration or revoke a registration if the applicant's or claimant representative's ~~registrant's~~ firm or employer has a name that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. Names

Page 133 of 140

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

597-02499-26

20261452c1

that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state, include, but are not limited to, the words United States, Florida, state, bureau, division, department, or government.

~~(6)(7)~~ The licensing and other requirements of this section must be maintained as a condition of registration with the department.

(7) To maintain active registration under this section, a claimant representative must file and obtain payment on at least 10 claims per calendar year following the date of initial registration.

(a) If a claimant representative fails to meet this requirement, the department must notify the claimant representative in writing and provide 30 days to demonstrate compliance or good cause for noncompliance.

(b) If the claimant representative does not cure the deficiency or demonstrate good cause within the time provided, the department must revoke the registration.

(c) A claimant representative whose registration is revoked under this subsection may not reapply for registration under this section for a period of 1 year following the effective date of the revocation.

Section 77. Paragraph (a) of subsection (2) of section 197.582, Florida Statutes, is amended to read:

197.582 Disbursement of proceeds of sale.—

(2)(a) If the property is purchased for an amount in excess of the statutory bid of the certificateholder, the surplus must

Page 134 of 140

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

597-02499-26

20261452c1

be paid over and disbursed by the clerk as set forth in subsections (3), (5), and (6). If the opening bid included the homestead assessment pursuant to s. 197.502(6)(c), that amount must be treated as surplus and distributed in the same manner. The clerk shall distribute the surplus to the governmental units for the payment of any lien of record held by a governmental unit against the property, including any tax certificates not incorporated in the tax deed application and omitted taxes, if any. If there remains a balance of undistributed funds, the balance must be retained by the clerk for the benefit of persons described in s. 197.522(1)(a), except those persons described in s. 197.502(4)(h), as their interests may appear. The clerk shall mail notices to such persons notifying them of the funds held for their benefit at the addresses provided in s. 197.502(4). Such notice constitutes compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing notices shall be paid out of the excess balance held by the clerk. Notice must be provided in substantially the following form:

NOTICE OF SURPLUS FUNDS
FROM TAX DEED SALE

CLERK OF COURT
.... COUNTY, FLORIDA

Tax Deed #.....
Certificate #.....
Property Description:

Page 135 of 140

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

597-02499-26

20261452c1

Pursuant to chapter 197, Florida Statutes, the above property was sold at public sale on ...(date of sale)..., and a surplus of \$...(amount)... (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in section 197.502(4)(h), Florida Statutes).

To the extent possible, these funds will be used to satisfy in full each claimant with a senior mortgage or lien in the property before distribution of any funds to any junior mortgage or lien claimant or to the former property owner. To be considered for funds when they are distributed, you must file a notarized statement of claim with this office within 120 days of this notice. If you are a lienholder, your claim must include the particulars of your lien and the amounts currently due. Any lienholder claim that is not filed within the 120-day deadline is barred.

A copy of this notice must be attached to your statement of claim. After the office examines the filed claim statements, it will notify you if you are entitled to any payment.

Dated:

Clerk of Court

Section 78. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition

Page 136 of 140

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

597-02499-26

20261452c1

and unfair or deceptive acts or practices:

(t) *Certain life insurance relations with funeral directors prohibited.*—

1. No life insurer shall permit any funeral director or direct disposer to act as its representative, adjuster, claim agent, special claim agent, or agent for such insurer in soliciting, negotiating, or effecting contracts of life insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts except as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

2. No life insurer shall:

a. Affix, or permit to be affixed, advertising matter of any kind or character of any licensed funeral director or direct disposer to such policies of insurance.

b. Circulate, or permit to be circulated, any such advertising matter with such insurance policies.

c. Attempt in any manner or form to influence policyholders of the insurer to employ the services of any particular licensed funeral director or direct disposer.

3. No such insurer shall maintain, or permit its agent to maintain, an office or place of business in the office, establishment, or place of business of any funeral director or direct disposer in this state.

Section 79. For the purpose of incorporating the amendment made by this act to section 717.101, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 772.13, Florida Statutes, is reenacted to read:

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

Page 137 of 140

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

597-02499-26

20261452c1

(6) (a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08;

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the

Page 138 of 140

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

597-02499-26 20261452c1

possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security entitlements to the Office of Foreign Assets Control of the United States Department of the Treasury, and such financial assets or security entitlements shall be subject to execution, garnishment, and turnover by the United States securities custodian or intermediary; and

5. Notwithstanding s. 670.502(4), when an electronic funds transfer is not completed within 5 banking days and is canceled pursuant to s. 670.211(4) because a United States intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary, then the blocked funds shall be deemed owned by the terrorist party or its agency or instrumentality and shall be subject to execution and garnishment.

Page 139 of 140

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

597-02499-26 20261452c1

4032 Section 80. This act shall take effect upon becoming a law.

Page 140 of 140

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1510

INTRODUCER: Environment and Natural Resources Committee and Senator Massullo

SUBJECT: Department of Environmental Protection

DATE: February 24, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1510 amends laws that govern the Acquisition and Restoration Council, septic system and wastewater restrictions, basin management action plans, the Sea Level Rise Resilience Plan, the Environmental Regulation Commission, and air pollution permitting.

Regarding the Acquisition and Restoration Council (ARC), the bill adds two new members. Additionally, the bill directs the ARC to administer the Florida Communities Trust to improve consistency and effectiveness in conservation-focused land acquisition and resource stewardship.

Regarding onsite sewage treatment and disposal systems (septic systems), the bill:

- Removes a requirement that owners of residential properties within the Indian River Lagoon Protection program over ten acres must connect to sewer or upgrade their septic system.
- Allows a septic system remediation plan to require conventional septic system upgrades where central sewerage is unavailable for certain properties.
- Requires the Department of Environmental Protection (DEP) to notify new owners of a property with a septic system of certain applicable requirements.
- Requires notice to a person receiving ownership of a property with a septic system that the property is subject to septic system regulations, providing documents, and stating the location of the septic system.

Regarding BMAPs, the bill provides a 60-day waiting period before an approved BMAP is effective. The bill allows the installation of distributed wastewater treatment systems on lots of

one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan if a sewer system is unavailable.

Regarding the Statewide Flooding and Sea Level Rise Resilience Plan, the bill provides that municipalities and counties that are rural communities will not need a minimum 50 percent cost share for projects in the plan.

Regarding the Environmental Regulation Commission (ERC), the bill repeals provisions establishing the ERC and removes all references to the ERC in statute.

Regarding air pollution permitting, the bill extends the due date for annual operating permits for major sources of air pollution.

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

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

II. Present Situation:

The Environmental Regulation Commission

The Environmental Regulation Commission (ERC) is a non-salaried, seven-member board created by the Legislature within the Florida Department of Environmental Protection (DEP).¹ The ERC is responsible for setting statutorily specified air and water quality standards by evaluating their scientific and technical validity, economic impacts, and risks and benefits to the public and Florida's natural resources.² The ERC's members are selected by the Governor and confirmed by the Senate.³ They must be representative of:

- Agriculture;
- The development industry;
- Local government;
- The environmental community;
- Residents; and
- Members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental science, or engineering.⁴

The DEP must conduct a study of the economic and environmental impact of any proposed standard that would be stricter or more stringent than one set by federal law or regulation.⁵ The study must be submitted to the ERC, which must initially adopt the standard and submit it to the

¹ Florida Department of Environmental Protection (DEP), *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Jan. 23, 2026).

² *Id.*; section 403.804(1), F.S. The ERC does not establish DEP policies, priorities, plans, or directives. It may adopt procedural rules governing its meetings and hearings.

³ DEP, *Environmental Regulation Commission*; section 20.255(6), F.S.

⁴ *Id.*

⁵ Section 403.804(2), F.S.

Governor and Cabinet. The Governor and Cabinet must take final action and must accept, reject, modify, or remand the standard for further proceedings within 60 days of the submission.⁶ The ERC was created in statute in 1975.⁷ It was established 35 years before the legislative rule ratification requirement, which requires legislative approval of rules that have adverse economic impacts or high regulatory costs.⁸ In the past 10 years, the ERC has met four times: once in 2016, 2017, 2024, and 2025.⁹

Acquisition and Restoration Council

The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁰ The ARC's members are composed of:

- The Secretary of Environmental Protection (or designee);
- The director of the Florida Forest Service (or designee);
- The executive director of the Fish and Wildlife Conservation Commission (or designee);
- The director of the Division of Historical Resources (or designee);
- One member appointed by Commissioner of Agriculture;
- One member appointed by the Fish and Wildlife Conservation Commission; and
- Four members appointed by the Governor.¹¹

Of the Governor's four appointees, three must be from scientific disciplines related to land, water, or environmental sciences and one must have at least five years of experience managing lands for both active and passive types of recreation.¹² The appointees serve four-year staggered terms and may not serve for more than six years.¹³

The ARC's recommendations must be approved by the Board of Trustees of the Internal Improvement Trust Fund.¹⁴

Florida Communities Trust

The Florida Communities Trust (Trust) is a state-funded land acquisition program that was created within the DEP in 1989 to help local communities protect natural resources, provide

⁶ *Id.*

⁷ Chapter 75-22, Laws of Fla.; section 403.804, F.S.

⁸ Chapter 2010-279, Laws of Fla.; section 120.541(3), F.S.

⁹ DEP, *Environmental Regulation Commission Agenda* (2016), available at https://floridadep.gov/sites/default/files/ERC_Agenda_July.pdf; DEP, *ERC Meeting*, <https://floridadep.gov/ogc/ogc/content/7319-erc-meeting> (last visited Jan. 26, 2026); DEP, *The Environmental Regulation Commission Meeting*, <https://floridadep.gov/water/water/content/42188-environmental-regulation-commission-meeting> (last visited Jan. 26, 2026); and DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Jan. 26, 2026).

¹⁰ DEP, *2024 Florida Forever Plan*, 1 (2024), available at <https://floridadep.gov/lands/environmental-services/content/2024-florida-forever-plan>; section 259.035(3), F.S.

¹¹ Section 259.035(1), F.S.

¹² Section 259.035(1)(a), F.S.

¹³ *Id.*

¹⁴ Section 259.035(6), F.S.

recreational opportunities, preserve traditional working waterfronts, ensure beach access, protect historical and cultural resources, and provide clean air and drinking water.¹⁵

The Legislature created the Trust to help local governments bring local comprehensive plans into compliance and to implement comprehensive plan goals, objectives, and policies concerning conservation, recreation and open space, and coastal elements.¹⁶ It also created the Trust to assist local governments in conserving natural resources and resolving land use conflicts by:

- Responding promptly and creatively to opportunities to correct undesirable development patterns, restore degraded natural areas, enhance resource values, restore and preserve urban and working waterfronts, reserve lands for later purchase, participate in and promote the use of innovative land acquisition methods, and provide public access to surface waters;
- Providing financial and technical assistance to local governments, state agencies, and nonprofit organizations to carry out projects and activities and to develop authorized programs; and
- Involving local governments and private interests in voluntarily resolving land use conflicts and issues.¹⁷

The Trust consists of the Secretary of the DEP and four members of the public who are appointed by the Governor and are subject to Senate confirmation. Members must include a former elected official of a county government, a former elected official of a metropolitan¹⁸ municipal government, a representative of a nonprofit organization,¹⁹ and a representative of the development industry. The Governor must make appointments upon the expiration of any current terms or within 60 days after the effective date of a member's resignation.

Governor-appointed governing body members serve four-year terms.²⁰ Members receive no compensation for their services, but are entitled to necessary expenses, including per diem and travel expenses, incurred in the discharge of their duties.²¹

The Trust has the power to:

- Make and execute contracts and other instruments that are necessary or convenient to exercise its powers.
- Undertake, coordinate, or fund activities and projects including, but not limited to:
 - Redevelopment projects,
 - Resource enhancement projects,
 - Public access projects,
 - Urban waterfront restoration projects,

¹⁵ DEP, *The Florida Communities Trust*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust> (last visited Jan. 22, 2026); Section 380.504(1), F.S. The Florida Communities Trust is a nonregulatory state agency.

¹⁶ Section 380.502(3), F.S.

¹⁷ *Id.*

¹⁸ “Metropolitan” is defined as an area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs. Section 380.503(4), F.S.

¹⁹ A “nonprofit organization” is defined as any private nonprofit organization, existing under the provisions of s. 501(c)(3) of the U.S. Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection of the environment.

²⁰ Section 380.504(2), F.S.

²¹ Section 380.504(3), F.S.

- Site reservation,
- Urban greenways and open space projects, and
- Working waterfronts.
- Provide technical and financial assistance to local governments, state agencies, water management districts, regional planning councils, and nonprofit agencies.
- Acquire and dispose of real and personal property or any interest therein to protect the natural environment, provide public access or recreational facilities, preserve wildlife habitat, and provide access for managing acquired lands.
- Acquire interests in land through land exchanges and enter into all alternatives to the acquisition of fee interests in land.
- Award grants and make loans to local governments and nonprofit organizations.
- Provide grants or loans for approved projects.
- Undertake, or authorize a nonprofit organization to undertake, a project or activity that a local government is unable to undertake.
- Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement.
- Contract for and accept gifts, grants, loans, or other aid, including gifts of real property or any interest in real property.
- Adopt rules.
- Contract with private consultants and nonprofit organizations for professional and technical assistance and advice.
- Make and execute agreements, contracts, and other instruments that are necessary or convenient in the exercise of the powers and functions of the Trust.
- Conduct promotional campaigns, including advertising, for the sale of communities trust license plates.²²
- Administer the working waterfronts land acquisition program.²³

Since its inception in 1989, the Trust has facilitated the acquisition of over 96,987 acres of lands for conservation and local recreation opportunities.²⁴

Impaired Waters

Under section 303(d) of the federal Clean Water Act, states must establish water quality standards for waters within their borders and develop a list of impaired waters that do not meet the established water quality standards.²⁵ States must also develop a list of threatened waters that may not meet water quality standards in the following reporting cycle.²⁶

²² Section 380.507, F.S.

²³ Section 380.5105(1), F.S.

²⁴ DEP, *The Florida Communities Trust*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust> (last visited Jan. 22, 2026).

²⁵ EPA, *Overview of Identifying and Restoring Impaired Waters under Section 303(d) of the CWA*, <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa> (last visited Jan. 23, 2026); 40 C.F.R. 130.7.

²⁶ *Id.*

The DEP sorted those waters into 29 major watersheds, or basins, and further organized them into five basin groups for assessment purposes.²⁷ If the DEP determines that any waters are impaired, the waterbody must be placed on the verified list of impaired waters and a total maximum daily load (TMDL) must be calculated.²⁸ A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.²⁹ A waterbody may be removed from the verified list at any time during the TMDL process if it attains water quality standards.³⁰

Basin Management Action Plans

Basin management action plans (BMAPs) are one of the primary mechanisms the DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,³¹ for a watershed.

The DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody.³² First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole or to each identified point source or category of nonpoint sources. Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations.³³

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by implementing appropriate best management practices or conducting water quality monitoring.³⁴ A nonpoint source discharger in a BMAP area may be subject to enforcement action by the DEP or a water management district for failure to implement these requirements.³⁵

BMAPs must include five-year milestones for implementation and water quality improvement and an associated water quality monitoring component to evaluate the progress of pollutant load reductions.³⁶ Every five years an assessment of progress toward these milestones must be conducted and the appropriate revisions may be made to the BMAP.³⁷

²⁷ DEP, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Jan. 23, 2026).

²⁸ *Id.*; DEP, *Watershed Evaluation and Total Maximum Daily Loads (TMDL) Section*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Jan. 23, 2026); DEP, *Verified List Waterbody Ids (WBIDs)*, <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited Jan. 23, 2026); section 403.067(4), F.S.

²⁹ Section 403.067(6)(a), F.S. *See also* The Clean Water Act, 33 U.S.C. § 1251, s. 303(d).

³⁰ Section 403.067(5), F.S.

³¹ “Point source” is defined as any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are sources of pollution that are not point sources. Fla. Admin. Code R. 62-620.200(37).

³² Section 403.067(7)(b)2.h., F.S.

³³ *Id.*

³⁴ Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

³⁵ Section 403.067(7)(b)2.h., F.S.

³⁶ Section 403.067(7)(a)6., F.S.

³⁷ *Id.*

Each BMAP must also include:

- The management strategies available through existing water quality protection programs to achieve TMDLs;
- A description of best management practices adopted by rule;
- For the applicable five-year implementation milestones, a list of projects that will achieve the pollutant load reductions needed to meet a TMDL or other established load allocations, including a planning-level cost estimate and an estimated date of completion;
- A list of regional nutrient reduction projects submitted by the Department of Agriculture and Consumer Services which will achieve pollutant load reductions established for agricultural nonpoint sources;³⁸
- The source and amount of financial assistance that will be made available; and
- A planning-level estimate of each project's expected load reduction, if applicable.³⁹

Indian River Lagoon Protection Program

The Indian River Lagoon is a critical water resource that provides many economic, natural habitat, and biodiversity functions, including fishing, boating, recreation, and habitat for endangered and threatened species and other plants and animals.⁴⁰

The Indian River Lagoon Protection Program was created in 2023 to provide additional requirements, projects, and water quality monitoring to further the efforts identified in the Banana River Lagoon BMAP, the Central Indian River Lagoon BMAP, the North Indian River Lagoon BMAP, and the Mosquito Lagoon Reasonable Assurance Plan, which are all components of the Indian River Lagoon Protection Program.⁴¹

Pursuant to the Indian River Lagoon Protection Program, the installation of new onsite sewage treatment and disposal system (septic systems) is prohibited within the program area where a publicly-owned or investor-owned sewerage system is available.⁴² If central sewerage is unavailable, only enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized for installation. By July 1, 2030, any commercial or residential property within the program area must be connected to an available central sewer or upgrade septic systems to the specified standards.⁴³

Outstanding Florida Springs

In 2016, the Florida Legislature enacted the Florida Springs and Aquifer Protection Act and identified 30 Outstanding Florida Springs that require additional protections to ensure their conservation and restoration for future generations.⁴⁴ These springs are a unique part of the state's scenic beauty, provide critical habitat, and have immeasurable natural, recreational, and

³⁸ This is required only where agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges or DEP determines that additional measures are necessary to achieve a TMDL. Section 403.067(7)(e)1., F.S.

³⁹ Section 403.067(7)(a)4., F.S.

⁴⁰ See section 373.469, F.S.

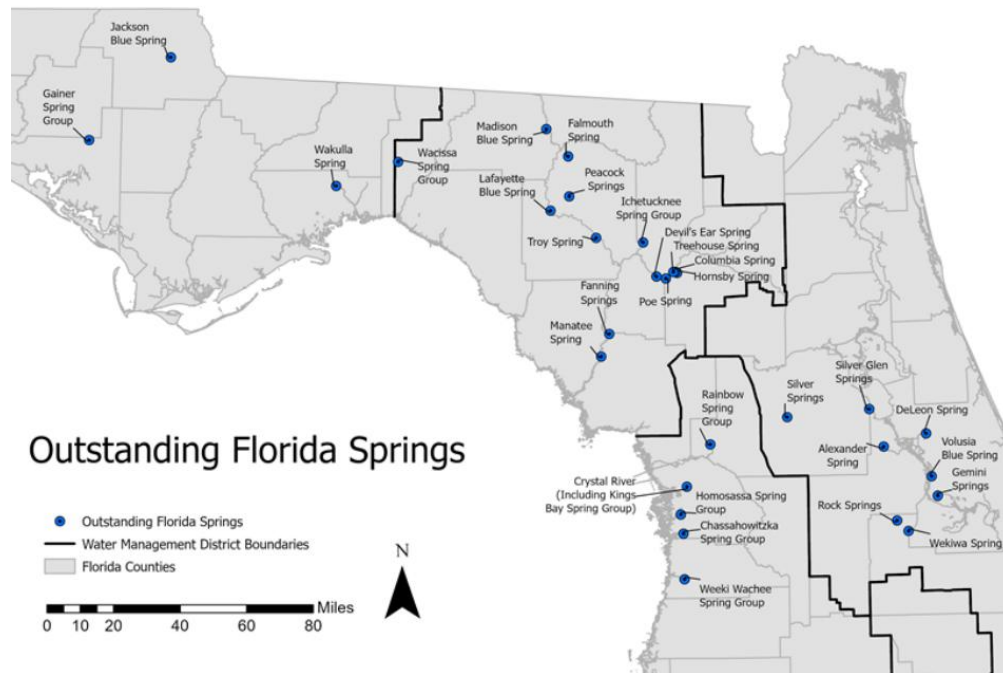
⁴¹ Section 373.469(3), F.S.; chapter 2023-196, Laws of Fla.

⁴² Section 373.469(3)(d), F.S.

⁴³ *Id.*

⁴⁴ DEP, *Spring*s, <https://floridadep.gov/springs/> (last visited Jan. 23, 2026).

economic value.⁴⁵ Outstanding Florida Springs are defined by statute and include all historic first magnitude springs, including their associated spring runs, as determined by the DEP using the most recent Florida Geological Survey springs bulletin, and several additional enumerated springs.⁴⁶ There are 30 Outstanding Florida Springs, including 24 historic first magnitude springs and six named additional springs.⁴⁷



For areas within a BMAP in effect for an Outstanding Florida Spring, the following activities are prohibited:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a TMDL for the Outstanding Florida Spring.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of one acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.

⁴⁵ DEP, *Protect and Restore Springs*, <https://floridadep.gov/springs/protect-restore> (last visited Jan. 23, 2026); Ch. 2016-1, s. 22, Laws of Fla.

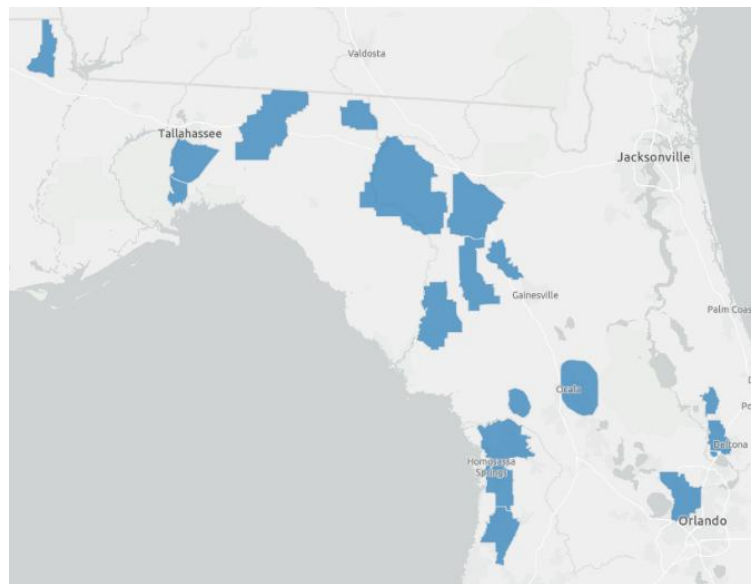
⁴⁶ Section 373.802(4), F.S.

⁴⁷ DEP, *Outstanding Florida Springs*, <https://geodata.dep.state.fl.us/datasets/outstanding-florida-springs-ofs/about?layer=1> (last visited Jan. 23, 2026). The 30 Outstanding Florida Springs are Alexander Spring, Chassahowitzka Springs Group, Columbia Spring, Crystal River, DeLeon Spring, Devil's Ear Spring, Falmouth Spring, Fanning Springs, Gainer Spring Group, Gemini Springs, Homosassa Spring Group, Hornsby Spring, Ichetucknee Spring Group, Jackson Blue Spring, Lafayette Blue Spring, Madison Blue Spring, Manatee Spring, Peacock Springs, Poe Spring, Rainbow Spring Group, Rock Springs, Silver Glen Springs, Silver Springs, Treehouse Spring, Troy Spring, Volusia Blue Spring, Wacissa Spring Group, Wakulla Spring, Weeki Wachee Springs Group, and Wekiwa Spring. DEP, *62-41.400-403, F.A.C. Outstanding Florida Springs Rule Development Workshop*, 5 (2023), available at https://floridadep.gov/sites/default/files/OFS_Workshop_Aug-28-2023_0.pdf (showing map of Outstanding Florida Springs).

- New hazardous waste disposal facilities.
- Land application of Class A or Class B domestic wastewater biosolids⁴⁸ not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.
- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a water management district or the DEP.

During the development of a BMAP for an Outstanding Florida Spring, if the DEP determines that septic systems are contributing at least 20 percent of nonpoint source nitrogen pollution, or if the DEP determines remediation is necessary to achieve the TMDL, the BMAP must include a septic system remediation plan.⁴⁹

The DEP is required to collaborate with the water management districts to delineate priority focus areas for each Outstanding Florida Spring or group of springs that contains one or more Outstanding Florida Spring and is impaired.⁵⁰ In delineating these areas, the DEP must consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to spring degradation.⁵¹ The image to the right shows the location and boundaries of the current priority focus areas.⁵²



Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (septic systems) generally consist of two basic parts: the septic tank and the drainfield.⁵³ Waste from toilets, sinks, washing machines, and

⁴⁸ Biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. Section 373.4595(2)(b), F.S. DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids. These classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest. Fla. Admin. Code R. 62-640.200; DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 14, 2026).

⁴⁹ Section 373.807(1)(a) and (3), F.S.

⁵⁰ Section 373.803, F.S.

⁵¹ *Id.*

⁵² DEP Geospatial Open Data, *Springs Priority Focus Areas*, <https://geodata.dep.state.fl.us/datasets/FDEP::springs-priority-focus-areas/explore?location=29.509410%2C-82.973290%2C7.11> (last visited Jan. 23, 2026).

⁵³ DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 12, 2026); U.S. Environmental Protection Agency (EPA), *How Septic Systems Work*, <https://www.epa.gov/septic/how-septic-systems-work> (last visited Jan. 12, 2026).

showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also filters the wastewater as gravity draws the water down through the soil layers.⁵⁴ In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.⁵⁵

There are an estimated 2.6 million septic systems in Florida, providing wastewater disposal for 30 percent of the state's population.⁵⁶ The vast majority of these are conventional systems.⁵⁷



Conventional septic systems do not reduce nitrogen from raw sewage. In Florida, approximately 30 to 40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.⁵⁸ This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from septic systems a potential contaminant in groundwater.⁵⁹

Aerobic treatment units are an alternative to conventional septic systems for smaller lots or areas where the soil condition is inadequate, the water table is high, or the septic system will be close

12, 2026); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Jan. 12, 2026) (showing the graphic provided on the following page).

⁵⁴ *Id.*

⁵⁵ Fla. Admin. Code R. 62-6.006(2). For system repairs and alterations to add sewage flow, where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield must be maintained at the existing separation or a minimum of 12 inches above the wet season high water table, whichever is greater. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield must be brought into full compliance with all new system standards. Fla. Admin. Code R. and 62-6.001(4)(e)2. and 3. *See also* Fla. Admin. Code R. 62-6.015(6)(a).

⁵⁶ DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems> (last visited Jan. 12, 2026).

⁵⁷ DEP, *Onsite Sewage Research Projects*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects> (last visited Jan. 12, 2026).

⁵⁸ Florida Department of Health, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 21 (Dec. 2015), available at <https://wakullaspringsalliance.org/wp-content/uploads/2016/11/Fla-OSTDS-N-Reduction-Strategies.DOH2015.pdf>; *See* Fla. Admin. Code R. 64E-6.006(2).

⁵⁹ University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (2020), available at <http://edis.ifas.ufl.edu/pdf/SS/SS55000.pdf>.

to an environmentally sensitive water body.⁶⁰ Aerobic systems use processes that are similar to municipal sewage plants. The system injects oxygen into the treatment tank, which increases the activity of natural bacteria to provide additional treatment of the effluent.⁶¹

Different types of advanced septic systems can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “nutrient-reducing” septic systems),⁶² and may be required in certain areas. For example, enhanced nutrient-reducing septic systems⁶³ are required for new systems within the Indian River Lagoon⁶⁴ and on lots of one acre or less within a BMAP, reasonable assurance plan, or pollution reduction plan where a sewerage system is not available.⁶⁵ There are also special treatment requirements for the Florida Keys.⁶⁶ In addition, performance-based treatment systems⁶⁷ must meet specific treatment standards.⁶⁸

Septic System Permits

State law requires a person to receive an approved⁶⁹ permit to construct, repair, modify, abandon, or operate a septic system.⁷⁰ Once received, a permit to construct a septic system is valid for 18 months after it is issued, although one 90-day extension is available. A permit to repair a septic system is valid for 90 days after it is issued.⁷¹

⁶⁰ EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems#aerobic> (last visited Jan. 26, 2026).

⁶¹ *Id.*

⁶² DEP, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), available at https://floridadep.gov/sites/default/files/Nitrogen_Reducing_Systems_for%20Springs_Protection_0.pdf.

⁶³ “Enhanced nutrient-reducing OSTDS” means a septic system approved by DEP as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from onsite sewage tank or tanks and drainfield. Section 373.469(2)(b), F.S.

⁶⁴ See section 373.469(3)(d), F.S.

⁶⁵ Sections 373.811(2) and 403.067(7)(a)10., F.S.

⁶⁶ Section 381.0065(4)(l), F.S.

⁶⁷ “Performance-based treatment system” means a specialized septic systems designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD5 (carbonaceous biochemical oxygen demand after five days), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), or fecal coliform found in domestic or commercial sewage waste, to a specific and measurable established performance standard. Fla. Admin. Code R. 62-6.025(7). If a site restricts home construction because of setbacks or authorized sewage flow, a system can be designed by an engineer to meet strict levels of effluent pollutant reductions. The three levels of performance-based treatment systems are secondary treatment, advanced secondary treatment, and advanced wastewater treatment.

⁶⁸ See Fla. Admin. Code R. 62-6.025(11).

⁶⁹ The transfer of the Onsite Sewage Program from the Florida Department of Health to DEP was initiated in 2020 with the passage of SB 712. The first phase of the transition has been implemented, meaning that DEP is currently responsible for permitting septic tanks in Northwest Florida (including Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington counties) and Marion County. In the other counties, septic system permits are issued by the Environmental Public Health Program of the Florida Department of Health’s local county health department. DEP, *Onsite Sewage FAQ – Permitting*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Jan. 27, 2026).

⁷⁰ Section 381.0065(4), F.S. DEP may issue septic system permits, except that the issuance of a permit to work seaward of the coastal construction control line is contingent upon receipt of any required coastal construction control line permit from DEP.

⁷¹ *Id.*

A property owner who personally performs construction, maintenance, or repairs to a septic system serving their own owner-occupied, single-family residence does not have to be registered as a septic tank contractor;⁷² however, they will be subject to all permitting requirements.⁷³

State law prohibits a municipality or political subdivision of the state from issuing a building or plumbing permit for any building that requires the use of a septic system, unless the owner or builder has received a construction permit for the septic system.⁷⁴

An operating permit is required for the use of an aerobic treatment unit system or if the establishment generates commercial waste.⁷⁵ An operating permit for a commercial wastewater system is valid for one year and must be annually renewed. An operating permit for an aerobic treatment unit is valid for two years and must be renewed every two years.⁷⁶ An operating permit for a performance-based treatment system must also be renewed every two years.⁷⁷

The DEP must inspect a septic system before placing it system into service⁷⁸ and must approve the final installation before a building or structure may be occupied.⁷⁹ If certain alterations⁸⁰ are made, septic tanks must be pumped and visually inspected.⁸¹ If an existing septic system was approved within the preceding five years, a new inspection is not required unless there is a record of system failure.⁸² Septic system repairs must be inspected by the DEP or a master septic tank contractor.⁸³ Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by the DEP at least annually.⁸⁴

The DEP is required to regulate and permit maintenance entities for performance-based systems and aerobic treatment unit systems.⁸⁵ The DEP must establish minimum qualifying criteria for maintenance entities to ensure that these performance-based and aerobic treatment unit systems are maintained and operated according to the manufacturer's specifications.⁸⁶ The owner of an engineer-designed performance-based system or an aerobic treatment unit system must maintain a current maintenance service agreement with a maintenance entity, which must inspect each system twice a year and submit a quarterly report to the DEP regarding the number of systems inspected and serviced.⁸⁷

⁷² See chapter 489, part III, F.S., relating to septic tank contracting.

⁷³ Section 381.0065(4), F.S.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Section 381.0065(4)(j)5., F.S.

⁷⁸ Fla. Admin. Code R. 62-6.003(2).

⁷⁹ Section 381.0065(4), F.S.

⁸⁰ This includes alterations that change the conditions under which the system was permitted, sewage characteristics, or increase sewage flow. DEP approval is required prior to such alterations. Fla. Admin. Code R. 62-6.001(4), F.S.

⁸¹ Fla. Admin. Code R. 62-6.001(4)(b).

⁸² Fla. Admin. Code R. 62-6.001(4)(c).

⁸³ Fla. Admin. Code R. 62-6.003(3).

⁸⁴ Section 381.0065(4), F.S.

⁸⁵ Section 381.0065(3)(n), F.S.

⁸⁶ *Id.*

⁸⁷ Section 381.0065(4)(j)3., F.S. (performance-based system requirement); section 381.0065(4)(t)1., F.S. (aerobic treatment unit system requirement).

Any permit issued for the installation, modification, or repair of a septic system will transfer with the title to the property in a real estate transaction.⁸⁸ For the transfer of a construction or repair permit, all information pertaining to the siting, location, and installation conditions or repair must remain the same and the transferee must file an amended application providing updated information and proof of property ownership.⁸⁹ The transferee must file the amended application within 60 days of the transfer of ownership.⁹⁰ There is no fee associated with processing this information.⁹¹

Domestic Wastewater Treatment Facilities

The majority of the state's wastewater is controlled and treated by centralized treatment facilities regulated by the DEP.⁹² Florida has approximately 2,000 permitted domestic wastewater treatment facilities.⁹³

Wastewater treatment facilities are required to provide secondary treatment prior to reuse or disposal.⁹⁴ Such treatment requires that carbonaceous biochemical oxygen demand and total suspended solids not exceed specific levels based on the method of disposal (i.e., surface water disposal, reuse, land application, or groundwater discharge).⁹⁵

⁸⁸ Section 381.0065(4)(v), F.S.

⁸⁹ Section 381.0065(4), F.S.

⁹⁰ *Id.*

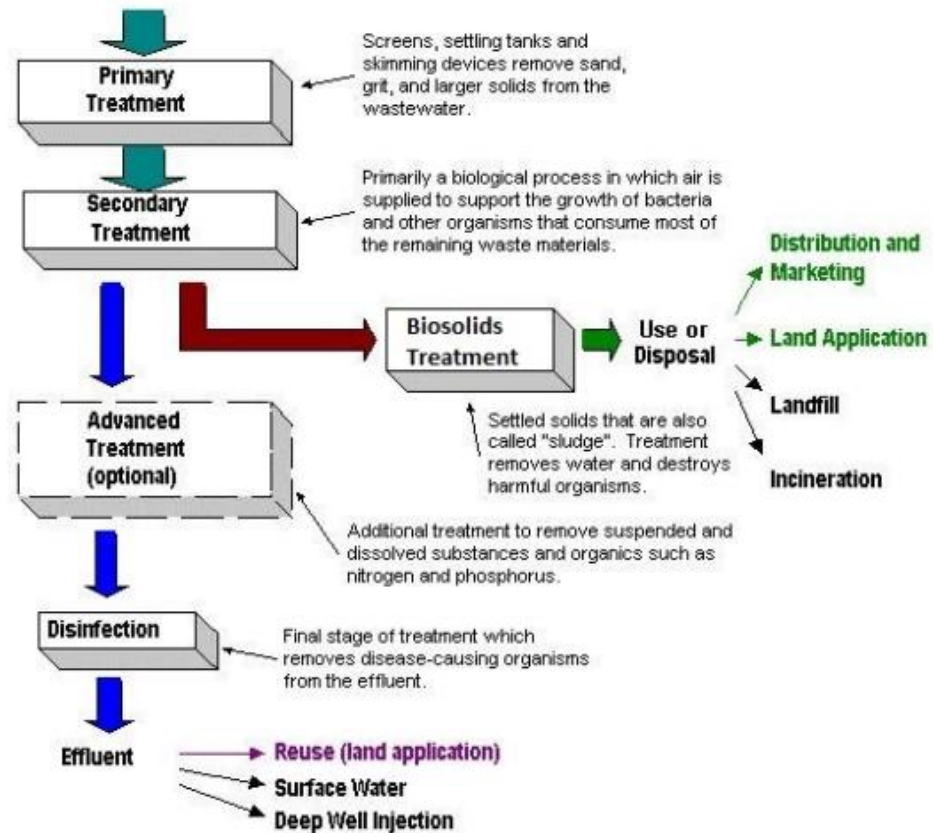
⁹¹ *Id.*

⁹² DEP, *Domestic Wastewater Program*, <https://floridadep.gov/water/domestic-wastewater> (last visited Jan. 22, 2026).

⁹³ DEP, *General Facts and Statistics about Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Jan. 22, 2026).

⁹⁴ Sections 403.086(1)(a) and (2), F.S.; Fla. Admin. Code R. 62-600.420.

⁹⁵ Carbonaceous biochemical oxygen demand (or CBOD5) is the quantity of oxygen used in the carbonaceous biochemical oxidation of organic matter present in water or wastewater, reported as a five-day value determined using approved methods. Fla. Admin. Code R. 62-600.200(8).



For example, for land application or groundwater discharge, the annual average of carbonaceous biochemical oxygen demand and total suspended solids may not exceed 20.0 milligrams per liter (mg/L), and the maximum-permissible concentration in any single sample may not exceed 60.0 mg/L.⁹⁶

Advanced waste treatment is required before discharging into certain impaired waterbodies.⁹⁷ The DEP may also order advanced waste treatment if necessary.⁹⁸ Advanced waste treatment provides a reclaimed water product containing no more than the following concentrations of pollutants:

- 5 mg/L of Biochemical Oxygen Demand;
- 5 mg/L of Suspended Solids;
- 3 mg/L of total nitrogen; and
- 1 mg/L of total phosphorous.⁹⁹

⁹⁶ Fla. Admin. Code R. 62-600.420(3).

⁹⁷ Section 403.086(1)(c), F.S.

⁹⁸ Section 403.086(1)(a), F.S.

⁹⁹ Section 403.086(4)(a), F.S. This statute defines the term “advanced waste treatment,” rather than “advanced wastewater treatment.” However, the term is used in the context of wastewater treatment and appears to refer to the treatment of wastewater.

Facilities may be required to provide additional treatment to satisfy water quality standards for receiving surface and ground waters.¹⁰⁰ Systems within Monroe County are subject to different treatment requirements.¹⁰¹

Distributed Wastewater Treatment Systems

Distributed wastewater treatment systems consist of separate distributed wastewater treatment units that are in different geographical locations but are linked to a central system either physically or by management.¹⁰² The design of distributed wastewater treatment units varies based on manufacturer and setting (residential, commercial, or industrial).

Distributed wastewater treatment units are currently permitted and regulated as domestic wastewater treatment facilities under ch. 403, F.S., and chs. 62-600 and 62-620 of the Florida Administrative Code.¹⁰³

Statewide Flooding and Sea Level Rise Resilience Plan

The Statewide Flooding and Sea Level Rise Resilience Plan is a three-year plan consisting of ranked projects that address risks of flooding and sea level rise to coastal and inland communities in the state.¹⁰⁴ Local governments, certain local districts, and water management districts may submit projects for funding.¹⁰⁵

Each project included in the plan must have a minimum 50 percent cost share, unless the project assists a community eligible for a reduced cost share or is located within a community eligible for a reduced cost share.¹⁰⁶ The total amount of funding proposed for each year of the plan may not be less than \$100 million.¹⁰⁷ The Legislature must review and, subject to appropriation, approve funding.¹⁰⁸

Rural Communities

Florida law defines a rural community as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer;
- A municipality within a county described above; and

¹⁰⁰ Fla. Admin. Code R. 62-600.430. DEP, *Domestic Wastewater Treatment Process*, available at <https://floridadep.gov/water/domestic-wastewater/documents/domestic-wastewater-treatment-process> (showing flowchart of wastewater treatment process).

¹⁰¹ Section 403.086(11), F.S.

¹⁰² See EPA, Water Environment Foundation, and The Water Research Foundation, *Distributed Systems Overview*, 1 (2019), available at https://www.wef.org/globalassets/assets-wef/2-resources/topics/a-n/distributed-systems/technical-resources/wsec-2019-fs-012-wef_wrf_distributed_systems_overview.pdf.

¹⁰³ See Email from DEP to Senate Committee on Environment and Natural Resources on Oct. 4, 2024 (on file with committee staff).

¹⁰⁴ Section 380.093(5)(a), F.S.

¹⁰⁵ Section 380.093(5)(a), F.S.

¹⁰⁶ Section 380.093(5)(e), F.S.

¹⁰⁷ Section 380.093(5)(h), F.S.

¹⁰⁸ *Id.*

- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural that has at least three or more economic distress factors.¹⁰⁹

A rural community is in economic distress if conditions exist that affect the community's fiscal and economic viability.¹¹⁰ Factors that indicate economic distress include low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.¹¹¹

As of May 2025, the Florida Department of Commerce classified 31 counties as rural communities and 36 as non-rural communities.¹¹² It identified 31 municipalities that are rural communities.¹¹³

Air Pollution Regulation

The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish national ambient air quality standards for common and widespread pollutants.¹¹⁴ The Environmental Protection Agency has established air quality standards for six common criteria air pollutants, which are particulate matter, ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead.¹¹⁵ The Clean Air Act requires states to adopt enforceable plans to achieve and maintain air quality standards.¹¹⁶

Pursuant to the Clean Air Act, Florida law requires each major source of air pollution in the state to obtain an operation permit from the DEP.¹¹⁷ A major source of air pollution is defined as a stationary source or group of stationary sources located within a contiguous area and under common control that emits or can emit 10 tons per year or more of any hazardous air pollutant, or 25 tons per year or more of any combination of hazardous air pollutants.¹¹⁸

State law requires each major source of air pollution operating in Florida to pay an annual operation license fee.¹¹⁹ This fee must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the major stationary source air-operation permit

¹⁰⁹ Section 288.0656(2)(e), F.S. These distress factors are verified by the Florida Department of Commerce.

¹¹⁰ Section 288.0656(2)(c), F.S.

¹¹¹ *Id.*

¹¹² Florida Department of Commerce, *Rural Community Analysis*, 1 (May 6, 2025), available at <https://floridajobs.org/docs/default-source/office-of-rural-initiatives/2025-rural-communities-analysis.pdf>.

¹¹³ *Id.* at 1-2.

¹¹⁴ EPA, *Clean Air Act Requirements and History*, <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history> (last visited Jan. 28, 2026); see 42 U.S.C. ch. 85.

¹¹⁵ EPA, *Clean Air Act Requirements and History*; See 40 C.F.R. sections 50.1-50.21.

¹¹⁶ EPA, *Clean Air Act Requirements and History*; 42 U.S.C. §7407.

¹¹⁷ Section 403.0872, F.S.

¹¹⁸ 42 U.S.C. §7412(a)(1).

¹¹⁹ Section 403.0872(11), F.S.

program.¹²⁰ The fee is due between January 15 and April 1 of each year.¹²¹ The DEP must send a written warning of the consequences of failing to pay the fee if it has not received the payment by March 1 of each year. A fee must be postmarked by April 1 to avoid imposition of a late penalty.¹²²

The DEP may not require air pollution construction fees for changes or additions to a major source of air pollution, unless the activity triggers certain permitting requirements.¹²³ Costs to issue and administer such permits are considered direct and indirect costs of the major stationary source air-operation permit program.

III. Effect of Proposed Changes:

The Environmental Regulation Commission

Section 1 amends s. 20.255, F.S., to remove language that creates the Environmental Regulation Commission (ERC) as a part of the Florida Department of Environmental Protection (DEP).

The bill deletes the following provisions related to the ERC's membership and operation:

- The ERC is composed of seven Florida residents appointed by the Governor and subject to Senate confirmation;
- The Governor must provide reasonable representation from all sections of the state when making appointments to the ERC;
- Membership must be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering;
- The Governor must appoint the chair and the members must appoint the vice chair;
- All appointments are four-year terms;
- The Governor may fill a vacancy at any time for the unexpired term;
- Members serve without compensation, but are paid travel and per diem while in performance of their official duties;
- The DEP shall furnish administrative, personnel, and other necessary support services; and
- The ERC may employ independent counsel and contract for the services of outside technical consultants.

Section 18 amends s. 403.1838, F.S., regarding rule requirements under the Small Community Sewer Construction Assistance Act, to replace references to the ERC with the DEP generally.

Section 19 repeals s. 403.804, F.S., which establishes the ERC and its powers and duties.

Section 20 amends s. 120.81, F.S., regarding a requirement that the DEP prepare a risk impact statement for any proposed rule that establishes or changes certain standards or criteria and that

¹²⁰ Section 403.0872(11)(b), F.S.

¹²¹ *Id.*

¹²² Section 403.0872(11)(a)3., F.S.

¹²³ Section 403.0872(11)(a)5., F.S.

is proposed for approval by the ERC. The bill deletes the criteria that the rule be proposed for approval by the ERC.

Section 21 amends s. 373.421, F.S., which requires the ERC to adopt a unified statewide methodology for the delineation of specified wetlands. The bill replaces the ERC with the DEP.

Section 22 amends s. 403.031, F.S., to delete language providing that if the ERC designates waters within the boundaries of waters of the state as an Outstanding Florida Water, waters outside the boundaries are not included as part of such designation unless a noticed hearing is held and the boundaries of such lands are specifically considered and described for such designation.

Section 23 amends s. 403.061, F.S., to delete two provisions authorizing the DEP to adopt standards that are more stringent than federal regulations only through the approval by the ERC.

Section 24 amends s. 403.704, F.S., to delete a provision authorizing the DEP to adopt standards that are more stringent than the U.S. Environmental Protection Agency's regulations only through approval by the ERC.

The bill makes technical changes.

Section 25 amends s. 403.707, F.S., to delete language specifying that the DEP is not required to submit rules relating to permits for solid waste management facility permits to the ERC for approval.

The bill also deletes a citation to the statute that sets out the organizational structure of the DEP.

The bill makes technical changes

Section 26 amends s. 403.7222, F.S., to remove a reference to the ERC in language providing that the DEP is not prohibited from banning the disposal of hazardous waste in other types of waste management units in a manner consistent with federal requirements, except as provided in laws related to the ERC.

Section 27 amends s. 403.7234, F.S., which in part allows the DEP to regulate the waste management practices of small quantity generators to ensure proper management of hazardous waste in a manner consistent with federal requirements, except through approval by the ERC. The bill removes the language referring to approval by the ERC.

The bill makes a technical change.

Section 28 amends s. 403.803, F.S., to remove the definition of "commission," which referred to the ERC. The bill makes technical changes.

Section 29 amends s. 403.805, F.S., regarding the powers and duties of the Secretary of the DEP. The bill updates the list of chapters that the Secretary of the DEP has the authority to implement by adding the following:

- Chapter 161, F.S., beach and shore preservation,
- Chapter 258, F.S., state parks and preserves,
- Chapter 369, F.S., conservation,
- Chapter 377, F.S., energy resources,
- Chapter 378, F.S., land reclamation, and
- Chapter 380, F.S., land and water management.

The bill also removes a provision requiring the Secretary of the DEP to submit any proposed rule containing standards to the ERC, except for total maximum daily load calculations and allocations. The bill removes a second statutory citation to the ERC's legislative authority.

The bill makes technical changes.

Section 30 amends s. 403.8055, F.S., to remove a statutory citation to the ERC and to replace the ERC with the DEP in a provision directing rulemaking objections to be filed with the ERC.

The bill makes technical changes.

Section 31 amends s. 403.814, F.S., to remove a reference to the ERC's adoption of standards.

Section 37 reenacts s. 403.1835, F.S., to incorporate an amendment made by the bill to s. 403.1838, F.S.

The Acquisition and Restoration Council & the Florida Communities Trust

Section 2 amends s. 259.035, F.S., to add two members to the Acquisition and Restoration Council (ARC) for a total of 12 voting members and to authorize the ARC to administer the Florida Communities Trust (Trust).

The bill amends membership requirements to incorporate the two new members. It adds two members to the current four who must be appointed by the Governor. It requires one of those six Governor-appointed members to be a former elected official of a county and one to be a former elected official of a metropolitan¹²⁴ municipality.

The bill provides that, effective July 1, 2026, the ARC will administer the Trust. This includes reviewing, approving, and overseeing project applications, disbursements, and implementation measures consistent with the Trust. The bill requires the ARC to coordinate with the DEP for rulemaking and grant cycle administration to ensure alignment with the Florida Forever Act and the state's conservation priorities.

The bill makes conforming and technical changes.

¹²⁴ "Metropolitan" must have the same meaning as in section 380.503, F.S., which describes the term as "a population area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs."

Section 3 amends s. 259.105, F.S., to reflect the transfer of the Trust from the DEP to the ARC.¹²⁵ Current law requires certain Florida Forever projects and acquisitions to be measured by goals in rules developed by the Trust's Governing Board. The bill removes only the specification that the rule is developed by the governing board, so that the projects and acquisitions are measured by goals in rules developed by the Trust.

Section 8 amends s. 380.502, F.S., to provide that it is the intent of the Legislature to transfer the administration and oversight of the Trust from the DEP to the ARC to improve consistency and effectiveness in conservation land acquisition and resource stewardship.

The Legislature finds that the goals of land conservation and community development are best served through coordinated decision-making and streamlined oversight.

The provision described above replaces language describing the Legislative intent to establish a nonregulatory agency to assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of conservation, recreation and open space, and coastal elements in local comprehensive plans, or in conserving natural resources and resolving land use conflicts. This language is moved to Section 9 of the bill.

Current law includes a list describing how the nonregulatory agency will assist local governments. The bill transfers the list so it describes how the transfer of the administration and oversight of the Trust to the ARC will improve consistency and effectiveness in conservation land acquisition and resource stewardship. The bill deletes the last item in the list, which provides that the transfer will improve consistency and effectiveness in land acquisition and resource stewardship by involving local governments and private interests in voluntarily resolving land use conflicts and issues.

Section 9 amends s. 380.504, F.S., to transfer the administration of the Trust to the ARC. The bill adds that the Trust's purpose is to assist local governments in bringing their comprehensive plans into compliance and implementing conservation, recreation and open space, and coastal elements of their comprehensive plans, or conserving natural resources and resolving land use conflicts. The Trust will do this by providing financial assistance to local governments and nonprofit environmental organizations to carry out authorized projects and activities.

The bill removes language that creates the Trust as a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, within the DEP. Additionally, the bill removes the following provisions regarding the membership and operation of the Trust:

- The governing body of the Trust consists of the Secretary of the DEP and four public members appointed by the Governor and subject to Senate confirmation;
- The Governor must appoint a former elected official of a county government and a metropolitan municipal government, a representative of a nonprofit organization, and a representative of the development industry;

¹²⁵ See sections 8 through 10 of the bill.

- The Secretary of the DEP may appoint their deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in the Secretary's absence;
- The Secretary of the DEP is the chair of the governing body of the Trust;
- The Governor must make their appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member;
- Of the initial governing body members, two of the Governor's appointees will serve a two-year term and the remaining one will serve a four-year term, and thereafter governing body members appointed by the Governor will serve four-year terms;
- The Governor may fill any vacancy for an unexpired term; and
- Governing body members will receive no compensation for their services, but are entitled to the necessary expenses, including travel and per diem expenses, incurred in the discharge of their duties.

Section 10 amends s. 380.507, F.S., which enumerates the power of the Trust.

The bill removes the Trust's power to make loans to local governments and nonprofit organizations for acquiring fee and less-than-fee title. It makes a conforming change to remove language providing that the Trust may loan up to the total cost of any approved project. The bill removes the Trust's power to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement in specified investments if the investments are made on behalf of the Trust by the State Board of Administration.

It revises the Trust's rulemaking authority to direct it to develop, in conjunction with ARC, rules, policies, and guidelines for the administration of the Trust that are consistent with provisions relating to the administration of the Trust, to the ARC, and to the Florida Forever Trust Fund.

Related to the Trust's rulemaking power, the bill deletes the following provisions:

- The Trust must adopt rules governing the acquisition of lands with proceeds from the Florida Forever Trust Fund;
- Rules for land acquisition must include procedures for appraisals and confidentiality, a method of determining a maximum purchase price, and procedures to ensure that the land is acquired in a voluntarily negotiated transaction, surveyed, conveyed with marketable title, and examined for hazardous materials contamination; and
- Land acquisition procedures of a local land authority may be used for certain land acquisition programs.

The bill also removes the Trust's power to contract with private consultants and nonprofit organizations, as well as its power to conduct promotional campaigns, including advertising, for the sale of communities trust license plates.

The bill gives the Trust the power to review project recommendations and funding priorities and provide acquisition decisions. It also gives the Trust the power to submit project recommendations, funding priorities, and acquisition decisions to the ARC, which has final approval authority over Trust expenditures and acquisitions.

The bill makes technical changes.

Section 11 repeals s. 380.512, F.S., which requires the Trust to submit a report to the Governor and the Legislature within three months of the end of the fiscal year that provides the Trust's:

- Operations and accomplishments;
- Receipts and expenditures during the fiscal year;
- Assets and liabilities and the status of reserve, special, or other funds;
- Evaluation of the effectiveness of projects;
- Identification of additional funding, legislation, or other resources required to carry out its objectives more effectively; and
- Account of any other Trust or DEP duties established in statutes relating to the Trust.

Section 12 repeals s. 380.513, F.S., which provides that the Trust and its corporate existence shall continue until terminated by law, at which time all its rights and properties in excess of its obligations shall pass to and be vested in the state.

Section 13 repeals s. 380.514, F.S., which provides that if the statutory provisions relating to the Trust are inconsistent with the provisions of any other general, special, or local law, the provisions relating to the Trust will be controlling.

Section 32 amends s. 376.302, F.S., to make a citation less specific.

Section 33 amends s. 380.5105, F.S., to make a conforming change to a citation.

Septic System and Wastewater Regulations

Section 4 amends s. 373.469, F.S., regarding requirements for onsite sewage treatment and disposal systems (septic systems) for properties located within the area covered by the Indian River Lagoon Protection Program.

Specifically, the bill limits the requirement that any residential property with an existing septic system must connect to central sewer or upgrade the septic system so that it only applies to residential properties of ten acres or less.

For all applications submitted before July 1, 2030 to repair, modify, or replace a conventional septic system on a commercial property or a residential property of ten acres or less, the bill requires the permitting agency to notify property owners that the existing septic system must be upgraded.

The bill makes technical changes.

Section 5 amends s. 373.807, F.S., regarding septic system remediation plans under a basin management action plan (BMAP). The bill provides that a septic system remediation plan may require existing conventional septic systems to upgrade to a nutrient-reducing septic system where central sewerage is unavailable for:

- Properties of 10 acres or less that are located outside an established priority focus area of an Outstanding Florida Spring but within the boundary of a specific springs BMAP, and

- Properties of any size located within the boundary of an established priority focus area of an Outstanding Florida Spring.

Section 6 repeals s. 373.811, F.S., which prohibits the following activities within a BMAP for an Outstanding Florida Spring:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a total maximum daily load for the Outstanding Florida Spring.
- New hazardous waste disposal facilities.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of 1 acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.
- Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.
- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a water management district or the DEP.

The first two prohibited activities listed above are included in an amendment to s. 403.067, F.S., in section 15 of the bill, which expands the prohibitions. The third prohibition is currently expanded in statute.¹²⁶ The fourth prohibited activity is currently prohibited in DEP rule.¹²⁷ The final prohibition is partially captured by the requirement that agricultural operations within a BMAP adopt best management practices, suitable interim measures, or other measures necessary to achieve the TMDL.¹²⁸ However, the adoption of groundwater monitoring plans is not a specific requirement.¹²⁹

Section 14 amends s. 381.0065, F.S., concerning septic systems. The bill allows the DEP to annually review and audit up to 25 percent of all inspection and maintenance reports submitted by maintenance entities for performance-based treatment systems and aerobic treatment unit systems. The DEP may adopt rules to establish procedures for these audits.

The bill directs the DEP to concurrently process septic system operating and construction permits when a person jointly applies for an operating permit and a construction permit for the same septic system.

The bill adds that an operating permit must be obtained before the use of any engineer-designed performance-based system.

¹²⁶ Section 403.067(7)(a)10., F.S.

¹²⁷ See Fla. Admin. Code R. 62-640.700.

¹²⁸ Section 403.067(7)(c)2., F.S.

¹²⁹ Section 403.067(7), F.S.

The bill provides that the operating permit for a residential septic system is valid for the lifetime of the installation. The bill requires an operating permit modification for any subsequent change in ownership of the property or modification to the wastewater system.

When property with a septic system that requires an operating permit is sold or transferred, the subsequent owner with a controlling interest must provide written notice and proof of ownership to the DEP to amend the operating permit information within 60 days of the sale or transfer.

The bill deletes language providing that the operating permit for an aerobic treatment unit is valid for two years and must be renewed every two years.

Current law provides that a fee is not associated with the processing of supplemental information in an amended operating permit. The bill limits this to cases where only ownership information is updated to reflect a permit transfer for a construction, repair, or operating permit.

Current law requires maintenance entities to perform twice-a-year inspections of engineer-designed performance-based septic systems and aerobic treatment unit septic systems and to submit four reports per year to the DEP on the number of systems inspected and serviced. The bill matches the frequency of these inspections and reports so that both will be required twice a year.

The bill removes the requirement that a property owner obtain a biennial system operating permit from the DEP for each septic system.

The bill provides that any transfer of title of a property with a septic system that has not been abandoned or that is subject to a permit for the installation, modification, repair, or operation of such a system is subject to certain requirements. Two of these requirements are currently in law. However, the bill adds the following requirement:

- At or before the time of such real estate transaction, the following notifications must be provided to persons receiving ownership of the property:
 - A disclosure statement clearly identifying that the property is subject to septic system regulations;
 - Information indicating the nature and location of any existing septic system components;
 - If applicable, a statement that the property is subject to a septic system operating permit and that one or more of the persons receiving a controlling interest in the property are required to provide written notice and proof of ownership to update the operating permit information within 60 days of such real estate transaction; and
 - A copy of any valid permit for the installation, modification, repair, or operation of a septic system that is being transferred.

Current law provides that the DEP may contract with or delegate its powers and duties concerning septic systems to a county. The bill removes the phrase “to a county.”

The bill makes technical changes.

Section 15 amends s. 403.067, F.S., which concerns the establishment and implementation of total maximum daily loads (TMDLs). The bill removes language providing that TMDLs are not subject to approval by the Environmental Regulation Commission (ERC).

The bill provides a 60-day waiting period after a secretarial order is filed before a BMAP or an amendment to a BMAP is effective.

The bill provides that the following activities are prohibited within a BMAP, a reasonable assurance plan, or a pollution reduction plan:

- The construction or installation of new domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 or more gallons per day, except facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen and 1 mg/l total phosphorus on an annual permitted basis, or a more stringent treatment standard if the DEP determines it is necessary to attain a TMDL.
- The construction or installation of new hazardous waste disposal facilities.

These activities listed above were previously prohibited only within a BMAP for an Outstanding Florida Spring. This language expands the prohibitions¹³⁰ to all BMAPs, reasonable assurance plans, and pollution reduction plans. Further, it narrows the exception for facilities that meet certain wastewater treatment standards by adding the requirement that they also meet the 1 mg/l total phosphorus standard. The current exception for wastewater disposal facilities in Outstanding Florida Springs' BMAPs only require the 3 mg/l total nitrogen standard.

Current law requires the installation of enhanced nutrient-reducing septic systems or other specified wastewater treatment systems on lots of one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan, if a publicly-owned or investor-owned sewerage system is unavailable. The bill also allows the installation of distributed wastewater treatment systems in this case.

Section 16 amends s. 403.0671, F.S., to delete a citation to s. 373.811, F.S., which the bill repeals.¹³¹ This is a conforming change.

Section 34 reenacts s. 381.0066, F.S., to incorporate an amendment made by the bill to s. 381.0065, F.S.

Section 35 reenacts s. 373.4595, F.S., to incorporate an amendment made by the bill to s. 403.067, F.S.

Statewide Flooding and Sea Level Rise Resilience Plan

Section 7 amends s. 380.093, F.S., regarding the Statewide Flooding and Sea Level Rise Resilience Plan. The bill adds to the current definition of “community eligible for a reduced cost share,” a municipality or county that is a rural community. These municipalities and counties

¹³⁰ These prohibitions are found in s. 373.811, F.S., which the bill repeals in section 6. See page 24 of this bill analysis.

¹³¹ See section 6 of the bill and page 24 of this bill analysis.

will not need a minimum 50 percent cost share for projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

The bill makes technical changes.

Air Pollution

Section 17 amends s. 403.0872, F.S., regarding operation permits for major sources of air pollution. The bill will require each major source of air pollution permitted to operate in Florida to pay the annual operation license fee by June 30 of each year, instead of between January 15 and April 1, which is the requirement in current law.

The bill removes language requiring the DEP to send a written warning to a permittee if the annual operating license fee is not received by April 1. Current law provides that a fee is timely if it is postmarked by the deadline. The bill changes this provision to require that the fee be received to be paid on time.

The bill removes language providing that the costs to issue and administer permits shall be considered direct and indirect costs of the major stationary source air-operation permit program.

Section 36 reenacts s. 403.0873, F.S., to incorporate an amendment made by the bill to s. 403.0872, F.S.

Effective Date

Section 38 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on residential property owners of properties of ten acres or more in certain areas, who will not be required to upgrade to central sewer or upgrade a septic system.

The bill may cause an indeterminate positive fiscal impact on property owners by extending the lifespan of permits for certain residential septic systems.

C. Government Sector Impact:

The bill may have an indeterminate positive fiscal impact on local governments that are rural communities with projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.255, 120.81, 259.035, 259.105, 376.302, 373.421, 373.469, 373.807, 380.093, 380.502, 380.504, 380.507, 380.5105, 381.0065, 403.031, 403.061, 403.067, 403.0671, 403.0872, 403.1838, 403.704, 403.707, 403.7222, 403.7234, 403.803, 403.805, 403.8055, and 403.814.

This bill repeals the following sections of the Florida Statutes: 373.811, 380.512, 380.513, 380.514, and 403.804.

This bill reenacts the following sections of the Florida Statutes: 373.4595, 381.0066, 403.0873, and 403.1835.

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 3, 2026:

The committee substitute:

- Provides that an onsite sewage treatment and disposal system (septic system) remediation plan may require existing conventional septic systems to upgrade to nutrient-reducing septic systems where central sewerage is not available for:
 - Properties of 10 acres or less located outside of a priority focus area of an Outstanding Florida Spring, but within a springs basin management action plan, and
 - Properties of any size located within a priority focus area.
- Provides that the operating permit for a commercial wastewater system is valid for one year after the date of issuance and may be renewed annually.
- Narrows the types of septic system operating permits that are valid for the lifetime of the installation to only residential septic systems.
- Requires a septic system operating permit to be modified upon a change in occupancy of the property. The committee substitute requires modification for a change in *ownership*.
- Removes language in the underlying bill regarding fees for the submission of septic system inspection reports and inspection and supplemental fees paid by fertilizer distributors for Class AA biosolids-composed fertilizers.
- Removes language added in the underlying bill that requires a local government or special district's wastewater services needs analysis to include an analysis of domestic biosolids and septage generation, treatment, management, use, and disposal.
- Makes technical and conforming changes.

B. Amendments:

None.



511432

LEGISLATIVE ACTION

Senate

.
.
.
.
.
.

House

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

Senate Amendment (with title amendment)

Between lines 146 and 147
insert:

Section 2. Section 163.3205, Florida Statutes, is amended
to read:

163.3205 Solar facility approval process; best management
practices for stormwater.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature
to encourage renewable solar electrical generation throughout



511432

11 this state. It is essential that solar facilities and associated
12 electric infrastructure be constructed and maintained in various
13 locations throughout this state in order to ensure the
14 availability of renewable energy production, which is critical
15 to this state's energy and economic future.

16 (2) DEFINITIONS.—As used in this section, the term “solar
17 facility” means a production facility for electric power which:

18 (a) Uses photovoltaic modules to convert solar energy to
19 electricity that may be stored on site, delivered to a
20 transmission system, and consumed primarily offsite.

21 (b) Consists principally of photovoltaic modules, a
22 mounting or racking system, power inverters, transformers,
23 collection systems, battery systems, fire suppression equipment,
24 and associated components.

25 (c) May include accessory administration or maintenance
26 buildings, electric transmission lines, substations, energy
27 storage equipment, and related accessory uses and structures.

28 (3) PERMITTED USE.—A solar facility ~~is shall be~~ a permitted
29 use in all agricultural land use categories in a local
30 government comprehensive plan and all agricultural zoning
31 districts within an unincorporated area and must comply with the
32 setback and landscaped buffer area criteria for other similar
33 uses in the agricultural district.

34 (4) LANDSCAPE REQUIREMENTS.—A county may adopt an ordinance
35 specifying buffer and landscaping requirements for solar
36 facilities. Such requirements may not exceed the requirements
37 for similar uses involving the construction of other facilities
38 that are permitted uses in agricultural land use categories and
39 zoning districts.



511432

(5) BEST MANAGEMENT PRACTICES FOR STORMWATER.—

(a) An applicant for a permit under s. 373.413 for a stormwater management system related to the construction of a solar facility must incorporate site specific and appropriate additional protections in the development and implementation of an erosion and sediment control (E&SC) plan. Such E&SC plan must include, but not be limited to, all of the following:

1. Soil percolation testing on the premises of the proposed solar facility.

2. Implementation of stormwater best management practices and related erosion controls for runoff during the construction of the solar facility based on rainfall amounts up to the 100-year, 24-hour design storm for the project site.

3. Clearing and stabilization in phases as needed to reduce disturbed portions of the project site, which may be susceptible to erosion during construction.

4. Inspections performed by a certified Florida Stormwater, Erosion, and Sedimentation Control Inspector during construction to ensure the E&SC plan is implemented in accordance with s. 373.413.

(b) An operational phase stormwater management system permitted in accordance with s. 373.4145 serving a solar facility within the jurisdictional boundary of the Northwest Florida Water Management District shall be designed based on the 100-year, 24-hour design storm for the project site. This provision applies to applications for solar facilities filed after July 1, 2026.

(c) An operator of a solar facility or a proposed solar facility shall implement all construction and operational permit



511432

requirements as developed and applicable pursuant to paragraph
(a).

(6) APPLICABILITY.—This section does not apply to any site
that was the subject of an application to construct a solar
facility submitted to a local governmental entity before July 1,
2021.

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

And the title is amended as follows:

Delete line 5

and insert:

Commission; amending s. 163.3205, F.S.; requiring an
applicant for specified permits to incorporate certain
additional protections in the development and
implementation of an erosion and sediment control plan
for the construction of a solar facility; specifying
requirements for such plan; specifying requirements
for an operational phase stormwater management system
serving a solar facility in a specified jurisdiction;
providing applicability; requiring an operator of a
solar facility or a proposed solar facility to
implement specified construction and operational
permit requirements; amending s. 259.035, F.S.;
expanding the



891122

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

Senate Amendment (with title amendment)

Delete lines 1080 - 1120

and insert:

(v) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and



891122

disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution of 1885.

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

And the title is amended as follows:

Delete lines 73 - 76

and insert:

department on a specified basis; deleting a

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

592-02473-26

20261510c1

1 A bill to be entitled
2 An act relating to the Department of Environmental
3 Protection; amending s. 20.255, F.S.; deleting
4 provisions creating the Environmental Regulation
5 Commission; amending s. 259.035, F.S.; expanding the
6 membership of the Acquisition and Restoration Council;
7 providing requirements for membership; defining the
8 term "metropolitan"; requiring the council to
9 administer the Florida Communities Trust; requiring
10 the council to coordinate with the department for
11 rulemaking and grant cycle administration of the
12 trust; conforming provisions to changes made by the
13 act; amending s. 259.105, F.S.; conforming a provision
14 to changes made by the act; amending s. 373.469, F.S.;
15 requiring that residential properties of a specified
16 size located in a certain area connect to a central
17 sewer system or upgrade to a specified type of
18 nutrient-reducing wastewater treatment system;
19 requiring a permitting agency to notify a property
20 owner of such requirement if the agency, before a
21 certain date, receives an application to repair,
22 modify, or replace a conventional onsite sewage
23 treatment and disposal system on certain property;
24 amending s. 373.807, F.S.; authorizing remediation
25 plans for certain properties to have certain
26 requirements related to existing conventional onsite
27 sewage treatment and disposal systems; repealing s.
28 373.811, F.S., relating to prohibited activities
29 within a basin management action plan; amending s.

Page 1 of 122

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

592-02473-26

20261510c1

30 380.093, F.S.; revising the definition of the term
31 "community eligible for a reduced cost share";
32 amending s. 380.502, F.S.; revising legislative
33 findings and intent for the Florida Communities Trust;
34 providing for the transfer of the administration and
35 oversight of the trust from the department to the
36 Acquisition and Restoration Council for a specified
37 purpose; amending s. 380.504, F.S.; deleting
38 provisions relating to the membership, appointments,
39 and organizational structure of the governing body of
40 the trust; providing the purpose of the trust;
41 amending s. 380.507, F.S.; deleting provisions
42 authorizing the trust to make certain loans; revising
43 the powers of the trust; repealing ss. 380.512,
44 380.513, and 380.514, F.S., relating to an annual
45 report, corporate existence, and inconsistent
46 provisions of other laws superseded, respectively;
47 reenacting and amending s. 381.0065, F.S.; authorizing
48 the department to annually review and audit certain
49 inspection and maintenance reports for certain
50 systems; authorizing the department to adopt rules to
51 establish certain procedures; requiring the department
52 to concurrently process operating permits and
53 construction permits under certain circumstances;
54 requiring that an operating permit be obtained before
55 the use of an engineer-designed performance-based
56 system; providing a timeframe for the validity of
57 certain operating permits; requiring an operating
58 permit modification upon certain changes or

Page 2 of 122

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

592-02473-26

20261510c1

59 modifications; providing requirements for subsequent
 60 property owners when a property with an onsite sewage
 61 treatment and disposal system that requires an
 62 operating permit is sold or transferred; providing an
 63 exception to certain fees under certain circumstances;
 64 requiring an engineer-designed performance-based
 65 system maintenance entity to submit a report to the
 66 department on a specified basis; deleting a
 67 requirement for a property owner to obtain a certain
 68 permit from the department for certain onsite sewage
 69 treatment and disposal systems; revising the approval
 70 criteria for certain onsite sewage treatment and
 71 disposal systems; requiring an aerobic treatment unit
 72 maintenance entity to submit a report to the
 73 department on a specified basis; subjecting real
 74 estate transactions for the transfer of title to
 75 properties with a certain onsite sewage treatment and
 76 disposal system to certain requirements; deleting a
 77 requirement that the department contract with or
 78 delegate its powers and duties to a county only;
 79 amending s. 403.067, F.S.; conforming a provision to
 80 changes made by the act; providing a timeframe within
 81 which a basin management action plan or plan amendment
 82 becomes effective; prohibiting certain activities
 83 within a basin management action plan, a reasonable
 84 assurance plan, or a pollution reduction plan; making
 85 a technical change; amending s. 403.0671, F.S.;
 86 conforming a provision to changes made by the act;
 87 amending s. 403.0872, F.S.; revising the date by which

Page 3 of 122

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

592-02473-26

20261510c1

88 major permitted sources of air pollution operating in
 89 this state must pay an annual operation license fee;
 90 authorizing the department to impose penalties if it
 91 does not receive such fee by the specified date;
 92 deleting provisions relating to costs for
 93 administering air pollution construction permits;
 94 amending s. 403.1838, F.S.; conforming provisions to
 95 changes made by the act; repealing s. 403.804, F.S.,
 96 relating to the powers and duties of the Environmental
 97 Regulation Commission; amending ss. 120.81, 373.421,
 98 403.031, 403.061, 403.704, 403.707, 403.7222,
 99 403.7234, 403.803, 403.805, 403.8055, and 403.814,
 100 F.S.; conforming provisions to changes made by the
 101 act; amending ss. 376.302 and 380.5105, F.S.;
 102 conforming cross-references; reenacting s.
 103 381.0066(2)(k), F.S., relating to onsite sewage
 104 treatment and disposal system fees, to incorporate the
 105 amendment made to s. 381.0065, F.S., in a reference
 106 thereto; reenacting s. 373.4595, F.S., relating to the
 107 Northern Everglades and Estuaries Protection Program,
 108 to incorporate the amendment made to s. 403.067, F.S.,
 109 in a reference thereto; reenacting s. 403.0873, F.S.,
 110 relating to the Florida Air-Operation License Fee
 111 Account, to incorporate the amendment made to s.
 112 403.0872, F.S., in a reference thereto; reenacting s.
 113 403.1835(3)(d), F.S., relating to water pollution
 114 control financial assistance, to incorporate the
 115 amendment made to s. 403.1838, F.S., in a reference
 116 thereto; providing an effective date.

Page 4 of 122

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

592-02473-26

20261510c1

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

Section 1. Subsection (6) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

~~(6) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission. The commission shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. In making appointments, the Governor shall provide reasonable representation from all sections of the state. Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering. The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. All appointments shall be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department. The commission may employ independent counsel and contract for the services of outside~~

592-02473-26

20261510c1

~~technical consultants.~~

Section 2. Paragraph (a) of subsection (1) and subsections (2), (3), and (5) of section 259.035, Florida Statutes, are amended to read:

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration Council.

(a) The council shall be composed of 12 ~~10~~ voting members, 6 ~~4~~ of whom shall be appointed by the Governor. Of these 6 ~~four~~ appointees, 3 ~~must~~ three shall be from scientific disciplines related to land, water, or environmental sciences, 1 ~~must~~ and ~~the fourth~~ shall have at least 5 years of experience in managing lands for both active and passive types of recreation, 1 ~~must~~ be a former elected official of a county, and 1 ~~must~~ be a former elected official of a metropolitan municipality. As used in this paragraph, the term "metropolitan" has the same meaning as in s. 380.503. They shall serve 4-year terms, except that, initially, to provide for staggered terms, 2 ~~two~~ of the appointees shall serve 2-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years. The Governor may at any time fill a vacancy for the unexpired term of a member appointed under this paragraph.

(2) The 6 ~~four~~ members of the council appointed pursuant to paragraph (1)(a) ~~(a)~~ and the 2 ~~two~~ members of the council appointed pursuant to paragraph (1)(c) ~~(e)~~ shall receive reimbursement for expenses and per diem for travel, to attend council meetings, as allowed state officers and employees while in the performance of their duties, pursuant to s. 112.061.

(3) The council shall:

592-02473-26

20261510c1

(a) Provide assistance to the board in reviewing the recommendations and plans for state-owned conservation lands required under s. 253.034 and this chapter. The council shall, in reviewing such plans, consider the optimization of multiple-use and conservation strategies to accomplish the provisions funded pursuant to former s. 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(b).

(b) Effective July 1, 2026, administer the Florida Communities Trust established in ss. 380.501-380.515, including reviewing, approving, and overseeing project applications and disbursements, and implementation measures consistent with the trust's purposes. The council shall coordinate with the department for rulemaking and grant cycle administration for the trust, ensuring alignment with the Florida Forever Act and the state's conservation priorities.

(5) An affirmative vote of 6 ~~five~~ members of the council is required in order to change a project boundary or to place a proposed project on a list developed pursuant to subsection (4). Any member of the council, who by family or a business relationship has a connection with all or a portion of any proposed project, shall declare the interest before voting on its inclusion on a list.

Section 3. Paragraph (i) of subsection (4) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(4) It is the intent of the Legislature that projects or acquisitions funded pursuant to paragraphs (3)(a) and (b) contribute to the achievement of the following goals, which shall be evaluated in accordance with specific criteria and

592-02473-26

20261510c1

numeric performance measures developed pursuant to s. 259.035(4):

(i) Mitigate the effects of natural disasters and floods in developed areas, as measured by:

1. The number of acres acquired within a 100-year floodplain or a coastal high hazard area;

2. The number of acres acquired or developed to serve dual functions as:

a. Flow ways or temporary water storage areas during flooding or high water events, not including permanent reservoirs; and

b. Greenways or open spaces available to the public for recreation;

3. The number of acres that protect existing open spaces and natural buffer areas within a floodplain that also serve as natural flow ways or natural temporary water storage areas; and

4. The percentage of the land acquired within the project boundary that creates additional open spaces, natural buffer areas, and greenways within a floodplain, while precluding rebuilding in areas that repeatedly flood.

Florida Forever projects and acquisitions funded pursuant to paragraph (3)(c) shall be measured by goals developed by rule by the Florida Communities Trust ~~Governing Board created in s. 380.504.~~

Section 4. Paragraph (d) of subsection (3) of section 373.469, Florida Statutes, is amended to read:

373.469 Indian River Lagoon Protection Program.—

(3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian

592-02473-26 20261510c1

River Lagoon Protection Program consists of the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan, and such plans are the components of the Indian River Lagoon Protection Program which achieve phosphorous and nitrogen load reductions for the Indian River Lagoon.

(d) *Onsite sewage treatment and disposal systems.*—

1. Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.

2. By July 1, 2030, any commercial property or any residential property of 10 acres or less with an existing onsite sewage treatment and disposal system located within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas must connect to central sewer if available or upgrade to an enhanced nutrient-reducing onsite sewage treatment and disposal system or other wastewater treatment

592-02473-26 20261510c1

system that achieves at least 65 percent nitrogen reduction. For all applications submitted before July 1, 2030, to a permitting agency to repair, modify, or replace a conventional onsite sewage treatment and disposal system on a commercial property or a residential property of 10 acres or less, the permitting agency shall notify the property owner of the requirement provided in this subparagraph.

Section 5. Paragraph (a) of subsection (1) of section 373.807, Florida Statutes, is amended to read:

373.807 Protection of water quality in Outstanding Florida Springs.—By July 1, 2016, the department shall initiate assessment, pursuant to s. 403.067(3), of Outstanding Florida Springs or spring systems for which an impairment determination has not been made under the numeric nutrient standards in effect for spring vents. Assessments must be completed by July 1, 2018.

(1)(a) Concurrent with the adoption of a nutrient total maximum daily load for an Outstanding Florida Spring, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan, as specified in s. 403.067. For an Outstanding Florida Spring with a nutrient total maximum daily load adopted before July 1, 2016, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan by July 1, 2016. During the development of a basin management action plan, if the department identifies onsite sewage treatment and disposal systems as contributors of at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the

592-02473-26

20261510c1

total maximum daily load, the basin management action plan must
~~shall~~ include an onsite sewage treatment and disposal system
 remediation plan pursuant to subsection (3) for those systems
 identified as requiring remediation. For properties 10 acres or
less located outside the boundary of an established priority
focus area of an Outstanding Florida Spring but within the
boundary of a specific springs basin management action plan,
such remediation plans may require existing conventional onsite
sewage treatment and disposal systems to upgrade to a nutrient-
reducing onsite sewage treatment and disposal system where
central sewerage is not available. Such remediation plan may
also require properties of any size located within the boundary
of an established priority focus area of an Outstanding Florida
Spring to upgrade existing conventional onsite sewage treatment
and disposal systems to a nutrient-reducing onsite sewage
treatment and disposal system where central sewerage is not
available.

Section 6. Section 373.811, Florida Statutes, is repealed.

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

380.093 Resilient Florida Grant Program; comprehensive
 statewide flood vulnerability and sea level rise data set and
 assessment; Statewide Flooding and Sea Level Rise Resilience
 Plan; regional resilience entities.—

(5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.—

(e) Each project included in the plan must have a minimum
 50 percent cost share unless the project assists or is within a
 community eligible for a reduced cost share. For purposes of
 this section, the term "community eligible for a reduced cost

592-02473-26

20261510c1

share" means:

1. A municipality that has a population of less than 10,000
~~or fewer~~, according to the most recent April 1 population
 estimates posted on the Office of Economic and Demographic
 Research's website, and a per capita annual income that is less
 than the state's per capita annual income as shown in the most
 recent release from the Bureau of the Census of the United
 States Department of Commerce that includes both measurements;

2. A county that has a population of less than 50,000 ~~or~~
~~fewer~~, according to the most recent April 1 population estimates
 posted on the Office of Economic and Demographic Research's
 website, and a per capita annual income ~~that is~~ less than the
 state's per capita annual income as shown in the most recent
 release from the Bureau of the Census of the United States
 Department of Commerce that includes both measurements; ~~or~~

3. A municipality or county that has a per capita annual
 income ~~that is~~ equal to or less than 75 percent of the state's
 per capita annual income as shown in the most recent release
 from the Bureau of the Census of the United States Department of
 Commerce; or

4. A municipality or county that is a rural community as
defined in s. 288.0656(2).

Section 8. Subsection (3) of section 380.502, Florida
 Statutes, is amended to read:

380.502 Legislative findings and intent.—

(3) The Legislature further finds that the goals of land
conservation and community development are best served through
coordinated decisionmaking and streamlined oversight. It is
therefore the intent of the Legislature to transfer the

592-02473-26

20261510c1

administration and oversight of the Florida Communities Trust from the Department of Environmental Protection to the Acquisition and Restoration Council to improve consistency and effectiveness in conservation land acquisition and resource stewardship. It is the intent of the Legislature to establish a nonregulatory agency that will assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of the conservation, recreation and open space, and coastal elements of local comprehensive plans, or in conserving natural resources and resolving land use conflicts by:

(a) Responding promptly and creatively to opportunities to correct undesirable development patterns, restore degraded natural areas, enhance resource values, restore deteriorated or deteriorating urban waterfronts, preserve working waterfronts, reserve lands for later purchase, participate in and promote the use of innovative land acquisition methods, and provide public access to surface waters.

(b) Providing financial and technical assistance to local governments, state agencies, and nonprofit organizations to carry out projects and activities and to develop programs authorized by this part.

~~(c) Involving local governments and private interests in voluntarily resolving land use conflicts and issues.~~

Section 9. Section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; ~~membership; expenses.~~

(1) There is created ~~within the Department of Environmental~~

592-02473-26

20261510c1

~~Protection a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the "Florida Communities Trust," administered by the Acquisition and Restoration Council. The governing body of the trust shall consist of:~~

~~(a) The Secretary of Environmental Protection; and~~

~~(b) Four public members whom the Governor shall appoint subject to Senate confirmation.~~

~~The Governor shall appoint a former elected official of a county government, a former elected official of a metropolitan municipal government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. The Secretary of Environmental Protection may appoint his or her deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his or her absence. The Secretary of Environmental Protection shall be the chair of the governing body of the trust. The Governor shall make his or her appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member.~~

(2) The purpose of the trust is to assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by this part of

592-02473-26

20261510c1

the initial governing body members, two of the Governor's appointees shall serve for a term of 2 years and the remaining one shall serve for a term of 4 years from the date of appointment. Thereafter, governing body members whom the Governor appoints shall serve for terms of 4 years. The Governor may fill any vacancy for an unexpired term.

(3) Governing body members shall receive no compensation for their services, but shall be entitled to the necessary expenses, including per diem and travel expenses, incurred in the discharge of their duties pursuant to this part, as provided by law.

Section 10. Subsections (6), (7), (9) through (12), and (14) of section 380.507, Florida Statutes, are amended to read:
380.507 Powers of the trust.—The trust shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including:

(6) To award grants ~~and make loans~~ to local governments and nonprofit organizations for the purposes listed in subsection (2) and for acquiring fee title and less than fee title, such as conservation easements or other interests in land, for the purposes of this part.

(7) To provide by grant ~~or loan~~ up to the total cost of any project approved according to this part, including the local share of federally supported projects. The trust may require local funding participation in projects. The trust shall determine the funding it will provide by considering the total amount of funding available for the project, the fiscal resources of other project participants, the urgency of the project relative to other eligible projects, and other factors

592-02473-26

20261510c1

which the trust shall have prescribed by rule. The trust may fund up to 100 percent of any local government land acquisition costs, if part of an approved project.

(9) To review project recommendations and funding priorities and provide acquisition decisions ~~To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47, and in any other authorized investments, if such investments are made on behalf of the trust by the State Board of Administration.~~

(10) To contract for and to accept donations ~~gifts~~, grants, loans, or other aid from the United States Government or any person or corporation, including donations ~~gifts~~ of real property or any interest in real property.

(11) To submit project recommendations, funding priorities, and acquisition decisions to the Acquisition and Restoration Council, which shall have final approval authority over trust expenditures and acquisitions ~~to make rules necessary to carry out the purposes of this part and to exercise any power granted in this part, pursuant to chapter 120. The trust shall adopt rules governing the acquisition of lands with proceeds from the Florida Forever Trust Fund, consistent with the intent expressed in the Florida Forever Act. Such rules for land acquisition must include, but are not limited to, procedures for appraisals and confidentiality consistent with ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of determining a maximum purchase price, and procedures to assure that the land is acquired in a voluntarily negotiated transaction, surveyed, conveyed with marketable title, and examined for hazardous~~

592-02473-26 20261510c1

~~materials contamination. Land acquisition procedures of a local land authority created pursuant to s. 380.0663 may be used for the land acquisition programs described in former s. 259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if within areas of critical state concern designated pursuant to s. 380.05, subject to approval of the trust.~~

(12) To develop, in conjunction with the council, rules, policies, and guidelines for the administration of the trust consistent with this part and ss. 259.035 and 259.105 to contract with private consultants and nonprofit organizations for professional and technical assistance and advice.

~~(14) To conduct promotional campaigns, including advertising, for the sale of communities trust license plates authorized in s. 320.08058.~~

Section 11. Section 380.512, Florida Statutes, is repealed.

Section 12. Section 380.513, Florida Statutes, is repealed.

Section 13. Section 380.514, Florida Statutes, is repealed.

Section 14. Paragraph (n) of subsection (3) and subsections (4) and (9) of section 381.0065, Florida Statutes, are amended, and subsection (7) of that section is reenacted, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.—The department shall:

(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for

592-02473-26 20261510c1

maintenance entities. The criteria shall include training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(3)(m), or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract. The department may annually review and audit up to 25 percent of all inspection and maintenance reports submitted by such maintenance entities for performance-based treatment systems and aerobic treatment unit systems. The department may adopt rules to establish procedures for such audits.

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. When a person jointly applies for a construction permit and an operating permit for the same onsite sewage treatment and disposal system, the department shall concurrently process the operating permit with the construction permit. An operating permit must be obtained before the use of any aerobic treatment

592-02473-26 20261510c1

unit ~~or engineer-designed performance-based system~~, or if the establishment generates commercial waste. Buildings or establishments that ~~use an aerobic treatment unit or~~ generate commercial waste shall be inspected by the department at least annually to ~~ensure~~ assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit, where required for a residential onsite sewage treatment and disposal system, is valid for the lifetime of the installation; however, any subsequent change in ownership of the property or any modification of the wastewater system requires an operating permit modification upon such change. When an onsite sewage treatment and disposal system that requires an operating permit is sold or transferred, the subsequent owner with a controlling interest shall provide written notice and proof of ownership to the department to amend the operating permit information within 60 days after such property sale or transfer ~~commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be renewed every 2 years.~~ If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A

592-02473-26 20261510c1

fee is not associated with the processing of this supplemental information if only ownership information is updated to reflect a permit transfer for a construction, repair, or an operating permit. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering

592-02473-26

20261510c1

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

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

(c) Notwithstanding paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the

592-02473-26

20261510c1

validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

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

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

(f) Onsite sewage treatment and disposal systems that are

592-02473-26 20261510c1

permitted before June 21, 2022, may not be placed closer than:

1. Seventy-five feet from a private potable well.
 2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
 3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
 4. Fifty feet from any nonpotable well.
 5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
 6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.
 7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.
 8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.
- (g) This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:
1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting

592-02473-26 20261510c1

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

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

- a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.
- b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

592-02473-26

20261510c1

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

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

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

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

720

721 Where soil conditions, water table elevation, and setback
 722 provisions are determined by the department to be satisfactory,
 723 special consideration must be given to those lots platted before
 724 1972.

725 2. The department shall appoint and staff a variance review

592-02473-26

20261510c1

726 and advisory committee, which shall meet monthly to recommend
 727 agency action on variance requests. The committee shall make its
 728 recommendations on variance requests at the meeting in which the
 729 application is scheduled for consideration, except for an
 730 extraordinary change in circumstances, the receipt of new
 731 information that raises new issues, or when the applicant
 732 requests an extension. The committee shall consider the criteria
 733 in subparagraph 1. in its recommended agency action on variance
 734 requests and shall also strive to allow property owners the full
 735 use of their land where possible.

736 a. The committee is composed of the following:

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

739 (II) A representative from the county health departments.

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

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

744 (V) A representative from the Department of Health.

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

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

751 b. Members shall be appointed for a term of 3 years, with
 752 such appointments being staggered so that the terms of no more
 753 than two members expire in any one year. Members shall serve
 754 without remuneration, but if requested, shall be reimbursed for

592-02473-26

20261510c1

per diem and travel expenses as provided in s. 112.061.

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

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

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

2. Each person who owns or operates a business or facility

592-02473-26

20261510c1

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

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

(j) An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted

592-02473-26

20261510c1

813 by the department must be approved by the department subject to
814 the following:

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

827 2. A person electing to use an engineer-designed system
828 shall, upon completion of the system design, submit such design,
829 certified by a registered professional engineer, to the county
830 health department. The county health department may use an
831 outside consultant to review the engineer-designed system, with
832 the actual cost of such review to be borne by the applicant.
833 Within 5 working days after receiving an engineer-designed
834 system permit application, the county health department shall
835 request additional information if the application is not
836 complete. Within 15 working days after receiving a complete
837 application for an engineer-designed system, the county health
838 department shall issue the permit or, if it determines that the
839 system does not comply with the performance criteria, shall
840 notify the applicant of that determination and refer the
841 application to the department for a determination as to whether

592-02473-26

20261510c1

842 the system should be approved, disapproved, or approved with
843 modification. The department engineer's determination shall
844 prevail over the action of the county health department. The
845 applicant shall be notified in writing of the department's
846 determination and of the applicant's rights to pursue a variance
847 or seek review under the provisions of chapter 120.

848 3. The owner of an engineer-designed performance-based
849 system must maintain a current maintenance service agreement
850 with a maintenance entity permitted by the department. The
851 maintenance entity shall inspect each system at least twice each
852 year and shall submit an inspection report to the department
853 each time the system is inspected which states report quarterly
854 ~~to the department on~~ the number of systems inspected and
855 serviced. The reports may be submitted electronically.

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

868 5. ~~The property owner shall obtain a biennial system~~
869 ~~operating permit from the department for each system.~~ The
870 department may ~~shall~~ inspect the system at least annually, or on

592-02473-26

20261510c1

such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit ~~must~~ shall be collected beginning with the second year of system operation.

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

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

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

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the

592-02473-26

20261510c1

Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

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

a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

b. Suspended Solids of 10 mg/l.

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

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

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

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

4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and

592-02473-26 20261510c1

disposal system that meets the following minimum standards:

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

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

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

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

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

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

(m) A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality

592-02473-26 20261510c1

standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(1). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

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

(p) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider

592-02473-26

20261510c1

before submission of an application for an onsite sewage treatment and disposal system.

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

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

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

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

- a. The lot is at least one-half acre in size;
- b. The bottom of the drainfield is at least 36 inches above

592-02473-26

20261510c1

the 2-year flood elevation; and

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

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

(t)1. The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall submit an inspection report to the department each time the system is inspected ~~stating report quarterly to the department on~~ the number of

592-02473-26 20261510c1

aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

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

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

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

592-02473-26 20261510c1

performance criteria established by rule of the department.

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

(v) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system transfers shall transfer with the title to the property in a real estate transaction. For any such transfer of title to a property that has an onsite sewage treatment and disposal system that has not been abandoned in accordance with this section, or which is subject to a permit for the installation, modification, repair, or operation of such a system, the real estate transaction is subject to the following requirements:

1. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired.

2. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction.

3. At or before the time of such real estate transaction, the following notifications must be provided to the persons receiving ownership of the property:

a. A disclosure statement clearly identifying that the property is subject to regulations for an onsite sewage

592-02473-26

20261510c1

1103 treatment and disposal system;

1104 b. Information indicating the nature and location of any
 1105 existing onsite sewage treatment and disposal system components;

1106 c. If applicable, a statement that the property is subject
 1107 to an onsite sewage treatment and disposal system operating
 1108 permit and that one or more of the persons receiving a
 1109 controlling interest in the property are required pursuant to
 1110 this subsection to provide written notice and proof of ownership
 1111 to update the operating permit information within 60 days after
 1112 such real estate transaction; and

1113 d. A copy of any valid permit for the installation,
 1114 modification, repair, or operation of an onsite sewage treatment
 1115 and disposal system which will transfer pursuant to this
 1116 paragraph.

1117
 1118 This paragraph does not affect a septic tank phase-out deferral
 1119 program implemented by a consolidated government as defined in
 1120 s. 9, Art. VIII of the State Constitution of 1885.

1121 (w) A governmental entity, including a municipality,
 1122 county, or statutorily created commission, may not require an
 1123 engineer-designed performance-based treatment system, excluding
 1124 a passive engineer-designed performance-based treatment system,
 1125 before the completion of the Florida Onsite Sewage Nitrogen
 1126 Reduction Strategies Project. This paragraph does not apply to a
 1127 governmental entity, including a municipality, county, or
 1128 statutorily created commission, which adopted a local law,
 1129 ordinance, or regulation on or before January 31, 2012.
 1130 Notwithstanding this paragraph, an engineer-designed
 1131 performance-based treatment system may be used to meet the

592-02473-26

20261510c1

1132 requirements of the variance review and advisory committee
 1133 recommendations.

1134 (x)1. An onsite sewage treatment and disposal system is not
 1135 considered abandoned if the system is disconnected from a
 1136 structure that was made unusable or destroyed following a
 1137 disaster and if the system was properly functioning at the time
 1138 of disconnection and was not adversely affected by the disaster.
 1139 The onsite sewage treatment and disposal system may be
 1140 reconnected to a rebuilt structure if:

1141 a. The reconnection of the system is to the same type of
 1142 structure which contains the same number of bedrooms or fewer,
 1143 if the square footage of the structure is less than or equal to
 1144 110 percent of the original square footage of the structure that
 1145 existed before the disaster;

1146 b. The system is not a sanitary nuisance; and

1147 c. The system has not been altered without prior
 1148 authorization.

1149 2. An onsite sewage treatment and disposal system that
 1150 serves a property that is foreclosed upon is not considered
 1151 abandoned.

1152 (y) If an onsite sewage treatment and disposal system
 1153 permittee receives, relies upon, and undertakes construction of
 1154 a system based upon a validly issued construction permit under
 1155 rules applicable at the time of construction but a change to a
 1156 rule occurs within 5 years after the approval of the system for
 1157 construction but before the final approval of the system, the
 1158 rules applicable and in effect at the time of construction
 1159 approval apply at the time of final approval if fundamental site
 1160 conditions have not changed between the time of construction

592-02473-26

20261510c1

approval and final approval.

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

(7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a total maximum daily load, the department shall implement a fast-track approval process of no longer than 6 months for the determination of the use of American National Standards

592-02473-26

20261510c1

Institute 245 systems approved by NSF International before July 1, 2020. The department shall also establish an enhanced nutrient-reducing onsite sewage treatment and disposal system approval program that will expeditiously evaluate and approve such systems for use in this state to comply with ss. 403.067(7)(a)10. and 373.469(3)(d).

(9) CONTRACT OR DELEGATION AUTHORITY.—The department may contract with or delegate its powers and duties under this section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

Section 15. Paragraph (c) of subsection (6) and paragraph (a) of subsection (7) of section 403.067, Florida Statutes, are amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(6) CALCULATION AND ALLOCATION.—

(c) Adoption of rules. The total maximum daily load calculations and allocations established under this subsection for each water body or water body segment shall be adopted by rule by the secretary pursuant to ss. 120.536(1), 120.54, and 403.805. Where additional data collection and analysis are needed to increase the scientific precision and accuracy of the total maximum daily load, the department is authorized to adopt phased total maximum daily loads that are subject to change as additional data becomes available. Where phased total maximum daily loads are proposed, the department shall, in the detailed statement of facts and circumstances justifying the rule, explain why the data are inadequate so as to justify a phased total maximum daily load. The rules adopted pursuant to this paragraph are not ~~subject to approval by the Environmental~~

592-02473-26

20261510c1

~~Regulation Commission and are not subject to the provisions of~~
 s. 120.541(3). As part of the rule development process, the
 department shall hold at least one public workshop in the
 vicinity of the water body or water body segment for which the
 total maximum daily load is being developed. Notice of the
 public workshop shall be published not less than 5 days nor more
 than 15 days before the public workshop in a newspaper of
 general circulation in the county or counties containing the
 water bodies or water body segments for which the total maximum
 daily load calculation and allocation are being developed.

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(a) *Basin management action plans.*—

1. In developing and implementing the total maximum daily
 load for a waterbody, the department, or the department in
 conjunction with a water management district, may develop a
 basin management action plan that addresses some or all of the
 watersheds and basins tributary to the waterbody. Such plan must
 integrate the appropriate management strategies available to the
 state through existing water quality protection programs to
 achieve the total maximum daily loads and may provide for phased
 implementation of these management strategies to promote timely,
 cost-effective actions as provided for in s. 403.151. The plan
 must establish a schedule implementing the management
 strategies, establish a basis for evaluating the plan's
 effectiveness, and identify feasible funding strategies for
 implementing the plan's management strategies. The management
 strategies may include regional treatment systems or other
 public works, when appropriate, and voluntary trading of water

592-02473-26

20261510c1

quality credits to achieve the needed pollutant load reductions.

2. A basin management action plan must equitably allocate,
 pursuant to paragraph (6)(b), pollutant reductions to individual
 basins, as a whole to all basins, or to each identified point
 source or category of nonpoint sources, as appropriate. For
 nonpoint sources for which best management practices have been
 adopted, the initial requirement specified by the plan must be
 those practices developed pursuant to paragraph (c). When
 appropriate, the plan may take into account the benefits of
 pollutant load reduction achieved by point or nonpoint sources
 that have implemented management strategies to reduce pollutant
 loads, including best management practices, before the
 development of the basin management action plan. The plan must
 also identify the mechanisms that will address potential future
 increases in pollutant loading.

3. The basin management action planning process is intended
 to involve the broadest possible range of interested parties,
 with the objective of encouraging the greatest amount of
 cooperation and consensus possible. In developing a basin
 management action plan, the department shall assure that key
 stakeholders, including, but not limited to, applicable local
 governments, water management districts, the Department of
 Agriculture and Consumer Services, other appropriate state
 agencies, local soil and water conservation districts,
 environmental groups, regulated interests, and affected
 pollution sources, are invited to participate in the process.
 The department shall hold at least one public meeting in the
 vicinity of the watershed or basin to discuss and receive
 comments during the planning process and shall otherwise

592-02473-26

20261510c1

encourage public participation to the greatest practicable extent. Notice of the public meeting must be published in a newspaper of general circulation in each county in which the watershed or basin lies at least 5 days, but not more than 15 days, before the public meeting. A basin management action plan does not supplant or otherwise alter any assessment made under subsection (3) or subsection (4) or any calculation or initial allocation.

4. Each new or revised basin management action plan must include all of the following:

a. The appropriate management strategies available through existing water quality protection programs to achieve total maximum daily loads, which may provide for phased implementation to promote timely, cost-effective actions as provided for in s. 403.151.

b. A description of best management practices adopted by rule.

c. For the applicable 5-year implementation milestone, a list of projects that will achieve the pollutant load reductions needed to meet the total maximum daily load or the load allocations established pursuant to subsection (6). Each project must include a planning-level cost estimate and an estimated date of completion.

d. A list of projects developed pursuant to paragraph (e), if applicable.

e. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project, if applicable.

f. A planning-level estimate of each listed project's

592-02473-26

20261510c1

expected load reduction, if applicable.

5. The department shall adopt all or any part of a basin management action plan and any amendment to such plan by secretarial order pursuant to chapter 120 to implement this section. A basin management action plan and any amendment to such plan shall become effective 60 days after the date the secretarial order is filed.

6. The basin management action plan must include 5-year milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made as appropriate. Any entity with a specific pollutant load reduction requirement established in a basin management action plan shall identify the projects or strategies that such entity will undertake to meet current 5-year pollution reduction milestones, beginning with the first 5-year milestone for new basin management action plans, and submit such projects to the department for inclusion in the appropriate basin management action plan. Each project identified must include an estimated amount of nutrient reduction that is reasonably expected to be achieved based on the best scientific information available. Revisions to the basin management action plan shall be made by the department in cooperation with basin stakeholders. Revisions to the management strategies required for nonpoint sources must follow the procedures in subparagraph (c)4. Revised basin management action plans must be adopted pursuant to subparagraph 5.

592-02473-26

20261510c1

7. In accordance with procedures adopted by rule under paragraph (9)(c), basin management action plans, and other pollution control programs under local, state, or federal authority as provided in subsection (4), may allow point or nonpoint sources that will achieve greater pollutant reductions than required by an adopted total maximum daily load or wasteload allocation to generate, register, and trade water quality credits for the excess reductions to enable other sources to achieve their allocation; however, the generation of water quality credits does not remove the obligation of a source or activity to meet applicable technology requirements or adopted best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES permittees, where the generation or use of the credits involve an entity or activity not subject to department water discharge permits whose owner voluntarily elects to obtain department authorization for the generation and sale of credits.

8. The department's rule relating to the equitable abatement of pollutants into surface waters do not apply to water bodies or waterbody segments for which a basin management plan that takes into account future new or expanded activities or discharges has been adopted under this section.

9. In order to promote resilient wastewater utilities, if the department identifies domestic wastewater treatment facilities or onsite sewage treatment and disposal systems as contributors of at least 20 percent of point source or nonpoint source nutrient pollution or if the department determines remediation is necessary to achieve the total maximum daily load, a basin management action plan for a nutrient total

592-02473-26

20261510c1

maximum daily load must include the following:

a. A domestic wastewater treatment plan developed by each local government, in cooperation with the department, the water management district, and the public and private domestic wastewater treatment facilities providing services or located within the jurisdiction of the local government, which addresses domestic wastewater. Private domestic wastewater facilities and special districts providing domestic wastewater services must provide the required wastewater facility information to the applicable local governments. The domestic wastewater treatment plan must:

(I) Provide for construction, expansion, or upgrades necessary to achieve the total maximum daily load requirements applicable to the domestic wastewater treatment facility.

(II) Include the permitted capacity in average annual gallons per day for the domestic wastewater treatment facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a projected timeline of the dates by which the construction of any facility improvements will begin and be completed and the date by which operations of the improved facility will begin; the estimated cost of the improvements; and the identity of responsible parties.

The domestic wastewater treatment plan must be adopted as part of the basin management action plan no later than July 1, 2025. A local government that does not have a domestic wastewater treatment facility in its jurisdiction is not required to develop a domestic wastewater treatment plan unless there is a

592-02473-26

20261510c1

1393 demonstrated need to establish a domestic wastewater treatment
 1394 facility within its jurisdiction to improve water quality
 1395 necessary to achieve a total maximum daily load. A local
 1396 government is not responsible for a private domestic wastewater
 1397 facility's compliance with a basin management action plan unless
 1398 such facility is operated through a public-private partnership
 1399 to which the local government is a party.

1400 b. An onsite sewage treatment and disposal system
 1401 remediation plan developed by each local government in
 1402 cooperation with the department, the Department of Health, water
 1403 management districts, and public and private domestic wastewater
 1404 treatment facilities.

1405 (I) The onsite sewage treatment and disposal system
 1406 remediation plan must identify cost-effective and financially
 1407 feasible projects necessary to achieve the nutrient load
 1408 reductions required for onsite sewage treatment and disposal
 1409 systems. To identify cost-effective and financially feasible
 1410 projects for remediation of onsite sewage treatment and disposal
 1411 systems, the local government shall:

1412 (A) Include an inventory of onsite sewage treatment and
 1413 disposal systems based on the best information available;

1414 (B) Identify onsite sewage treatment and disposal systems
 1415 that would be eliminated through connection to existing or
 1416 future central domestic wastewater infrastructure in the
 1417 jurisdiction or domestic wastewater service area of the local
 1418 government, that would be replaced with or upgraded to enhanced
 1419 nutrient-reducing onsite sewage treatment and disposal systems,
 1420 or that would remain on conventional onsite sewage treatment and
 1421 disposal systems;

592-02473-26

20261510c1

1422 (C) Estimate the costs of potential onsite sewage treatment
 1423 and disposal system connections, upgrades, or replacements; and
 1424 (D) Identify deadlines and interim milestones for the
 1425 planning, design, and construction of projects.

1426 (II) The department shall adopt the onsite sewage treatment
 1427 and disposal system remediation plan as part of the basin
 1428 management action plan no later than July 1, 2025, or as
 1429 required for Outstanding Florida Springs under s. 373.807.

1430 10. The following activities are prohibited within a basin
 1431 management action plan adopted under this section, a reasonable
 1432 assurance plan, or a pollution reduction plan:

1433 a. The installation of new onsite sewage treatment and
 1434 disposal systems ~~constructed within a basin management action~~
 1435 ~~plan area adopted under this section, a reasonable assurance~~
 1436 ~~plan, or a pollution reduction plan is prohibited~~ where
 1437 connection to a publicly owned or investor-owned sewerage system
 1438 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
 1439 or less ~~within a basin management action plan adopted under this~~
 1440 ~~section, a reasonable assurance plan, or a pollution reduction~~
 1441 ~~plan~~ where a publicly owned or investor-owned sewerage system is
 1442 not available, the installation of enhanced nutrient-reducing
 1443 onsite sewage treatment and disposal systems, distributed
 1444 wastewater treatment systems as defined in s. 403.814(13), or
 1445 other wastewater treatment systems that achieve at least 65
 1446 percent nitrogen reduction is required.

1447 b. The construction or installation of new domestic
 1448 wastewater disposal facilities, including rapid infiltration
 1449 basins, with permitted capacities of 100,000 or more gallons per
 1450 day, except for those facilities that meet an advanced

592-02473-26

20261510c1

wastewater treatment standard of no more than 3 mg/l total nitrogen and 1 mg/l total phosphorus on an annual permitted basis, or a more stringent treatment standard if the department determines the more stringent standard is necessary to attain a total maximum daily load.

c. The construction or installation of new facilities for the disposal of hazardous waste.

11. When identifying wastewater projects in a basin management action plan, the department may not require the higher cost option if it achieves the same nutrient load reduction as a lower cost option. A regulated entity may choose a different cost option if it complies with the pollutant reduction requirements of an adopted total maximum daily load and meets or exceeds the pollution reduction requirement of the original project.

12. Annually, local governments subject to a basin management action plan or located within the basin of a waterbody not attaining nutrient or nutrient-related standards must provide to the department an update on the status of construction of sanitary sewers to serve such areas, in a manner prescribed by the department.

Section 16. Paragraph (e) of subsection (1) of section 403.0671, Florida Statutes, is amended to read:

403.0671 Basin management action plan wastewater reports.—

(1) By July 1, 2021, the department, in coordination with the county health departments, wastewater treatment facilities, and other governmental entities, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the costs of wastewater

592-02473-26

20261510c1

projects identified in the basin management action plans developed pursuant to ss. 373.807 and 403.067(7) and the onsite sewage treatment and disposal system remediation plans and other restoration plans developed to meet the total maximum daily loads required under s. 403.067. The report must include all of the following:

(e) The projected costs of installing enhanced nutrient-reducing onsite sewage treatment and disposal systems on buildable lots in priority focus areas ~~to comply with s. 373.811.~~

Section 17. Subsection (11) of section 403.0872, Florida Statutes, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.—Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section. This operation permit is the only department operation permit for a major source of air pollution required for such source; provided, at the applicant's request, the department shall issue a separate acid rain permit for a major source of air pollution that is an affected source within the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the procedures contained in this section and in accordance with chapter 120; however, to the extent that chapter 120 is

592-02473-26 20261510c1

inconsistent with this section, the procedures contained in this section prevail.

(11) Each major source of air pollution permitted to operate in this state must pay by June 30 ~~between January 15 and April 1~~ of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant actually emitted, as calculated in accordance with the department's emissions computation and reporting rules. The annual fee shall only apply to those regulated pollutants, except carbon monoxide and greenhouse gases, for which an allowable numeric emission limiting standard is specified in the source's most recent construction or operation permit; provided, however, that:

1. The license fee factor is \$25 or another amount determined by department rule which ensures that the revenue provided by each year's operation license fees is sufficient to cover all reasonable direct and indirect costs of the major stationary source air-operation permit program established by this section. The license fee factor may be increased beyond \$25 only if the secretary of the department affirmatively finds that a shortage of revenue for support of the major stationary source

592-02473-26 20261510c1

air-operation permit program will occur in the absence of a fee factor adjustment. The annual license fee factor may never exceed \$35.

2. The amount of each regulated air pollutant in excess of 4,000 tons per year emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated portion of existing air-operation permit application fees remaining upon commencement of the annual licensing fees.

3. If the department has not received the fee ~~by March 1 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by April 1. If the fee is not postmarked by June 30~~ April 1 of the calendar year, the department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807. The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and may not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to \$50. The department may revoke any major air pollution source operation permit if it finds that the

592-02473-26 20261510c1

permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

4. Notwithstanding the computational provisions of this subsection, the annual operation license fee for any source subject to this section may not be less than \$250, except that the annual operation license fee for sources permitted solely through general permits issued under s. 403.814 may not exceed \$50 per year.

5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes air pollution construction permit fees, the department may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a. ~~Costs to issue and administer such permits shall be considered direct and indirect costs of the major stationary source air-operation permit program under s. 403.0873.~~ The department shall, however, require fees pursuant to s. 403.087(7)(a)5.a. for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

(b) Annual operation license fees collected by the department must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the major stationary source air-operation permit program, which shall consist of the following elements to the extent that they are reasonably related to the regulation of major stationary air

592-02473-26 20261510c1

pollution sources, in accordance with United States

Environmental Protection Agency regulations and guidelines:

1. Reviewing and acting upon any application for such a permit.

2. Implementing and enforcing the terms and conditions of any such permit, excluding court costs or other costs associated with any enforcement action.

3. Emissions and ambient monitoring.

4. Preparing generally applicable regulations or guidance.

5. Modeling, analyses, and demonstrations.

6. Preparing inventories and tracking emissions.

7. Implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program.

8. Any audits conducted under paragraph (c).

(c) An audit of the major stationary source air-operation permit program must be conducted 2 years after the United States Environmental Protection Agency has given full approval of the program to ascertain whether the annual operation license fees collected by the department are used solely to support any reasonable direct and indirect costs as listed in paragraph (b). A program audit must be performed biennially after the first audit.

Section 18. Paragraphs (a) and (b) of subsection (3) of section 403.1838, Florida Statutes, are amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(3)(a) In accordance with rules adopted by the department ~~Environmental Regulation Commission under this section~~, the department may provide grants, from funds specifically

592-02473-26

20261510c1

appropriated for this purpose, to financially disadvantaged small communities for up to 100 percent of the costs of planning, designing, constructing, upgrading, or replacing wastewater collection, transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses.

(b) The rules of the department ~~Environmental Regulation Commission~~ must:

1. Require that projects to plan, design, construct, upgrade, or replace wastewater collection, transmission, treatment, disposal, and reuse facilities be cost-effective, environmentally sound, permittable, and implementable.

2. Require appropriate user charges, connection fees, and other charges sufficient to ensure the long-term operation, maintenance, and replacement of the facilities constructed under each grant.

3. Require grant applications to be submitted on appropriate forms with appropriate supporting documentation, and require records to be maintained.

4. Establish a system to determine eligibility of grant applications.

5. Establish a system to determine the relative priority of grant applications. The system must consider public health protection and water pollution prevention or abatement and must prioritize projects that plan for the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way.

6. Establish requirements for competitive procurement of

592-02473-26

20261510c1

engineering and construction services, materials, and equipment.

7. Provide for termination of grants when program requirements are not met.

Section 19. Section 403.804, Florida Statutes, is repealed.

Section 20. Subsection (6) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—

(6) RISK IMPACT STATEMENT.—The Department of Environmental Protection shall prepare a risk impact statement for any rule that is proposed for adoption which ~~approval by the Environmental Regulation Commission and that~~ establishes or changes standards or criteria based on impacts to or effects upon human health. The Department of Agriculture and Consumer Services shall prepare a risk impact statement for any rule that is proposed for adoption that establishes standards or criteria based on impacts to or effects upon human health.

(a) This subsection does not apply to rules adopted pursuant to federally delegated or mandated programs where such rules are identical or substantially identical to the federal regulations or laws being adopted or implemented by the Department of Environmental Protection or Department of Agriculture and Consumer Services, as applicable. However, the Department of Environmental Protection and the Department of Agriculture and Consumer Services shall identify any risk analysis information available to them from the Federal Government that has formed the basis of such a rule.

(b) This subsection does not apply to emergency rules adopted pursuant to this chapter.

(c) The Department of Environmental Protection and the

592-02473-26

20261510c1

Department of Agriculture and Consumer Services shall prepare and publish notice of the availability of a clear and concise risk impact statement for all applicable rules. The risk impact statement must explain the risk to the public health addressed by the rule and shall identify and summarize the source of the scientific information used in evaluating that risk.

(d) Nothing in this subsection shall be construed to create a new cause of action or basis for challenging a rule nor diminish any existing cause of action or basis for challenging a rule.

Section 21. Subsection (1) of section 373.421, Florida Statutes, is amended, and paragraph (b) of subsection (7) of that section is reenacted, to read:

373.421 Delineation methods; formal determinations.—

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

592-02473-26

20261510c1

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

(7)

(b) Wetlands contiguous to surface waters of the state as defined in s. 403.031(13), Florida Statutes (1991), shall be delineated pursuant to the department's rules as such rules

592-02473-26 20261510c1

existed prior to January 24, 1984, while wetlands not contiguous to surface waters of the state as defined in s. 403.031(13), Florida Statutes (1991), shall be delineated pursuant to the applicable methodology ratified by s. 373.4211 for any development which obtains an individual permit from the United States Army Corps of Engineers under 33 U.S.C. s. 1344:

1. Where a jurisdictional determination validated by the department pursuant to rule 17-301.400(8), Florida Administrative Code, as it existed in rule 17-4.022, Florida Administrative Code, on April 1, 1985, is revalidated pursuant to s. 373.414(13) and the affected lands are part of a project for which a vested rights determination has been issued pursuant to s. 380.06, or

2. Where the lands affected were grandfathered pursuant to s. 403.913(6), Florida Statutes (1991), and proof of prior notification pursuant to s. 403.913(6), Florida Statutes (1991), is submitted to the department within 180 days of the publication of a notice by the department of the existence of this provision. Failure to timely submit the proof of prior notification to the department serves as a waiver of the benefits conferred by this subsection.

3. This subsection shall not be applicable to lands:

a. Within the geographical area to which an individual or general permit issued prior to June 1, 1994, under rules adopted pursuant to this part applies; or

b. Within the geographical area to which a conceptual permit issued prior to June 1, 1994, under rules adopted pursuant to this part applies if wetland delineations were identified and approved by the conceptual permit as set forth in

592-02473-26 20261510c1

s. 373.414(12)(b)1. or 2.; or

c. Where no development activity as defined in s. 380.01(1) or (2)(a)-(d) and (f) has occurred within the project boundaries since October 1, 1986; or

d. Of a project which is not in compliance with this part or the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended.

4. The wetland delineation methodology required in this subsection shall only apply within the geographical area of an individual permit issued by the United States Army Corps of Engineers under 33 U.S.C. s. 1344. The requirement to obtain such individual permit to secure the benefit of this subsection shall not apply to any activities exempt or not subject to regulation under 33 U.S.C. s. 1344.

5. Notwithstanding subsection (1), the wetland delineation methodology required in this subsection and any wetland delineation pursuant thereto, shall only apply to agency action under this part and shall not be binding on local governments except in their implementation of this part.

Section 22. Paragraph (b) of subsection (23) of section 403.031, Florida Statutes, is amended to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(23) "Waters" include, but are not limited to, rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by

592-02473-26

20261510c1

one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural. Solely for purposes of s. 403.0885, waters of the state also include navigable waters or waters of the contiguous zone as used in s. 502 of the Clean Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in existence on January 1, 1993, except for those navigable waters seaward of the boundaries of the state set forth in s. 1, Art. II of the State Constitution. Solely for purposes of this chapter, waters of the state also include the area bounded by the following:

(b) The area bounded by the line described in paragraph (a) generally includes those waters to be known as waters of the state. The landward extent of these waters shall be determined by the delineation methodology ratified in s. 373.4211. Any waters which are outside the general boundary line described in paragraph (a) but which are contiguous thereto by virtue of the presence of a wetland, watercourse, or other surface water, as determined by the delineation methodology ratified in s. 373.4211, shall be a part of this waterbody. Any areas within the line described in paragraph (a) which are neither a wetland nor surface water, as determined by the delineation methodology ratified in s. 373.4211, shall be excluded therefrom. ~~If the Florida Environmental Regulation Commission designates the waters within the boundaries an Outstanding Florida Water, waters outside the boundaries may not be included as part of such designation unless a hearing is held pursuant to notice in~~

592-02473-26

20261510c1

~~each appropriate county and the boundaries of such lands are specifically considered and described for such designation.~~

Section 23. Subsections (7) and (32) of section 403.061, Florida Statutes, are amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this act. Any rule adopted pursuant to this act must be consistent with the provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent limitations, pretreatment requirements, or standards of performance. A county, municipality, or political subdivision may not adopt or enforce any local ordinance, special law, or local regulation requiring the installation of Stage II vapor recovery systems, as currently defined by department rule, unless such county, municipality, or political subdivision is or has been in the past designated by federal regulation as a moderate, serious, or severe ozone nonattainment area. Rules adopted pursuant to this act may not require dischargers of waste into waters of the state to improve natural background conditions. The department shall adopt rules to reasonably limit, reduce, and eliminate domestic wastewater collection and transmission system pipe leakages and inflow and infiltration. Discharges from steam electric generating plants existing or licensed under this chapter on July 1, 1984, may not be required to be treated to a greater extent than may be necessary to assure that the quality of nonthermal components of discharges

592-02473-26 20261510c1

from nonrecirculated cooling water systems is as high as the quality of the makeup waters; that the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or that the quality of noncooling system discharges which receive makeup water from a receiving body of water which does not meet applicable department water quality standards is as high as the quality of the receiving body of water. ~~The department may not adopt standards more stringent than federal regulations, except as provided in s. 403.804.~~

(32) Adopt rules necessary to obtain approval from the United States Environmental Protection Agency to administer the Federal National Pollution Discharge Elimination System (NPDES) permitting program in Florida under ss. 318, 402, and 405 of the federal Clean Water Act, Pub. L. No. 92-500, as amended. This authority shall be implemented consistent with the provisions of part II, which shall be applicable to facilities certified thereunder. The department shall establish all rules, standards, and requirements that regulate the discharge of pollutants into waters of the United States as defined by and in a manner consistent with federal regulations; provided, however, that the department may adopt a standard that is stricter or more stringent than one set by the United States Environmental Protection Agency ~~if approved by the Governor and Cabinet in accordance with the procedures of s. 403.804(2).~~

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to

592-02473-26 20261510c1

humans, animals or plants, or to the environment.

Section 24. Subsection (9) of section 403.704, Florida Statutes, is amended to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of this act. In addition to other powers and duties, the department shall:

(9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce this act, including requirements for the classification, construction, operation, maintenance, and closure of solid waste management facilities and requirements for, and conditions on, solid waste disposal in this state, whether such solid waste is generated within this state or outside this state as long as such requirements and conditions are not based on the out-of-state origin of the waste and are consistent with applicable law. When classifying solid waste management facilities, the department shall consider the hydrogeology of the site for the facility, the types of wastes to be handled by the facility, and methods used to control the types of waste to be handled by the facility and shall seek to minimize the adverse effects of solid waste management on the environment. ~~Whenever the department adopts any rule stricter or more stringent than one that has been set by the United States Environmental Protection Agency, the procedures set forth in s. 403.804(2) shall be followed. The department may~~ shall not, however, adopt hazardous waste rules for solid waste for which special studies were required before ~~prior to~~ October 1, 1988, under s. 8002 of the Resource Conservation and Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies are completed by

592-02473-26 20261510c1

1915 the United States Environmental Protection Agency and the
1916 information is available to the department for consideration in
1917 adopting its own rule.

1918 Section 25. Paragraph (d) of subsection (3) and paragraph
1919 (h) of subsection (9) of section 403.707, Florida Statutes, are
1920 amended to read:

1921 403.707 Permits.—

1922 (3)

1923 (d) The department may adopt rules to administer this
1924 subsection. ~~However, the department is not required to submit~~
1925 ~~such rules to the Environmental Regulation Commission for~~
1926 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),
1927 permit fee caps for solid waste management facilities must ~~shall~~
1928 be prorated to reflect the extended permit term authorized by
1929 this subsection.

1930 (9) The department shall establish a separate category for
1931 solid waste management facilities that accept only construction
1932 and demolition debris for disposal or recycling. The department
1933 shall establish a reasonable schedule for existing facilities to
1934 comply with this section to avoid undue hardship to such
1935 facilities. However, a permitted solid waste disposal unit that
1936 receives a significant amount of waste prior to the compliance
1937 deadline established in this schedule shall not be required to
1938 be retrofitted with liners or leachate control systems.

1939 (h) The department shall ensure that the requirements of
1940 this section are applied and interpreted consistently throughout
1941 ~~this the state. In accordance with s. 20.255,~~ The Division of
1942 Waste Management shall direct the district offices and bureaus
1943 on matters relating to the interpretation and applicability of

592-02473-26 20261510c1

1944 this section.

1945 Section 26. Subsection (3) of section 403.7222, Florida
1946 Statutes, is amended to read:

1947 403.7222 Prohibition of hazardous waste landfills.—

1948 (3) This section does not prohibit the department from
1949 banning the disposal of hazardous waste in other types of waste
1950 management units in a manner consistent with federal
1951 requirements, ~~except as provided under s. 403.804(2).~~

1952 Section 27. Subsection (4) of section 403.7234, Florida
1953 Statutes, is amended to read:

1954 403.7234 Small quantity generator notification and
1955 verification program.—

1956 (4) Within 30 days of receipt of a notification, which
1957 includes a survey form, a small quantity generator shall
1958 disclose its management practices and the types and quantities
1959 of waste to the county government. Annually, each county shall
1960 verify the management practices of at least 20 percent of its
1961 small quantity generators. The procedure for verification used
1962 by the county must ~~shall~~ be developed as part of the guidance
1963 established by the department under s. 403.7226. The department
1964 may also regulate the waste management practices of small
1965 quantity generators in order to ensure proper management of
1966 hazardous waste in a manner consistent with federal
1967 requirements, ~~except as provided under s. 403.804(2).~~

1968 Section 28. Section 403.803, Florida Statutes, is amended
1969 to read:

1970 403.803 Definitions.—When used in this part act, the term,
1971 phrase, or word:

1972 (1) "Branch office" means a geographical area, the

592-02473-26

20261510c1

boundaries of which may be established as a part of a district.

(2) "Canal" is a manmade trench, the bottom of which is normally covered by water with the upper edges of its sides normally above water.

(3) "Channel" is a trench, the bottom of which is normally covered entirely by water, with the upper edges of its sides normally below water.

(4) ~~"Commission" means the Environmental Regulation Commission.~~

~~(5)~~ "Department" means the Department of Environmental Protection.

(5)~~(6)~~ "District" or "environmental district" means one of the geographical areas, the boundaries of which are established pursuant to this act.

(6)~~(7)~~ "Drainage ditch" or "irrigation ditch" is a manmade trench dug for the purpose of draining water from the land or for transporting water for use on the land and is not built for navigational purposes.

(7)~~(8)~~ "Environmental district center" means the facilities and personnel which are centralized in each district for the purposes of carrying out the provisions of this act.

(8)~~(9)~~ "Headquarters" means the physical location of the offices of the secretary and the division directors of the department.

(9)~~(10)~~ "Insect control impoundment dikes" means artificial structures, including earthen berms, constructed and used to impound waters for the purpose of insect control.

(10)~~(11)~~ "Manager" means the head of an environmental district or branch office who shall supervise all environmental

592-02473-26

20261510c1

functions of the department within such environmental district or branch office.

~~(11)~~(12) "Secretary" means the Secretary of Environmental Protection.

~~(12)~~(13) "Standard" means any rule of the Department of Environmental Protection relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term "standard" does not include rules of the department which relate exclusively to the internal management of the department, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.

~~(13)~~(14) "Swale" means a manmade trench which:

(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;

(b) Contains contiguous areas of standing or flowing water only following a rainfall event;

(c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and

(d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Section 29. Subsections (1) and (3) of section 403.805, Florida Statutes, are amended to read:

592-02473-26

20261510c1

403.805 Secretary; powers and duties; review of specified rules.—

(1) The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter and the provisions of chapters 161, 253, 258, 260, 369, 373, 376, 377, 378, and 380 ~~253, 373, and 376 and this chapter. The secretary shall have rulemaking responsibility under chapter 120, but shall submit any proposed rule containing standards to the Environmental Regulation Commission for approval, modification, or disapproval pursuant to s. 403.804, except for total maximum daily load calculations and allocations developed pursuant to s. 403.067(6).~~ The secretary shall have responsibility for final agency action regarding total maximum daily load calculations and allocations developed pursuant to s. 403.067(6). The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts.

(3) After adoption of proposed rule 62-302.531(9), Florida Administrative Code, a nonseverability and effective date provision approved by the commission on December 8, 2011, ~~in accordance with the commission's legislative authority under s. 403.804,~~ notice of which was published by the department on December 22, 2011, in the Florida Administrative Register, Vol.

592-02473-26

20261510c1

37, No. 51, page 4446, any subsequent rule or amendment altering the effect of such rule must ~~shall~~ be submitted to the President of the Senate and the Speaker of the House of Representatives no later than 30 days before the next regular legislative session, and such amendment may not take effect until it is ratified by the Legislature.

Section 30. Section 403.8055, Florida Statutes, is amended to read:

403.8055 Department adoption of federal standards.— Notwithstanding s. 120.54 ~~ss. 120.54 and 403.804~~, the secretary is empowered to adopt rules substantively identical to regulations adopted in the Federal Register by the United States Environmental Protection Agency pursuant to federal law, in accordance with the following procedures:

(1) The secretary shall publish notice of intent to adopt a rule pursuant to this section in the Florida Administrative Register at least 21 days before ~~prior to~~ filing the rule with the Department of State. The secretary shall mail a copy of the notice of intent to adopt a rule to the Administrative Procedures Committee at least 21 days before ~~prior to~~ the date of filing with the Department of State. Before ~~Prior to~~ filing the rule with the Department of State, the secretary shall consider any written comments received within 21 days after the date of publication of the notice of intent to adopt a rule. The rule must ~~shall~~ be adopted upon filing with the Department of State. Substantive changes from the rules as noticed ~~shall~~ require republishing of notice as required in this section.

(2) Any rule adopted pursuant to this section becomes ~~shall become~~ effective upon the date designated in the rule by the

592-02473-26

20261510c1

secretary; however, ~~ne~~ such a rule may not ~~shall~~ become effective earlier than the effective date of the substantively identical United States Environmental Protection Agency regulation.

(3) The secretary shall stay any terms or conditions of a permit implementing department rules adopted pursuant to this section if the substantively identical provisions of a United States Environmental Protection Agency regulation have been stayed under federal judicial review. A stay issued pursuant to this subsection shall terminate upon completion of federal judicial review.

(4) Any domestic for-profit or nonprofit corporation or association formed, in whole or in part:

(a) To promote conservation or natural beauty;

(b) To protect the environment, personal health, or other biological values;

(c) To preserve historical sites;

(d) To promote consumer interests;

(e) To represent labor, commercial, or industrial groups; or

(f) To promote orderly development;

and any other substantially affected person may, within 14 days after the date of publication of the notice of intent to adopt a rule, file an objection to rulemaking with the department ~~Environmental Regulation Commission~~. The objection shall specify the portions of the proposed rule to which the person objects and the reasons for the objection. The secretary shall not have the authority under this section to adopt those portions of a

592-02473-26

20261510c1

proposed rule specified in such objection. Objections which are frivolous shall not be considered sufficient to prohibit the secretary from adopting rules under this section.

(5) Whenever all or part of any rule proposed for adoption by the department is substantively identical to a regulation adopted in the Federal Register by the United States Environmental Protection Agency pursuant to federal law, such rule shall be written in a manner so that the rule specifically references such regulation whenever possible.

Section 31. Subsection (1) of section 403.814, Florida Statutes, is amended to read:

403.814 General permits; delegation.—

(1) The secretary is authorized to adopt rules establishing and providing for a program of general permits under this chapter and chapter 253 ~~and this chapter~~ for projects, or categories of projects, which have, either singly or cumulatively, a minimal adverse environmental effect. Such rules must ~~shall~~ specify design or performance criteria that ~~which~~, if applied, would result in compliance with appropriate standards ~~adopted by the commission~~. Except as provided for in subsection (3), any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the department without any agency action by the department.

Section 32. Paragraph (a) of subsection (1) of section 376.302, Florida Statutes, is amended to read:

376.302 Prohibited acts; penalties.—

(1) It shall be a violation of this chapter and it shall be prohibited for any reason:

(a) To discharge pollutants or hazardous substances into or

592-02473-26 20261510c1

2147 upon the surface or ground waters of the state or lands, which
 2148 discharge violates any departmental "standard" as defined in s.
 2149 403.803 ~~s. 403.803(13)~~.

2150 Section 33. Paragraph (b) of subsection (1) of section
 2151 380.5105, Florida Statutes, is amended to read:

2152 380.5105 The Stan Mayfield Working Waterfronts; Florida
 2153 Forever program.—

2154 (1) Notwithstanding any other provision of this chapter, it
 2155 is the intent of the Legislature that the trust shall administer
 2156 the working waterfronts land acquisition program as set forth in
 2157 this section.

2158 (b) For projects that will require more than the grant
 2159 amount awarded for completion, the applicant must identify in
 2160 their project application funding sources that will provide the
 2161 difference between the grant award and the estimated project
 2162 completion cost. Such rules may be incorporated into those
 2163 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2164 Section 34. For the purpose of incorporating the amendment
 2165 made by this act to section 381.0065, Florida Statutes, in a
 2166 reference thereto, paragraph (k) of subsection (2) of section
 2167 381.0066, Florida Statutes, is reenacted to read:

2168 381.0066 Onsite sewage treatment and disposal systems;
 2169 fees.—

2170 (2) The minimum fees in the following fee schedule apply
 2171 until changed by rule by the department within the following
 2172 limits:

2173 (k) Research: An additional \$5 fee shall be added to each
 2174 new system construction permit issued to be used to fund onsite
 2175 sewage treatment and disposal system research, demonstration,

592-02473-26 20261510c1

2176 and training projects. Five dollars from any repair permit fee
 2177 collected under this section shall be used for funding the
 2178 hands-on training centers described in s. 381.0065(3)(j).

2179
 2180 The funds collected pursuant to this subsection for the
 2181 implementation of onsite sewage treatment and disposal system
 2182 regulation and for the purposes of ss. 381.00655 and 381.0067,
 2183 subsequent to any phased transfer of implementation from the
 2184 Department of Health to the department within any county
 2185 pursuant to s. 381.0065, must be deposited in the Florida Permit
 2186 Fee Trust Fund under s. 403.0871, to be administered by the
 2187 department.

2188 Section 35. For the purpose of incorporating the amendment
 2189 made by this act to section 403.067, Florida Statutes, in a
 2190 reference thereto, section 373.4595, Florida Statutes, is
 2191 reenacted to read:

2192 373.4595 Northern Everglades and Estuaries Protection
 2193 Program.—

2194 (1) FINDINGS AND INTENT.—

2195 (a) The Legislature finds that the Lake Okeechobee
 2196 watershed, the Caloosahatchee River watershed, and the St. Lucie
 2197 River watershed are critical water resources of the state,
 2198 providing many economic, natural habitat, and biodiversity
 2199 functions benefiting the public interest, including
 2200 agricultural, public, and environmental water supply; flood
 2201 control; fishing; navigation and recreation; and habitat to
 2202 endangered and threatened species and other flora and fauna.

2203 (b) The Legislature finds that changes in land uses, the
 2204 construction of the Central and Southern Florida Project, and

592-02473-26

20261510c1

the loss of surface water storage have resulted in adverse changes to the hydrology and water quality of Lake Okeechobee and the Caloosahatchee and St. Lucie Rivers and their estuaries.

(c) The Legislature finds that improvement to the hydrology, water quality, and associated aquatic habitats within the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, is essential to the protection of the greater Everglades ecosystem.

(d) The Legislature also finds that it is imperative for the state, local governments, and agricultural and environmental communities to commit to restoring and protecting the surface water resources of the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, and that a watershed-based approach to address these issues must be developed and implemented immediately.

(e) The Legislature finds that phosphorus loads from the Lake Okeechobee watershed have contributed to excessive phosphorus levels throughout the Lake Okeechobee watershed and downstream receiving waters and that a reduction in levels of phosphorus will benefit the ecology of these systems. The excessive levels of phosphorus have also resulted in an accumulation of phosphorus in the sediments of Lake Okeechobee. If not removed, internal phosphorus loads from the sediments are expected to delay responses of the lake to external phosphorus reductions.

(f) The Legislature finds that the Lake Okeechobee phosphorus loads set forth in the total maximum daily loads established in accordance with s. 403.067 represent an appropriate basis for restoration of the Lake Okeechobee

592-02473-26

20261510c1

watershed.

(g) The Legislature finds that, in addition to phosphorus, other pollutants are contributing to water quality problems in the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, and that the total maximum daily load requirements of s. 403.067 provide a means of identifying and addressing these problems.

(h) The Legislature finds that the expeditious implementation of the Lake Okeechobee Watershed Protection Program, the Caloosahatchee River Watershed Protection Program, and the St. Lucie River Watershed Protection Program is needed to improve the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem and that this section, in conjunction with s. 403.067, including the implementation of the plans developed and approved pursuant to subsections (3) and (4), and any related basin management action plan developed and implemented pursuant to s. 403.067(7)(a), provide a reasonable means of achieving the total maximum daily load requirements and achieving and maintaining compliance with state water quality standards.

(i) The Legislature finds that the implementation of the programs contained in this section is for the benefit of the public health, safety, and welfare and is in the public interest.

(j) The Legislature finds that sufficient research has been conducted and sufficient plans developed to immediately expand and accelerate programs to address the hydrology and water quality in the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed.

592-02473-26

20261510c1

(k) The Legislature finds that a continuing source of funding is needed to effectively implement the programs developed and approved under this section which are needed to address the hydrology and water quality problems within the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed.

(l) It is the intent of the Legislature to protect and restore surface water resources and achieve and maintain compliance with water quality standards in the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, and downstream receiving waters, through the phased, comprehensive, and innovative protection program set forth in this section which includes long-term solutions based upon the total maximum daily loads established in accordance with s. 403.067. This program shall be watershed-based, shall provide for consideration of all water quality issues needed to meet the total maximum daily load, and shall include research and monitoring, development and implementation of best management practices, refinement of existing regulations, and structural and nonstructural projects, including public works.

(m) It is the intent of the Legislature that this section be implemented in coordination with the Comprehensive Everglades Restoration Plan project components and other federal programs in order to maximize opportunities for the most efficient and timely expenditures of public funds.

(n) It is the intent of the Legislature that the coordinating agencies encourage and support the development of creative public-private partnerships and programs, including opportunities for water storage and quality improvement on

592-02473-26

20261510c1

private lands and water quality credit trading, to facilitate or further the restoration of the surface water resources of the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, consistent with s. 403.067.

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

(a) "Best management practice" means a practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. Best management practices for agricultural discharges shall reflect a balance between water quality improvements and agricultural productivity.

(b) "Biosolids" means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility, formerly known as "domestic wastewater residuals" or "residuals," and includes products and treated material from biosolids treatment facilities and septage management facilities regulated by the department. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

(c) "Caloosahatchee River watershed" means the Caloosahatchee River, its tributaries, its estuary, and the area within Charlotte, Glades, Hendry, and Lee Counties from which

592-02473-26 20261510c1

2321 surface water flow is directed or drains, naturally or by
 2322 constructed works, to the river, its tributaries, or its
 2323 estuary.
 2324 (d) "Coordinating agencies" means the Department of
 2325 Agriculture and Consumer Services, the Department of
 2326 Environmental Protection, and the South Florida Water Management
 2327 District.
 2328 (e) "Corps of Engineers" means the United States Army Corps
 2329 of Engineers.
 2330 (f) "Department" means the Department of Environmental
 2331 Protection.
 2332 (g) "District" means the South Florida Water Management
 2333 District.
 2334 (h) "Lake Okeechobee Watershed Construction Project" means
 2335 the construction project developed pursuant to this section.
 2336 (i) "Lake Okeechobee Watershed Protection Plan" means the
 2337 Lake Okeechobee Watershed Construction Project and the Lake
 2338 Okeechobee Watershed Research and Water Quality Monitoring
 2339 Program.
 2340 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
 2341 tributaries, and the area within which surface water flow is
 2342 directed or drains, naturally or by constructed works, to the
 2343 lake or its tributaries.
 2344 (k) "Northern Everglades" means the Lake Okeechobee
 2345 watershed, the Caloosahatchee River watershed, and the St. Lucie
 2346 River watershed.
 2347 (l) "Project component" means any structural or operational
 2348 change, resulting from the Restudy, to the Central and Southern
 2349 Florida Project as it existed and was operated as of January 1,

592-02473-26 20261510c1

2350 1999.
 2351 (m) "Restudy" means the Comprehensive Review Study of the
 2352 Central and Southern Florida Project, for which federal
 2353 participation was authorized by the Federal Water Resources
 2354 Development Acts of 1992 and 1996 together with related
 2355 congressional resolutions and for which participation by the
 2356 South Florida Water Management District is authorized by s.
 2357 373.1501. The term includes all actions undertaken pursuant to
 2358 the aforementioned authorizations which will result in
 2359 recommendations for modifications or additions to the Central
 2360 and Southern Florida Project.
 2361 (n) "River Watershed Protection Plans" means the
 2362 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 2363 River Watershed Protection Plan developed pursuant to this
 2364 section.
 2365 (o) "Soil amendment" means any substance or mixture of
 2366 substances sold or offered for sale for soil enriching or
 2367 corrective purposes, intended or claimed to be effective in
 2368 promoting or stimulating plant growth, increasing soil or plant
 2369 productivity, improving the quality of crops, or producing any
 2370 chemical or physical change in the soil, except amendments,
 2371 conditioners, additives, and related products that are derived
 2372 solely from inorganic sources and that contain no recognized
 2373 plant nutrients.
 2374 (p) "St. Lucie River watershed" means the St. Lucie River,
 2375 its tributaries, its estuary, and the area within Martin,
 2376 Okeechobee, and St. Lucie Counties from which surface water flow
 2377 is directed or drains, naturally or by constructed works, to the
 2378 river, its tributaries, or its estuary.

592-02473-26

20261510c1

2379 (q) "Total maximum daily load" means the sum of the
 2380 individual wasteload allocations for point sources and the load
 2381 allocations for nonpoint sources and natural background adopted
 2382 pursuant to s. 403.067. Before determining individual wasteload
 2383 allocations and load allocations, the maximum amount of a
 2384 pollutant that a water body or water segment can assimilate from
 2385 all sources without exceeding water quality standards must first
 2386 be calculated.

2387 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
 2388 Okeechobee Watershed Protection Program shall consist of the
 2389 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
 2390 Basin Management Action Plan adopted pursuant to s. 403.067, the
 2391 Lake Okeechobee Exotic Species Control Program, and the Lake
 2392 Okeechobee Internal Phosphorus Management Program. The Lake
 2393 Okeechobee Basin Management Action Plan adopted pursuant to s.
 2394 403.067 shall be the component of the Lake Okeechobee Watershed
 2395 Protection Program that achieves phosphorus load reductions for
 2396 Lake Okeechobee. The Lake Okeechobee Watershed Protection
 2397 Program shall address the reduction of phosphorus loading to the
 2398 lake from both internal and external sources. Phosphorus load
 2399 reductions shall be achieved through a phased program of
 2400 implementation. In the development and administration of the
 2401 Lake Okeechobee Watershed Protection Program, the coordinating
 2402 agencies shall maximize opportunities provided by federal cost-
 2403 sharing programs and opportunities for partnerships with the
 2404 private sector.

2405 (a) *Lake Okeechobee Watershed Protection Plan.*—To protect
 2406 and restore surface water resources, the district, in
 2407 cooperation with the other coordinating agencies, shall complete

Page 83 of 122

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

592-02473-26

20261510c1

2408 a Lake Okeechobee Watershed Protection Plan in accordance with
 2409 this section and ss. 373.451-373.459. Beginning March 1, 2020,
 2410 and every 5 years thereafter, the district shall update the Lake
 2411 Okeechobee Watershed Protection Plan to ensure that it is
 2412 consistent with the Lake Okeechobee Basin Management Action Plan
 2413 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
 2414 Protection Plan shall identify the geographic extent of the
 2415 watershed, be coordinated with the plans developed pursuant to
 2416 paragraphs (4)(a) and (c), and include the Lake Okeechobee
 2417 Watershed Construction Project and the Lake Okeechobee Watershed
 2418 Research and Water Quality Monitoring Program. The plan shall
 2419 consider and build upon a review and analysis of the performance
 2420 of projects constructed during Phase I and Phase II of the Lake
 2421 Okeechobee Watershed Construction Project, pursuant to
 2422 subparagraph 1.; relevant information resulting from the Lake
 2423 Okeechobee Basin Management Action Plan, pursuant to paragraph
 2424 (b); relevant information resulting from the Lake Okeechobee
 2425 Watershed Research and Water Quality Monitoring Program,
 2426 pursuant to subparagraph 2.; relevant information resulting from
 2427 the Lake Okeechobee Exotic Species Control Program, pursuant to
 2428 paragraph (c); and relevant information resulting from the Lake
 2429 Okeechobee Internal Phosphorus Management Program, pursuant to
 2430 paragraph (d).

2431 1. Lake Okeechobee Watershed Construction Project.—To
 2432 improve the hydrology and water quality of Lake Okeechobee and
 2433 downstream receiving waters, including the Caloosahatchee and
 2434 St. Lucie Rivers and their estuaries, the district, in
 2435 cooperation with the other coordinating agencies, shall design
 2436 and construct the Lake Okeechobee Watershed Construction

Page 84 of 122

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

592-02473-26

20261510c1

Project. The project shall include:

a. Phase I.—Phase I of the Lake Okeechobee Watershed Construction Project shall consist of a series of project features consistent with the recommendations of the South Florida Ecosystem Restoration Working Group's Lake Okeechobee Action Plan. Priority basins for such projects include S-191, S-154, and Pools D and E in the Lower Kissimmee River. To obtain phosphorus load reductions to Lake Okeechobee as soon as possible, the following actions shall be implemented:

(I) The district shall serve as a full partner with the Corps of Engineers in the design and construction of the Grassy Island Ranch and New Palm Dairy stormwater treatment facilities as components of the Lake Okeechobee Water Retention/Phosphorus Removal Critical Project. The Corps of Engineers shall have the lead in design and construction of these facilities. Should delays be encountered in the implementation of either of these facilities, the district shall notify the department and recommend corrective actions.

(II) The district shall obtain permits and complete construction of two of the isolated wetland restoration projects that are part of the Lake Okeechobee Water Retention/Phosphorus Removal Critical Project. The additional isolated wetland projects included in this critical project shall further reduce phosphorus loading to Lake Okeechobee.

(III) The district shall work with the Corps of Engineers to expedite initiation of the design process for the Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment Area, a project component of the Comprehensive Everglades Restoration Plan. The district shall propose to the Corps of

592-02473-26

20261510c1

Engineers that the district take the lead in the design and construction of the Reservoir Assisted Stormwater Treatment Area and receive credit towards the local share of the total cost of the Comprehensive Everglades Restoration Plan.

b. Phase II technical plan and construction.—The district, in cooperation with the other coordinating agencies, shall develop a detailed technical plan for Phase II of the Lake Okeechobee Watershed Construction Project which provides the basis for the Lake Okeechobee Basin Management Action Plan adopted by the department pursuant to s. 403.067. The detailed technical plan shall include measures for the improvement of the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem, including the Lake Okeechobee watershed and the estuaries, and for facilitating the achievement of water quality standards. Use of cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies shall be incorporated in the plan where appropriate. The detailed technical plan shall also include a Process Development and Engineering component to finalize the detail and design of Phase II projects and identify additional measures needed to increase the certainty that the overall objectives for improving water quality and quantity can be met. Based on information and recommendations from the Process Development and Engineering component, the Phase II detailed technical plan shall be periodically updated. Phase II shall include construction of additional facilities in the priority basins identified in sub-subparagraph a., as well as facilities for other basins in the Lake Okeechobee watershed. The technical plan shall:

592-02473-26

20261510c1

2495 (I) Identify Lake Okeechobee Watershed Construction Project
 2496 facilities designed to contribute to achieving all applicable
 2497 total maximum daily loads established pursuant to s. 403.067
 2498 within the Lake Okeechobee watershed.

2499 (II) Identify the size and location of all such Lake
 2500 Okeechobee Watershed Construction Project facilities.

2501 (III) Provide a construction schedule for all such Lake
 2502 Okeechobee Watershed Construction Project facilities, including
 2503 the sequencing and specific timeframe for construction of each
 2504 Lake Okeechobee Watershed Construction Project facility.

2505 (IV) Provide a schedule for the acquisition of lands or
 2506 sufficient interests necessary to achieve the construction
 2507 schedule.

2508 (V) Provide a detailed schedule of costs associated with
 2509 the construction schedule.

2510 (VI) Identify, to the maximum extent practicable, impacts
 2511 on wetlands and state-listed species expected to be associated
 2512 with construction of such facilities, including potential
 2513 alternatives to minimize and mitigate such impacts, as
 2514 appropriate.

2515 (VII) Provide for additional measures, including voluntary
 2516 water storage and quality improvements on private land, to
 2517 increase water storage and reduce excess water levels in Lake
 2518 Okeechobee and to reduce excess discharges to the estuaries.

2519 (VIII) Develop the appropriate water quantity storage goal
 2520 to achieve the desired Lake Okeechobee range of lake levels and
 2521 inflow volumes to the Caloosahatchee and St. Lucie estuaries
 2522 while meeting the other water-related needs of the region,
 2523 including water supply and flood protection.

592-02473-26

20261510c1

2524 (IX) Provide for additional source controls needed to
 2525 enhance performance of the Lake Okeechobee Watershed
 2526 Construction Project facilities. Such additional source controls
 2527 shall be incorporated into the Lake Okeechobee Basin Management
 2528 Action Plan pursuant to paragraph (b).

2529 c. Evaluation.—Within 5 years after the adoption of the
 2530 Lake Okeechobee Basin Management Action Plan pursuant to s.
 2531 403.067 and every 5 years thereafter, the department, in
 2532 cooperation with the other coordinating agencies, shall conduct
 2533 an evaluation of the Lake Okeechobee Watershed Construction
 2534 Project and identify any further load reductions necessary to
 2535 achieve compliance with the Lake Okeechobee total maximum daily
 2536 loads established pursuant to s. 403.067. The district shall
 2537 identify modifications to facilities of the Lake Okeechobee
 2538 Watershed Construction Project as appropriate to meet the total
 2539 maximum daily loads. Modifications to the Lake Okeechobee
 2540 Watershed Construction Project resulting from this evaluation
 2541 shall be incorporated into the Lake Okeechobee Basin Management
 2542 Action Plan and included in the applicable annual progress
 2543 report submitted pursuant to subsection (6).

2544 d. Coordination and review.—To ensure the timely
 2545 implementation of the Lake Okeechobee Watershed Construction
 2546 Project, the design of project facilities shall be coordinated
 2547 with the department and other interested parties, including
 2548 affected local governments, to the maximum extent practicable.
 2549 Lake Okeechobee Watershed Construction Project facilities shall
 2550 be reviewed and commented upon by the department before the
 2551 execution of a construction contract by the district for that
 2552 facility.

592-02473-26

20261510c1

2553 2. Lake Okeechobee Watershed Research and Water Quality
 2554 Monitoring Program.—The coordinating agencies shall implement a
 2555 Lake Okeechobee Watershed Research and Water Quality Monitoring
 2556 Program. Results from the program shall be used by the
 2557 department, in cooperation with the other coordinating agencies,
 2558 to make modifications to the Lake Okeechobee Basin Management
 2559 Action Plan adopted pursuant to s. 403.067, as appropriate. The
 2560 program shall:

2561 a. Evaluate all available existing water quality data
 2562 concerning total phosphorus in the Lake Okeechobee watershed,
 2563 develop a water quality baseline to represent existing
 2564 conditions for total phosphorus, monitor long-term ecological
 2565 changes, including water quality for total phosphorus, and
 2566 measure compliance with water quality standards for total
 2567 phosphorus, including any applicable total maximum daily load
 2568 for the Lake Okeechobee watershed as established pursuant to s.
 2569 403.067. Beginning March 1, 2020, and every 5 years thereafter,
 2570 the department shall reevaluate water quality and quantity data
 2571 to ensure that the appropriate projects are being designated and
 2572 incorporated into the Lake Okeechobee Basin Management Action
 2573 Plan adopted pursuant to s. 403.067. The district shall
 2574 implement a total phosphorus monitoring program at appropriate
 2575 structures owned or operated by the district and within the Lake
 2576 Okeechobee watershed.

2577 b. Develop a Lake Okeechobee water quality model that
 2578 reasonably represents the phosphorus dynamics of Lake Okeechobee
 2579 and incorporates an uncertainty analysis associated with model
 2580 predictions.

2581 c. Determine the relative contribution of phosphorus from

Page 89 of 122

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

592-02473-26

20261510c1

2582 all identifiable sources and all primary and secondary land
 2583 uses.

2584 d. Conduct an assessment of the sources of phosphorus from
 2585 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
 2586 relative contribution to the water quality of Lake Okeechobee.
 2587 The results of this assessment shall be used by the coordinating
 2588 agencies as part of the Lake Okeechobee Basin Management Action
 2589 Plan adopted pursuant to s. 403.067 to develop interim measures,
 2590 best management practices, or regulations, as applicable.

2591 e. Assess current water management practices within the
 2592 Lake Okeechobee watershed and develop recommendations for
 2593 structural and operational improvements. Such recommendations
 2594 shall balance water supply, flood control, estuarine salinity,
 2595 maintenance of a healthy lake littoral zone, and water quality
 2596 considerations.

2597 f. Evaluate the feasibility of alternative nutrient
 2598 reduction technologies, including sediment traps, canal and
 2599 ditch maintenance, fish production or other aquaculture,
 2600 bioenergy conversion processes, and algal or other biological
 2601 treatment technologies and include any alternative nutrient
 2602 reduction technologies determined to be feasible in the Lake
 2603 Okeechobee Basin Management Action Plan adopted pursuant to s.
 2604 403.067.

2605 g. Conduct an assessment of the water volumes and timing
 2606 from the Lake Okeechobee watershed and their relative
 2607 contribution to the water level changes in Lake Okeechobee and
 2608 to the timing and volume of water delivered to the estuaries.

2609 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake
 2610 Okeechobee Basin Management Action Plan adopted pursuant to s.

Page 90 of 122

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

592-02473-26

20261510c1

2611 403.067 shall be the watershed phosphorus control component for
 2612 Lake Okeechobee. The Lake Okeechobee Basin Management Action
 2613 Plan shall be a multifaceted approach designed to achieve the
 2614 total maximum daily load by improving the management of
 2615 phosphorus sources within the Lake Okeechobee watershed through
 2616 implementation of regulations and best management practices,
 2617 continued development and continued implementation of improved
 2618 best management practices, improvement and restoration of the
 2619 hydrologic function of natural and managed systems, and use of
 2620 alternative technologies for nutrient reduction. As provided in
 2621 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action
 2622 Plan must include milestones for implementation and water
 2623 quality improvement, and an associated water quality monitoring
 2624 component sufficient to evaluate whether reasonable progress in
 2625 pollutant load reductions is being achieved over time. An
 2626 assessment of progress toward these milestones shall be
 2627 conducted every 5 years and shall be provided to the Governor,
 2628 the President of the Senate, and the Speaker of the House of
 2629 Representatives. Revisions to the plan shall be made, as
 2630 appropriate, as a result of each 5-year review. Revisions to the
 2631 basin management action plan shall be made by the department in
 2632 cooperation with the basin stakeholders. Revisions to best
 2633 management practices or other measures must follow the
 2634 procedures set forth in s. 403.067(7)(c)4. Revised basin
 2635 management action plans must be adopted pursuant to s.
 2636 403.067(7)(a)5. The department shall develop an implementation
 2637 schedule establishing 5-year, 10-year, and 15-year measurable
 2638 milestones and targets to achieve the total maximum daily load
 2639 no more than 20 years after adoption of the plan. The initial

Page 91 of 122

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

592-02473-26

20261510c1

2640 implementation schedule shall be used to provide guidance for
 2641 planning and funding purposes and is exempt from chapter 120.
 2642 Upon the first 5-year review, the implementation schedule shall
 2643 be adopted as part of the plan. If achieving the total maximum
 2644 daily load within 20 years is not practicable, the
 2645 implementation schedule must contain an explanation of the
 2646 constraints that prevent achievement of the total maximum daily
 2647 load within 20 years, an estimate of the time needed to achieve
 2648 the total maximum daily load, and additional 5-year measurable
 2649 milestones, as necessary. The coordinating agencies shall
 2650 develop an interagency agreement pursuant to ss. 373.046 and
 2651 373.406(5) which is consistent with the department taking the
 2652 lead on water quality protection measures through the Lake
 2653 Okeechobee Basin Management Action Plan adopted pursuant to s.
 2654 403.067; the district taking the lead on hydrologic improvements
 2655 pursuant to paragraph (a); and the Department of Agriculture and
 2656 Consumer Services taking the lead on agricultural interim
 2657 measures, best management practices, and other measures adopted
 2658 pursuant to s. 403.067. The interagency agreement must specify
 2659 how best management practices for nonagricultural nonpoint
 2660 sources are developed and how all best management practices are
 2661 implemented and verified consistent with s. 403.067 and this
 2662 section and must address measures to be taken by the
 2663 coordinating agencies during any best management practice
 2664 reevaluation performed pursuant to subparagraphs 5. and 10. The
 2665 department shall use best professional judgment in making the
 2666 initial determination of best management practice effectiveness.
 2667 The coordinating agencies may develop an intergovernmental
 2668 agreement with local governments to implement nonagricultural

Page 92 of 122

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

592-02473-26

20261510c1

nonpoint source best management practices within their respective geographic boundaries. The coordinating agencies shall facilitate the application of federal programs that offer opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

1. Agricultural nonpoint source best management practices, developed in accordance with s. 403.067 and designed to achieve the objectives of the Lake Okeechobee Watershed Protection Program as part of a phased approach of management strategies within the Lake Okeechobee Basin Management Action Plan, shall be implemented on an expedited basis.

2. As provided in s. 403.067, the Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall initiate rule development for interim measures, best management practices, conservation plans, nutrient management plans, or other measures necessary for Lake Okeechobee watershed total maximum daily load reduction. The rule shall include thresholds for requiring conservation and nutrient management plans and criteria for the contents of such plans. Development of agricultural nonpoint source best management practices shall initially focus on those priority basins listed in sub-subparagraph (a)1.a. The Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall conduct an ongoing program for improvement of existing and development of new agricultural nonpoint source interim measures and best management practices. The Department of Agriculture and Consumer Services shall adopt such practices by rule. The

592-02473-26

20261510c1

Department of Agriculture and Consumer Services shall work with the University of Florida Institute of Food and Agriculture Sciences to review and, where appropriate, develop revised nutrient application rates for all agricultural soil amendments in the watershed.

3. As provided in s. 403.067, where agricultural nonpoint source best management practices or interim measures have been adopted by rule of the Department of Agriculture and Consumer Services, the owner or operator of an agricultural nonpoint source addressed by such rule shall either implement interim measures or best management practices or demonstrate compliance with state water quality standards addressed by the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 by conducting monitoring prescribed by the department or the district. Owners or operators of agricultural nonpoint sources who implement interim measures or best management practices adopted by rule of the Department of Agriculture and Consumer Services shall be subject to s. 403.067.

4. The district or department shall conduct monitoring at representative sites to verify the effectiveness of agricultural nonpoint source best management practices.

5. Where water quality problems are detected for agricultural nonpoint sources despite the appropriate implementation of adopted best management practices, a reevaluation of the best management practices shall be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation determines that the best management practices or other measures require modification, the rule shall be revised to require implementation of the modified practice within a reasonable

592-02473-26

20261510c1

period as specified in the rule.

6. As provided in s. 403.067, nonagricultural nonpoint source best management practices, developed in accordance with s. 403.067 and designed to achieve the objectives of the Lake Okeechobee Watershed Protection Program as part of a phased approach of management strategies within the Lake Okeechobee Basin Management Action Plan, shall be implemented on an expedited basis.

7. The department and the district are directed to work with the University of Florida Institute of Food and Agricultural Sciences to develop appropriate nutrient application rates for all nonagricultural soil amendments in the watershed. As provided in s. 403.067, the department, in consultation with the district and affected parties, shall develop nonagricultural nonpoint source interim measures, best management practices, or other measures necessary for Lake Okeechobee watershed total maximum daily load reduction. Development of nonagricultural nonpoint source best management practices shall initially focus on those priority basins listed in sub-subparagraph (a)1.a. The department, the district, and affected parties shall conduct an ongoing program for improvement of existing and development of new interim measures and best management practices. The department or the district shall adopt such practices by rule.

8. Where nonagricultural nonpoint source best management practices or interim measures have been developed by the department and adopted by the district, the owner or operator of a nonagricultural nonpoint source shall implement interim measures or best management practices and be subject to s.

592-02473-26

20261510c1

403.067.

9. As provided in s. 403.067, the district or the department shall conduct monitoring at representative sites to verify the effectiveness of nonagricultural nonpoint source best management practices.

10. Where water quality problems are detected for nonagricultural nonpoint sources despite the appropriate implementation of adopted best management practices, a reevaluation of the best management practices shall be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation determines that the best management practices or other measures require modification, the rule shall be revised to require implementation of the modified practice within a reasonable time period as specified in the rule.

11. Subparagraphs 2. and 7. do not preclude the department or the district from requiring compliance with water quality standards or with current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Subparagraphs 2. and 7. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

12. The program of agricultural best management practices set forth in the Everglades Program of the district meets the requirements of this paragraph and s. 403.067(7) for the Lake Okeechobee watershed. An entity in compliance with the best management practices set forth in the Everglades Program of the district may elect to use that permit in lieu of the requirements of this paragraph. The provisions of subparagraph

592-02473-26 20261510c1

5. apply to this subparagraph. This subparagraph does not alter any requirement of s. 373.4592.

13. The Department of Agriculture and Consumer Services, in cooperation with the department and the district, shall provide technical and financial assistance for implementation of agricultural best management practices, subject to the availability of funds. The department and district shall provide technical and financial assistance for implementation of nonagricultural nonpoint source best management practices, subject to the availability of funds.

14. Projects that reduce the phosphorus load originating from domestic wastewater systems within the Lake Okeechobee watershed shall be given funding priority in the department's revolving loan program under s. 403.1835. The department shall coordinate and provide assistance to those local governments seeking financial assistance for such priority projects.

15. Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, or protecting range and timberland from conversion to development, are eligible for grants available under this section from the coordinating agencies. For projects of otherwise equal priority, special funding priority will be given to those projects that make best use of the methods outlined above that involve public-private partnerships or that obtain federal match money. Preference ranking above the special funding priority will be given to

592-02473-26 20261510c1

projects located in a rural area of opportunity designated by the Governor. Grant applications may be submitted by any person or tribal entity, and eligible projects may include, but are not limited to, the purchase of conservation and flowage easements, hydrologic restoration of wetlands, creating treatment wetlands, development of a management plan for natural resources, and financial support to implement a management plan.

16. The department shall require all entities disposing of domestic wastewater biosolids within the Lake Okeechobee watershed and the remaining areas of Okeechobee, Glades, and Hendry Counties to develop and submit to the department an agricultural use plan that limits applications based upon phosphorus loading consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067. The department may not authorize the disposal of domestic wastewater biosolids within the Lake Okeechobee watershed unless the applicant can affirmatively demonstrate that the phosphorus in the biosolids will not add to phosphorus loadings in Lake Okeechobee or its tributaries. This demonstration shall be based on achieving a net balance between phosphorus imports relative to exports on the permitted application site. Exports shall include only phosphorus removed from the Lake Okeechobee watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with department rule.

17. Private and government-owned utilities within Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, Highlands, Hendry, and Glades Counties that

592-02473-26 20261510c1

2843 dispose of wastewater biosolids sludge from utility operations
 2844 and septic removal by land spreading in the Lake Okeechobee
 2845 watershed may use a line item on local sewer rates to cover
 2846 wastewater biosolids treatment and disposal if such disposal and
 2847 treatment is done by approved alternative treatment methodology
 2848 at a facility located within the areas designated by the
 2849 Governor as rural areas of opportunity pursuant to s. 288.0656.
 2850 This additional line item is an environmental protection
 2851 disposal fee above the present sewer rate and may not be
 2852 considered a part of the present sewer rate to customers,
 2853 notwithstanding provisions to the contrary in chapter 367. The
 2854 fee shall be established by the county commission or its
 2855 designated assignee in the county in which the alternative
 2856 method treatment facility is located. The fee shall be
 2857 calculated to be no higher than that necessary to recover the
 2858 facility's prudent cost of providing the service. Upon request
 2859 by an affected county commission, the Florida Public Service
 2860 Commission will provide assistance in establishing the fee.
 2861 Further, for utilities and utility authorities that use the
 2862 additional line item environmental protection disposal fee, such
 2863 fee may not be considered a rate increase under the rules of the
 2864 Public Service Commission and shall be exempt from such rules.
 2865 Utilities using this section may immediately include in their
 2866 sewer invoicing the new environmental protection disposal fee.
 2867 Proceeds from this environmental protection disposal fee shall
 2868 be used for treatment and disposal of wastewater biosolids,
 2869 including any treatment technology that helps reduce the volume
 2870 of biosolids that require final disposal, but such proceeds may
 2871 not be used for transportation or shipment costs for disposal or

592-02473-26 20261510c1

2872 any costs relating to the land application of biosolids in the
 2873 Lake Okeechobee watershed.
 2874 18. No less frequently than once every 3 years, the Florida
 2875 Public Service Commission or the county commission through the
 2876 services of an independent auditor shall perform a financial
 2877 audit of all facilities receiving compensation from an
 2878 environmental protection disposal fee. The Florida Public
 2879 Service Commission or the county commission through the services
 2880 of an independent auditor shall also perform an audit of the
 2881 methodology used in establishing the environmental protection
 2882 disposal fee. The Florida Public Service Commission or the
 2883 county commission shall, within 120 days after completion of an
 2884 audit, file the audit report with the President of the Senate
 2885 and the Speaker of the House of Representatives and shall
 2886 provide copies to the county commissions of the counties set
 2887 forth in subparagraph 17. The books and records of any
 2888 facilities receiving compensation from an environmental
 2889 protection disposal fee shall be open to the Florida Public
 2890 Service Commission and the Auditor General for review upon
 2891 request.
 2892 19. The Department of Health shall require all entities
 2893 disposing of septage within the Lake Okeechobee watershed to
 2894 develop and submit to that agency an agricultural use plan that
 2895 limits applications based upon phosphorus loading consistent
 2896 with the Lake Okeechobee Basin Management Action Plan adopted
 2897 pursuant to s. 403.067.
 2898 20. The Department of Agriculture and Consumer Services
 2899 shall initiate rulemaking requiring entities within the Lake
 2900 Okeechobee watershed which land-apply animal manure to develop

592-02473-26

20261510c1

resource management system level conservation plans, according to United States Department of Agriculture criteria, which limit such application. Such rules must include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, site inspection requirements, and recordkeeping requirements.

21. The district shall revise chapter 40E-61, Florida Administrative Code, to be consistent with this section and s. 403.067; provide for a monitoring program for nonpoint source dischargers required to monitor water quality by s. 403.067; and provide for the results of such monitoring to be reported to the coordinating agencies.

(c) *Lake Okeechobee Exotic Species Control Program.*—The coordinating agencies shall identify the exotic species that threaten the native flora and fauna within the Lake Okeechobee watershed and develop and implement measures to protect the native flora and fauna.

(d) *Lake Okeechobee Internal Phosphorus Management Program.*—The district, in cooperation with the other coordinating agencies and interested parties, shall evaluate the feasibility of Lake Okeechobee internal phosphorus load removal projects. The evaluation shall be based on technical feasibility, as well as economic considerations, and shall consider all reasonable methods of phosphorus removal. If projects are found to be feasible, the district shall immediately pursue the design, funding, and permitting for implementing such projects.

(e) *Lake Okeechobee Watershed Protection Program implementation.*—The coordinating agencies shall be jointly

592-02473-26

20261510c1

responsible for implementing the Lake Okeechobee Watershed Protection Program, consistent with the statutory authority and responsibility of each agency. Annual funding priorities shall be jointly established, and the highest priority shall be assigned to programs and projects that address sources that have the highest relative contribution to loading and the greatest potential for reductions needed to meet the total maximum daily loads. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or project is ready to proceed, and the availability of federal matching funds or other nonstate funding, including public-private partnerships. Federal and other nonstate funding shall be maximized to the greatest extent practicable.

(f) *Priorities and implementation schedules.*—The coordinating agencies are authorized and directed to establish priorities and implementation schedules for the achievement of total maximum daily loads, compliance with the requirements of s. 403.067, and compliance with applicable water quality standards within the waters and watersheds subject to this section.

(4) *CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.*—A protection program shall be developed and implemented as specified in this subsection. To protect and restore surface water resources, the program shall address the reduction of pollutant loadings, restoration of natural hydrology, and compliance with applicable state water quality standards. The program shall be achieved through a phased program of implementation. In addition,

592-02473-26 20261510c1

pollutant load reductions based upon adopted total maximum daily loads established in accordance with s. 403.067 shall serve as a program objective. In the development and administration of the program, the coordinating agencies shall maximize opportunities provided by federal and local government cost-sharing programs and opportunities for partnerships with the private sector and local government. The program shall include a goal for salinity envelopes and freshwater inflow targets for the estuaries based upon existing research and documentation. The goal may be revised as new information is available. This goal shall seek to reduce the frequency and duration of undesirable salinity ranges while meeting the other water-related needs of the region, including water supply and flood protection, while recognizing the extent to which water inflows are within the control and jurisdiction of the district.

(a) *Caloosahatchee River Watershed Protection Plan.*—The district, in cooperation with the other coordinating agencies, Lee County, and affected counties and municipalities, shall complete a River Watershed Protection Plan in accordance with this subsection. The Caloosahatchee River Watershed Protection Plan shall identify the geographic extent of the watershed, be coordinated as needed with the plans developed pursuant to paragraph (3)(a) and paragraph (c) of this subsection, and include the Caloosahatchee River Watershed Construction Project and the Caloosahatchee River Watershed Research and Water Quality Monitoring Program.

1. Caloosahatchee River Watershed Construction Project.—To improve the hydrology, water quality, and aquatic habitats within the watershed, the district shall, no later than January

592-02473-26 20261510c1

1, 2012, plan, design, and construct the initial phase of the Watershed Construction Project. In doing so, the district shall:

a. Develop and designate the facilities to be constructed to achieve stated goals and objectives of the Caloosahatchee River Watershed Protection Plan.

b. Conduct scientific studies that are necessary to support the design of the Caloosahatchee River Watershed Construction Project facilities.

c. Identify the size and location of all such facilities.

d. Provide a construction schedule for all such facilities, including the sequencing and specific timeframe for construction of each facility.

e. Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

f. Provide a schedule of costs and benefits associated with each construction project and identify funding sources.

g. To ensure timely implementation, coordinate the design, scheduling, and sequencing of project facilities with the coordinating agencies, Lee County, other affected counties and municipalities, and other affected parties.

2. Caloosahatchee River Watershed Research and Water Quality Monitoring Program.—The district, in cooperation with the other coordinating agencies and local governments, shall implement a Caloosahatchee River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall

592-02473-26

20261510c1

also conduct an assessment of the water volumes and timing from Lake Okeechobee and the Caloosahatchee River watershed and their relative contributions to the timing and volume of water delivered to the estuary.

(b) *Caloosahatchee River Watershed Basin Management Action Plans.*—The basin management action plans adopted pursuant to s. 403.067 for the Caloosahatchee River watershed shall be the Caloosahatchee River Watershed Pollutant Control Program. The plans shall be designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the Caloosahatchee River watershed through implementation of regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and utilization of alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. As provided in s. 403.067(7)(a)6., the Caloosahatchee River Watershed Basin Management Action Plans must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years and shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Revisions to the plans shall be made, as appropriate, as a result of each 5-year review. Revisions to the

Page 105 of 122

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

592-02473-26

20261510c1

basin management action plans shall be made by the department in cooperation with the basin stakeholders. Revisions to best management practices or other measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin management action plans must be adopted pursuant to s. 403.067(7)(a)5. The department shall develop an implementation schedule establishing 5-year, 10-year, and 15-year measurable milestones and targets to achieve the total maximum daily load no more than 20 years after adoption of the plan. The initial implementation schedule shall be used to provide guidance for planning and funding purposes and is exempt from chapter 120. Upon the first 5-year review, the implementation schedule shall be adopted as part of the plans. If achieving the total maximum daily load within 20 years is not practicable, the implementation schedule must contain an explanation of the constraints that prevent achievement of the total maximum daily load within 20 years, an estimate of the time needed to achieve the total maximum daily load, and additional 5-year measurable milestones, as necessary. The coordinating agencies shall facilitate the use of federal programs that offer opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

1. Nonpoint source best management practices consistent with s. 403.067, designed to achieve the objectives of the Caloosahatchee River Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies may develop an intergovernmental agreement with local governments to implement the nonagricultural, nonpoint source best management practices within their respective geographic boundaries.

Page 106 of 122

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

592-02473-26

20261510c1

2. This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

3. Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce pollutant loadings or concentrations within a basin, or that reduce the volume of harmful discharges by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, or increasing aquifer recharge, are eligible for grants available under this section from the coordinating agencies.

4. The Caloosahatchee River Watershed Basin Management Action Plans shall require assessment of current water management practices within the watershed and shall require development of recommendations for structural, nonstructural, and operational improvements. Such recommendations shall consider and balance water supply, flood control, estuarine salinity, aquatic habitat, and water quality considerations.

5. The department may not authorize the disposal of domestic wastewater biosolids within the Caloosahatchee River watershed unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed. This demonstration shall be based on

Page 107 of 122

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

592-02473-26

20261510c1

achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with department rule.

6. The Department of Health shall require all entities disposing of septage within the Caloosahatchee River watershed to develop and submit to that agency an agricultural use plan that limits applications based upon nutrient loading consistent with any basin management action plan adopted pursuant to s. 403.067.

7. The Department of Agriculture and Consumer Services shall require entities within the Caloosahatchee River watershed which land-apply animal manure to develop a resource management system level conservation plan, according to United States Department of Agriculture criteria, which limit such application. Such rules shall include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, site inspection requirements, and recordkeeping requirements.

8. The district shall initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3. The results of such monitoring must be reported to the coordinating agencies.

(c) *St. Lucie River Watershed Protection Plan.*—The district, in cooperation with the other coordinating agencies,

Page 108 of 122

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

592-02473-26

20261510c1

Martin County, and affected counties and municipalities shall complete a plan in accordance with this subsection. The St. Lucie River Watershed Protection Plan shall identify the geographic extent of the watershed, be coordinated as needed with the plans developed pursuant to paragraph (3) (a) and paragraph (a) of this subsection, and include the St. Lucie River Watershed Construction Project and St. Lucie River Watershed Research and Water Quality Monitoring Program.

1. St. Lucie River Watershed Construction Project.—To improve the hydrology, water quality, and aquatic habitats within the watershed, the district shall, no later than January 1, 2012, plan, design, and construct the initial phase of the Watershed Construction Project. In doing so, the district shall:

a. Develop and designate the facilities to be constructed to achieve stated goals and objectives of the St. Lucie River Watershed Protection Plan.

b. Identify the size and location of all such facilities.

c. Provide a construction schedule for all such facilities, including the sequencing and specific timeframe for construction of each facility.

d. Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

e. Provide a schedule of costs and benefits associated with each construction project and identify funding sources.

f. To ensure timely implementation, coordinate the design, scheduling, and sequencing of project facilities with the coordinating agencies, Martin County, St. Lucie County, other interested parties, and other affected local governments.

592-02473-26

20261510c1

2. St. Lucie River Watershed Research and Water Quality Monitoring Program.—The district, in cooperation with the other coordinating agencies and local governments, shall establish a St. Lucie River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The district shall also conduct an assessment of the water volumes and timing from Lake Okeechobee and the St. Lucie River watershed and their relative contributions to the timing and volume of water delivered to the estuary.

(d) *St. Lucie River Watershed Basin Management Action Plan.*—The basin management action plan for the St. Lucie River watershed adopted pursuant to s. 403.067 shall be the St. Lucie River Watershed Pollutant Control Program and shall be designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the St. Lucie River watershed through implementation of regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and use of alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. As provided in s. 403.067(7)(a)6., the St. Lucie River Watershed Basin Management Action Plan must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate

592-02473-26

20261510c1

3191 whether reasonable progress in pollutant load reductions is
 3192 being achieved over time. An assessment of progress toward these
 3193 milestones shall be conducted every 5 years and shall be
 3194 provided to the Governor, the President of the Senate, and the
 3195 Speaker of the House of Representatives. Revisions to the plan
 3196 shall be made, as appropriate, as a result of each 5-year
 3197 review. Revisions to the basin management action plan shall be
 3198 made by the department in cooperation with the basin
 3199 stakeholders. Revisions to best management practices or other
 3200 measures must follow the procedures set forth in s.
 3201 403.067(7)(c)4. Revised basin management action plans must be
 3202 adopted pursuant to s. 403.067(7)(a)5. The department shall
 3203 develop an implementation schedule establishing 5-year, 10-year,
 3204 and 15-year measurable milestones and targets to achieve the
 3205 total maximum daily load no more than 20 years after adoption of
 3206 the plan. The initial implementation schedule shall be used to
 3207 provide guidance for planning and funding purposes and is exempt
 3208 from chapter 120. Upon the first 5-year review, the
 3209 implementation schedule shall be adopted as part of the plan. If
 3210 achieving the total maximum daily load within 20 years is not
 3211 practicable, the implementation schedule must contain an
 3212 explanation of the constraints that prevent achievement of the
 3213 total maximum daily load within 20 years, an estimate of the
 3214 time needed to achieve the total maximum daily load, and
 3215 additional 5-year measurable milestones, as necessary. The
 3216 coordinating agencies shall facilitate the use of federal
 3217 programs that offer opportunities for water quality treatment,
 3218 including preservation, restoration, or creation of wetlands on
 3219 agricultural lands.

Page 111 of 122

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

592-02473-26

20261510c1

3220 1. Nonpoint source best management practices consistent
 3221 with s. 403.067, designed to achieve the objectives of the St.
 3222 Lucie River Watershed Protection Program, shall be implemented
 3223 on an expedited basis. The coordinating agencies may develop an
 3224 intergovernmental agreement with local governments to implement
 3225 the nonagricultural nonpoint source best management practices
 3226 within their respective geographic boundaries.

3227 2. This subsection does not preclude the department or the
 3228 district from requiring compliance with water quality standards,
 3229 adopted total maximum daily loads, or current best management
 3230 practices requirements set forth in any applicable regulatory
 3231 program authorized by law for the purpose of protecting water
 3232 quality. This subsection applies only to the extent that it does
 3233 not conflict with any rules adopted by the department or
 3234 district which are necessary to maintain a federally delegated
 3235 or approved program.

3236 3. Projects that make use of private lands, or lands held
 3237 in trust for Indian tribes, to reduce pollutant loadings or
 3238 concentrations within a basin, or that reduce the volume of
 3239 harmful discharges by one or more of the following methods:
 3240 restoring the natural hydrology of the basin, restoring wildlife
 3241 habitat or impacted wetlands, reducing peak flows after storm
 3242 events, or increasing aquifer recharge, are eligible for grants
 3243 available under this section from the coordinating agencies.

3244 4. The St. Lucie River Watershed Basin Management Action
 3245 Plan shall require assessment of current water management
 3246 practices within the watershed and shall require development of
 3247 recommendations for structural, nonstructural, and operational
 3248 improvements. Such recommendations shall consider and balance

Page 112 of 122

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

592-02473-26

20261510c1

water supply, flood control, estuarine salinity, aquatic habitat, and water quality considerations.

5. The department may not authorize the disposal of domestic wastewater biosolids within the St. Lucie River watershed unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the St. Lucie River watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with department rule.

6. The Department of Health shall require all entities disposing of septage within the St. Lucie River watershed to develop and submit to that agency an agricultural use plan that limits applications based upon nutrient loading consistent with any basin management action plan adopted pursuant to s. 403.067.

7. The Department of Agriculture and Consumer Services shall initiate rulemaking requiring entities within the St. Lucie River watershed which land-apply animal manure to develop a resource management system level conservation plan, according to United States Department of Agriculture criteria, which limit such application. Such rules shall include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, site inspection requirements, and recordkeeping requirements.

8. The district shall initiate rulemaking to provide for a

592-02473-26

20261510c1

monitoring program for nonpoint source dischargers required to monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3. The results of such monitoring must be reported to the coordinating agencies.

(e) *River Watershed Protection Plan implementation.*—The coordinating agencies shall be jointly responsible for implementing the River Watershed Protection Plans, consistent with the statutory authority and responsibility of each agency. Annual funding priorities shall be jointly established, and the highest priority shall be assigned to programs and projects that have the greatest potential for achieving the goals and objectives of the plans. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or project is ready to proceed, and the availability of federal or local government matching funds. Federal and other nonstate funding shall be maximized to the greatest extent practicable.

(f) *Evaluation.*—Beginning March 1, 2020, and every 5 years thereafter, concurrent with the updates of the basin management action plans adopted pursuant to s. 403.067, the department, in cooperation with the other coordinating agencies, shall conduct an evaluation of any pollutant load reduction goals, as well as any other specific objectives and goals, as stated in the River Watershed Protection Programs. The district shall identify modifications to facilities of the River Watershed Construction Projects, as appropriate, or any other elements of the River Watershed Protection Programs. The evaluation shall be included in the annual progress report submitted pursuant to this section.

592-02473-26

20261510c1

3307 (g) *Priorities and implementation schedules.*—The
 3308 coordinating agencies are authorized and directed to establish
 3309 priorities and implementation schedules for the achievement of
 3310 total maximum daily loads, the requirements of s. 403.067, and
 3311 compliance with applicable water quality standards within the
 3312 waters and watersheds subject to this section.

3313 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
 3314 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
 3315 department is directed to expedite development and adoption of
 3316 total maximum daily loads for the Caloosahatchee River and
 3317 estuary. The department is further directed to propose for final
 3318 agency action total maximum daily loads for nutrients in the
 3319 tidal portions of the Caloosahatchee River and estuary. The
 3320 department shall initiate development of basin management action
 3321 plans for Lake Okeechobee, the Caloosahatchee River watershed
 3322 and estuary, and the St. Lucie River watershed and estuary as
 3323 provided in s. 403.067 as follows:

3324 (a) Basin management action plans shall be developed as
 3325 soon as practicable as determined necessary by the department to
 3326 achieve the total maximum daily loads established for the Lake
 3327 Okeechobee watershed and the estuaries.

3328 (b) The Phase II technical plan development pursuant to
 3329 paragraph (3)(a), and the River Watershed Protection Plans
 3330 developed pursuant to paragraphs (4)(a) and (c), shall provide
 3331 the basis for basin management action plans developed by the
 3332 department.

3333 (c) As determined necessary by the department to achieve
 3334 the total maximum daily loads, additional or modified projects
 3335 or programs that complement those in the legislatively ratified

Page 115 of 122

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

592-02473-26

20261510c1

3336 plans may be included during the development of the basin
 3337 management action plan.

3338 (d) As provided in s. 403.067, management strategies and
 3339 pollution reduction requirements set forth in a basin management
 3340 action plan subject to permitting by the department under
 3341 subsection (7) must be completed pursuant to the schedule set
 3342 forth in the basin management action plan, as amended. The
 3343 implementation schedule may extend beyond the 5-year permit
 3344 term.

3345 (e) As provided in s. 403.067, management strategies and
 3346 pollution reduction requirements set forth in a basin management
 3347 action plan for a specific pollutant of concern are not subject
 3348 to challenge under chapter 120 at the time they are
 3349 incorporated, in an identical form, into a department or
 3350 district issued permit or a permit modification issued in
 3351 accordance with subsection (7).

3352 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in
 3353 cooperation with the other coordinating agencies, shall report
 3354 on implementation of this section as part of the consolidated
 3355 annual report required in s. 373.036(7). The annual report shall
 3356 include a summary of the conditions of the hydrology, water
 3357 quality, and aquatic habitat in the northern Everglades based on
 3358 the results of the Research and Water Quality Monitoring
 3359 Programs, the status of the Lake Okeechobee Watershed
 3360 Construction Project, the status of the Caloosahatchee River
 3361 Watershed Construction Project, and the status of the St. Lucie
 3362 River Watershed Construction Project. In addition, the report
 3363 shall contain an annual accounting of the expenditure of funds
 3364 from the Save Our Everglades Trust Fund. At a minimum, the

Page 116 of 122

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

592-02473-26

20261510c1

3365 annual report shall provide detail by program and plan,
 3366 including specific information concerning the amount and use of
 3367 funds from federal, state, or local government sources. In
 3368 detailing the use of these funds, the district shall indicate
 3369 those designated to meet requirements for matching funds. The
 3370 district shall prepare the report in cooperation with the other
 3371 coordinating agencies and affected local governments. The
 3372 department shall report on the status of the Lake Okeechobee
 3373 Basin Management Action Plan, the Caloosahatchee River Watershed
 3374 Basin Management Action Plan, and the St. Lucie River Watershed
 3375 Basin Management Action Plan. The Department of Agriculture and
 3376 Consumer Services shall report on the status of the
 3377 implementation of the agricultural nonpoint source best
 3378 management practices, including an implementation assurance
 3379 report summarizing survey responses and response rates, site
 3380 inspections, and other methods used to verify implementation of
 3381 and compliance with best management practices in the Lake
 3382 Okeechobee, Caloosahatchee River, and St. Lucie River
 3383 watersheds.

3384 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3385 (a) The Legislature finds that the Lake Okeechobee
 3386 Watershed Protection Program will benefit Lake Okeechobee and
 3387 downstream receiving waters and is in the public interest. The
 3388 Lake Okeechobee Watershed Construction Project and structures
 3389 discharging into or from Lake Okeechobee shall be constructed,
 3390 operated, and maintained in accordance with this section.

3391 (b) Permits obtained pursuant to this section are in lieu
 3392 of all other permits under this chapter or chapter 403, except
 3393 those issued under s. 403.0885, if applicable. Additional

Page 117 of 122

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

592-02473-26

20261510c1

3394 permits are not required for the Lake Okeechobee Watershed
 3395 Construction Project, or structures discharging into or from
 3396 Lake Okeechobee, if such project or structures are permitted
 3397 under this section. Construction activities related to
 3398 implementation of the Lake Okeechobee Watershed Construction
 3399 Project may be initiated before final agency action, or notice
 3400 of intended agency action, on any permit from the department
 3401 under this section.

3402 (c)1. Owners or operators of existing structures which
 3403 discharge into or from Lake Okeechobee that were subject to
 3404 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,
 3405 and RT50-205564 and that are subject to s. 373.4592(4)(a) do not
 3406 require a permit under this section and shall be governed by
 3407 permits issued under ss. 373.413 and 373.416 and the Lake
 3408 Okeechobee Basin Management Action Plan adopted pursuant to s.
 3409 403.067.

3410 2. For the purposes of this paragraph, owners and operators
 3411 of existing structures which are subject to s. 373.4592(4)(a)
 3412 and which discharge into or from Lake Okeechobee shall be deemed
 3413 in compliance with this paragraph if they are in full compliance
 3414 with the conditions of permits under chapter 40E-63, Florida
 3415 Administrative Code.

3416 3. By January 1, 2017, the district shall submit to the
 3417 department a complete application for a permit modification to
 3418 the Lake Okeechobee structure permits to incorporate proposed
 3419 changes necessary to ensure that discharges through the
 3420 structures covered by this permit are consistent with the basin
 3421 management action plan adopted pursuant to s. 403.067.

3422 (d) The department shall require permits for district

Page 118 of 122

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

592-02473-26 20261510c1

regional projects that are part of the Lake Okeechobee Watershed Construction Project. However, projects that qualify as exempt pursuant to s. 373.406 do not require permits under this section. Such permits shall be issued for a term of 5 years upon the demonstration of reasonable assurances that:

1. District regional projects that are part of the Lake Okeechobee Watershed Construction Project shall achieve the design objectives for phosphorus required in subparagraph (3) (a) 1.;

2. For water quality standards other than phosphorus, the quality of water discharged from the facility is of equal or better quality than the inflows;

3. Discharges from the facility do not pose a serious danger to public health, safety, or welfare; and

4. Any impacts on wetlands or state-listed species resulting from implementation of that facility of the Lake Okeechobee Construction Project are minimized and mitigated, as appropriate.

(e) At least 60 days before the expiration of any permit issued under this section, the permittee may apply for a renewal thereof for a period of 5 years.

(f) Permits issued under this section may include any standard conditions provided by department rule which are appropriate and consistent with this section.

(g) Permits issued under this section may be modified, as appropriate, upon review and approval by the department.

(8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida Water Management District shall not divert waters to the St. Lucie River, the Indian River estuary, the Caloosahatchee River

Page 119 of 122

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

592-02473-26 20261510c1

or its estuary, or the Everglades National Park, in such a way that the state water quality standards are violated, that the nutrients in such diverted waters adversely affect indigenous vegetation communities or wildlife, or that fresh waters diverted to the St. Lucie River or the Caloosahatchee or Indian River estuaries adversely affect the estuarine vegetation or wildlife, unless the receiving waters will biologically benefit by the diversion. However, diversion is permitted when an emergency is declared by the water management district, if the Secretary of Environmental Protection concurs.

(9) PRESERVATION OF PROVISIONS RELATING TO THE EVERGLADES.—Nothing in this section shall be construed to modify any provision of s. 373.4592.

(10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this section is intended to diminish or alter the governmental authority and powers of the Seminole Tribe of Florida, or diminish or alter the rights of that tribe, including, but not limited to, rights under the water rights compact among the Seminole Tribe of Florida, the state, and the South Florida Water Management District as enacted by Pub. L. No. 100-228, 101 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in s. 285.165, and rights under any other agreement between the Seminole Tribe of Florida and the state or its agencies. No land of the Seminole Tribe of Florida shall be used for water storage or stormwater treatment without the consent of the tribe.

(11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—Nothing in this section shall be construed to modify any existing state water quality standard or to modify the provisions of s. 403.067(6) and (7)(a).

Page 120 of 122

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

592-02473-26

20261510c1

3481 (12) RULES.—The governing board of the district is
 3482 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
 3483 to implement the provisions of this section.

3484 (13) PRESERVATION OF AUTHORITY.—Nothing in this section
 3485 shall be construed to restrict the authority otherwise granted
 3486 to agencies pursuant to this chapter and chapter 403, and
 3487 provisions of this section shall be deemed supplemental to the
 3488 authority granted to agencies pursuant to this chapter and
 3489 chapter 403.

3490 Section 36. For the purpose of incorporating the amendment
 3491 made by this act to section 403.0872, Florida Statutes, in a
 3492 reference thereto, section 403.0873, Florida Statutes, is
 3493 reenacted to read:

3494 403.0873 Florida Air-Operation License Fee Account.—The
 3495 “Florida Air-Operation License Fee Account” is established as a
 3496 nonlapsing account within the Department of Environmental
 3497 Protection’s Air Pollution Control Trust Fund. All license fees
 3498 paid pursuant to s. 403.0872(11) shall be deposited in such
 3499 account and must be used solely by the department and approved
 3500 local programs under the advice and consent of the Legislature
 3501 to pay the direct and indirect costs required to develop and
 3502 administer the major stationary source air-operation permit
 3503 program. Any approved local pollution control program that
 3504 accepts funds from the department as reimbursement for services
 3505 it performs in the implementation of the major source air-
 3506 operation permit program, receives delegation from the
 3507 department or the United States Environmental Protection Agency
 3508 for implementation of the major source air-operation permit
 3509 program, or performs functions, duties, or activities

Page 121 of 122

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

592-02473-26

20261510c1

3510 substantially similar to or duplicative of the services
 3511 performed by the department or the United States Environmental
 3512 Protection Agency in the implementation of the major source air-
 3513 operation permit program is prohibited from collecting
 3514 additional fees attributable to such services from any source
 3515 permitted under s. 403.0872.

3516 Section 37. For the purpose of incorporating the amendment
 3517 made by this act to section 403.1838, Florida Statutes, in a
 3518 reference thereto, paragraph (d) of subsection (3) of section
 3519 403.1835, Florida Statutes, is reenacted to read:

3520 403.1835 Water pollution control financial assistance.—

3521 (3) The department may provide financial assistance through
 3522 any program authorized under 33 U.S.C. s. 1383, as amended,
 3523 including, but not limited to, making grants and loans,
 3524 providing loan guarantees, purchasing loan insurance or other
 3525 credit enhancements, and buying or refinancing local debt. This
 3526 financial assistance must be administered in accordance with
 3527 this section and applicable federal authorities.

3528 (d) The department may make grants to financially
 3529 disadvantaged small communities, as defined in s. 403.1838,
 3530 using funds made available from grant allocations on loans
 3531 authorized under subsection (4). The grants must be administered
 3532 in accordance with s. 403.1838.

3533 Section 38. This act shall take effect July 1, 2026.

Page 122 of 122

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1566

INTRODUCER: Community Affairs Committee and Senator DiCeglie

SUBJECT: Local Government Spending

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

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 five years that ensure maintenance and strategic improvements and anticipate increased demands.

The bill has an indeterminate effect on state revenues and expenditures. *See Section V., Fiscal Statement.*

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. 18, 2026).

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Feb. 18, 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 the 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 the 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. 18, 2026).

¹⁵ Florida Public Service Commission, *Facts and Figures of the Florida Utility Industry (2025)*, pg. 14, <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf> (last visited Feb. 18, 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. 18, 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 (Board) 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 a tentative budget for their respective offices for the ensuing fiscal year.³⁰ Upon receipt of the

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.

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 two 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 two 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 two days, but not more than five 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 five days after adoption and remain on the website for at least two 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 two 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 two 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 five days after adoption and must remain on the website for at least two 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 (EDR) related to government spending and debt per resident for the previous five 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 seven days (rather than two days under current law) before the public hearing to adopt the budget;
- Proposed budget amendments to be posted seven days (rather than two days) before the public hearing to adopt the amendment; and
- Final budgets and adopted budget amendments to be posted for five years (rather than two 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 seven days (rather than two 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 five 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 COMMITTEE ON COMMUNITY AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Feb. 18, 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. 18, 2026).

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate impact on state revenues and expenditures. 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 five 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 seven 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 the Office of Economic and Demographic Research (EDR).
- Removes the section of the bill that would have prohibited local government expenditures on diversity, equity, and inclusion.

B. Amendments:

None.



534942

LEGISLATIVE ACTION

Senate

.
.
.
.
.
.

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. Present paragraph (d) of subsection (3) of section 129.03, Florida Statutes, is redesignated as paragraph (e) and amended, a new paragraph (d) is added to that subsection, and paragraph (c) of that subsection is amended, to



534942

read:

129.03 Preparation and adoption of budget.—

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

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

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



534942

1. View budget data in a searchable format.
 2. View and filter data according to categories in the county's chart of accounts, including, but not limited to, fund, department, division, program, or activity.
 3. Review revenue and expense trends in the categories in the county's chart of accounts, and view and compare such data on a comparison chart.
 4. View the data submitted to the Office of Economic and Demographic Research under subparagraphs (e)1. and 2.
 5. Download budget data.
 6. View data in different graphical formats.
 7. View information for one or more county departments, divisions, funds, or financial categories at the same time.
 8. View the average county employee salary, the percentage of the budget spent on salaries and benefits for county employees, and all county employee salaries in a searchable format.
- (e)~~(d)~~ By each October 15, the county budget officer shall electronically submit the following information regarding the final budget and the county's economic status to the Office of Economic and Demographic Research in the format specified by the office:
1. Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.
 2. Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.
 3. Median income within the county.
 4. The average county employee salary.



534942

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

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

7. Annual county expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s.

420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. ~~The information required by this subparagraph must be included in the submission due by October 15, 2020, and each annual submission thereafter.~~

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

129.06 Execution and amendment of budget.—

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

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

1. The public hearing must be advertised at least 7 ~~2~~ days, ~~but not more than 5 days,~~ before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the



534942

hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. A proposed amendment to the budget must be posted on the county's official website within 7 days before adoption. If the board amends the budget pursuant to this paragraph, the adopted amendment must ~~be posted on the county's official website within 5 days after adoption and must~~ remain on the website for at least 5 2 years. The adopted amendment must be incorporated into the budget data made available to the public under s. 129.03(3)(d).

Section 4. Subsections (3) and (9) of section 166.241, Florida Statutes, are amended to read:

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

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

(b) Each tentative budget, adopted tentative budget, or



534942

final budget posted on the municipality's official website or
the county's official website, as applicable, must allow members
of the public to do all of the following:

1. View budget data in a searchable format.

2. View and filter data according to categories in the
municipality's chart of accounts, including, but not limited to,
fund, department, division, program, or activity.

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

4. Download budget data.

5. View data in different graphical formats.

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

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

(9) A proposed amendment to the budget must be posted on
the municipality's official website within 7 days before
adoption. If the governing body of a municipality amends the
budget pursuant to paragraph (8)(c), the adopted amendment must
~~be posted on the official website of the municipality within 5~~
~~days after adoption and must~~ remain on the website for at least
5 2 years. If the municipality does not operate an official
website, the municipality must, within a reasonable period of
time as established by the county or counties in which the
municipality is located, transmit the adopted amendment to the
manager or administrator of such county or counties who shall



534942

post the adopted amendment on the county's website. The adopted amendment must be incorporated into the budget data made available to the public under paragraph (3)(b).

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to local government spending;
providing a short title; amending s. 129.03, F.S.;
revising the timeframe during which tentative budgets,
and the length of time for which final budgets, must
be posted on county websites; requiring the posting of
such budgets to allow members of the public to view,
review, and download certain information and data in
specified formats; deleting obsolete language;
amending s. 129.06, F.S.; revising the timeframe
during which a public hearing for an amendment to a
county budget must be advertised; revising the
timeframe during which, and the length of time for
which, an adopted amendment must be posted on the
county's website; requiring that the adopted amendment
be incorporated into budget data made available to the
public in a certain manner; amending s. 166.241, F.S.;
revising the timeframe during which tentative budgets,
and the length of time for which final budgets, must
be posted on municipal or county websites, as



534942

applicable; requiring the posting of such budgets to
allow members of the public to view, review, and
download certain information and data in specified
formats; revising the timeframe during which, and the
length of time for which, an adopted amendment must be
posted on such website; requiring that the adopted
amendment be incorporated into budget data made
available to the public in a certain manner; providing
an effective date.

By the Committee on Community Affairs; and Senator DiCeglie

578-02731-26

20261566c1

1 A bill to be entitled
 2 An act relating to local government spending;
 3 providing a short title; creating s. 125.483, F.S.;
 4 defining the term "utility"; providing legislative
 5 intent; requiring counties to reinvest utility service
 6 revenues back into a utility for specified purposes;
 7 requiring county utilities to develop budget forecasts
 8 and strategies within a specified timeframe which meet
 9 certain requirements; amending s. 129.03, F.S.;
 10 revising the timeframe during which tentative budgets,
 11 and the length of time for which final budgets, must
 12 be posted on county websites; requiring the posting of
 13 such budgets to allow members of the public to view,
 14 review, and download certain information and data in
 15 specified formats; deleting obsolete language;
 16 amending s. 129.06, F.S.; revising the timeframe
 17 during which a public hearing for an amendment to a
 18 county budget must be advertised; revising the
 19 timeframe during which, and the length of time for
 20 which, an adopted amendment must be posted on the
 21 county's website; requiring that the adopted amendment
 22 be incorporated into budget data made available to the
 23 public in a certain manner; amending s. 166.241, F.S.;
 24 revising the timeframe during which tentative budgets,
 25 and the length of time for which final budgets, must
 26 be posted on municipal or county websites, as
 27 applicable; requiring the posting of such budgets to
 28 allow members of the public to view, review, and
 29 download certain information and data in specified

Page 1 of 9

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

578-02731-26

20261566c1

30 formats; revising the timeframe during which, and the
 31 length of time for which, an adopted amendment must be
 32 posted on such website; requiring that the adopted
 33 amendment be incorporated into budget data made
 34 available to the public in a certain manner; creating
 35 s. 180.1901, F.S.; defining the term "utility";
 36 providing legislative intent; requiring municipalities
 37 to reinvest utility service revenues back into a
 38 utility for specified purposes; requiring municipal
 39 utilities to develop budget forecasts and strategies
 40 that meet certain requirements; providing an effective
 41 date.
 42

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

44
 45 Section 1. This act may be cited as the "Local Government
 46 Financial Transparency and Accountability Act."

47 Section 2. Section 125.483, Florida Statutes, is created to
 48 read:

49 125.483 County utility revenues.—

50 (1) As used in this section, the term "utility" includes
 51 public entities providing water, wastewater, stormwater,
 52 electric, and gas utilities.

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

57 (3) A county shall reinvest utility service revenues back
 58 into the utility for purposes of operational integrity. Such

Page 2 of 9

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

578-02731-26

20261566c1

investments may include building, maintaining, renovating, or otherwise improving the infrastructure of its utility facilities.

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

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

129.03 Preparation and adoption of budget.—

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

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints

578-02731-26

20261566c1

from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments. The tentative budget must be posted on the county's official website at least 7 2 days before the public hearing to consider such budget and must remain on the website for at least 45 days. The final budget must be posted on the website within 30 days after adoption and must remain on the website for at least 5 2 years. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and figures to identify the particular transactions must be made in the minutes of the board to record its actions with reference to the budgets.

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

1. View budget data in a searchable format.
2. View and filter data according to categories in the county's chart of accounts, including, but not limited to, fund, department, division, program, or activity.
3. Review revenue and expense trends in the categories in the county's chart of accounts, and view and compare such data on a comparison chart.
4. View the data submitted to the Office of Economic and Demographic Research under subparagraphs (e)1. and 2.
5. Download budget data.
6. View data in different graphical formats.
7. View information for one or more county departments, divisions, funds, or financial categories at the same time.

578-02731-26

20261566c1

117 8. View the average county employee salary, the percentage
 118 of the budget spent on salaries and benefits for county
 119 employees, and all county employee salaries in a searchable
 120 format.

121 ~~(e)-(d)~~ By each October 15, the county budget officer shall
 122 electronically submit the following information regarding the
 123 final budget and the county's economic status to the Office of
 124 Economic and Demographic Research in the format specified by the
 125 office:

126 1. Government spending per resident, including, at a
 127 minimum, the spending per resident for the previous 5 fiscal
 128 years.

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

131 3. Median income within the county.

132 4. The average county employee salary.

133 5. Percent of budget spent on salaries and benefits for
 134 county employees.

135 6. Number of special taxing districts, wholly or partially,
 136 within the county.

137 7. Annual county expenditures providing for the financing,
 138 acquisition, construction, reconstruction, or rehabilitation of
 139 housing that is affordable, as that term is defined in s.
 140 420.0004. The reported expenditures must indicate the source of
 141 such funds as "federal," "state," "local," or "other," as
 142 applicable. ~~The information required by this subparagraph must~~
 143 ~~be included in the submission due by October 15, 2020, and each~~
 144 ~~annual submission thereafter.~~

145 Section 4. Paragraph (f) of subsection (2) of section

578-02731-26

20261566c1

146 129.06, Florida Statutes, is amended to read:

147 129.06 Execution and amendment of budget.—

148 (2) The board at any time within a fiscal year may amend a
 149 budget for that year, and may within the first 60 days of a
 150 fiscal year amend the budget for the prior fiscal year, as
 151 follows:

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

157 1. The public hearing must be advertised at least 7 ~~2~~ days,
 158 ~~but not more than 5 days~~, before the date of the hearing. The
 159 advertisement must appear in a newspaper of paid general
 160 circulation and must identify the name of the taxing authority,
 161 the date, place, and time of the hearing, and the purpose of the
 162 hearing. The advertisement must also identify each budgetary
 163 fund to be amended, the source of the funds, the use of the
 164 funds, and the total amount of each fund's appropriations.

165 2. If the board amends the budget pursuant to this
 166 paragraph, the adopted amendment must be posted on the county's
 167 official website within 7 ~~5~~ days before ~~after~~ adoption and must
 168 remain on the website for at least 5 ~~2~~ years. The adopted
 169 amendment must be incorporated into the budget data made
 170 available to the public under s. 129.03(3)(d).

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

173 166.241 Fiscal years, budgets, appeal of municipal law
 174 enforcement agency budget, and budget amendments.—

578-02731-26

20261566c1

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

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

1. View budget data in a searchable format.
2. View and filter data according to categories in the municipality's chart of accounts, including, but not limited to, fund, department, division, program, or activity.
3. Review revenue and expense trends in the categories in the municipality's chart of accounts, and view and compare such data on a comparison chart.
4. Download budget data.
5. View data in different graphical formats.
6. View information for one or more county departments, divisions, funds, or financial categories at the same time.
7. View the average municipal employee salary, the

578-02731-26

20261566c1

percentage of the budget spent on salaries and benefits for municipal employees, and all municipal employee salaries in a searchable format.

(9) If the governing body of a municipality amends the budget pursuant to paragraph (8)(c), the adopted amendment must be posted on the official website of the municipality within 7 5 days ~~before~~ after adoption and must remain on the website for at least 5 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website. The adopted amendment must be incorporated into the budget data made available to the public under paragraph (3)(b).

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

180.1901 Municipal utility revenues.—

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

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

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

578-02731-26

20261566c1

233 (4) The utility must, every 5 years, develop a budget
234 forecast and strategies that ensure continuous maintenance, as
235 well as strategic improvements to provide optimal service
236 performance at consistent rates. The budget forecast and
237 strategies must anticipate increasing service demand due to
238 population growth and new commercial industries, expenditures on
239 advanced technologies, and costs incurred from damages and
240 complications arising from intensifying storms, floods, and
241 water shortages.
242 Section 7. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1580

INTRODUCER: Regulated Industries Committee and Senator Martin

SUBJECT: Illegal Gaming

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Imhof</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1580 is a comprehensive update to Florida’s gaming and gambling laws.

The bill clarifies some duties and restrictions for the Florida Gaming Control Commission (FGCC) by transferring the authority to appoint the Inspector General to the commission and refining ethics rules regarding post-employment interests. To address specialized staffing needs in the gaming industry, the bill permits the FGCC to grant employment waivers for technical experts with prior gaming industry experience. Additionally, the bill enhances annual reporting requirements for the FGCC to provide more transparency for the state of Florida.

The bill strengthens enforcement by enhancing criminal penalties for wagering on events with prearranged outcomes and incorporating illegal gambling violations into portions of existing law.

Additionally, the bill provides immediate administrative consequences for businesses that facilitate illegal gaming, authorizing the summary suspension of business and alcoholic beverage licenses for establishments deemed an immediate danger to public welfare.

The bill further targets the proliferation of illegal hardware by creating the first-degree felony of “Trafficking in Slot Machines” for the unauthorized possession or sale of illegal slot machines.

In an effort to reduce costs to the government, the bill allows the physical destruction of seized slot machines upon court order. Additionally, the bill creates a slot machine surrender program to allow for voluntary compliance without prosecution.

For digital activities, the bill defines “internet gambling” and “internet sports wagering” to close any “gray market” loopholes, declaring any such unauthorized activity a third-degree felony.

To provide clarity for certain non-profit entities, a formal declaratory statement process is established with specific guidelines for what needs to be provided to the FGCC. The bill prohibits the FGCC from declining to provide a declaratory statement when asked and requirements are met.

The bill establishes specific criteria for bail determinations, clarifying what is to be considered for bail determination in certain illegal gambling crimes.

In addition, the bill:

- Prohibits the false impersonation of commission personnel or representatives and provides a criminal penalty.
- Increases criminal penalties for keeping an illegal gambling house.
- Increases criminal penalties for agents or employees of a gambling house.
- Increases criminal penalties for renting a house for gambling purposes.
- Prohibits trafficking in slot machines or devices and provides a criminal penalty.
- Requires the imposition of a specified fine for an offender convicted of trafficking in a specified number of slot machines and provide for the deposit of fines and use of proceeds.
- Prohibits the transport or procurement of the transport of a specified number of persons to facilitate illegal gambling, defines the term “illegal gambling” and provides criminal penalties.
- Prohibits the making or disseminating of specified advertisements to promote or facilitate illegal gambling, prohibits activities for the creation of specified advertisements, defines the term “illegal gambling”, and provides a criminal penalty and provides exceptions.
Preempts enactment or enforcement of local ordinances on activities under s. 546.10 and ch. 849, F.S.
- Ranks offenses created by the act on the offense severity ranking chart of the Criminal Punishment Code.
Changes the rank of certain specified offenses on the offense severity ranking chart.

The bill has an indeterminate fiscal impact to the state. See Section V., Fiscal Impact Statement.

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

II. Present Situation:

Background

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel⁵ wagering at licensed greyhound and horse tracks and jai alai frontons;⁶
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;⁷
- Cardrooms⁸ at certain pari-mutuel facilities;⁹
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;¹⁰
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S., the Family Amusement Games Act;¹¹ and
- The following activities, if conducted as authorized under ch. 849, F.S., relating to Gambling, under specific and limited conditions:
 - Penny-ante games;¹²
 - Bingo;¹³
 - Charitable drawings;¹⁴
 - Game promotions (sweepstakes);¹⁵ and
 - Bowling tournaments.¹⁶

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.¹⁷

¹ See s. 849.08, F.S.

² See s. 849.01, F.S.

³ See s. 849.09, F.S.

⁴ See s. 849.16, F.S.

⁵ Section 550.002(22), F.S., defines “pari-mutuel” as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.”

⁶ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

⁷ See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

⁸ Section 849.086(2)(c), F.S., defines “cardroom” to mean “a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.”

⁹ See Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 19, at <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited Feb. 19, 2026), which states that of 30 licensed permitholders, 29 operated at a pari-mutuel facility.

¹⁰ Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

¹¹ See s. 546.10, F.S.

¹² See s. 849.085, F.S.

¹³ See s. 849.0931, F.S.

¹⁴ See s. 849.0935, F.S.

¹⁵ Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁶ See s. 849.141, F.S.

¹⁷ Section 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” See also, *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d

The 1968 State Constitution states that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.¹⁸ A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.¹⁹

Enforcement of Gaming Laws and Florida Gaming Control Commission

In 2021, the Legislature updated Florida law for authorized gaming in the state, and for enforcement of the gambling laws and other laws relating to authorized gaming.²⁰ The Office of Statewide Prosecution in the Department of Legal Affairs is authorized to investigate and prosecute, in addition to gambling offenses, any violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), which are referred to the Office of Statewide Prosecution by the Florida Gaming Control Commission (FGCC).²¹

In addition to the enhanced authority of the Office of Statewide Prosecution, the FGCC was created²² within the Department of Legal Affairs. The FGCC has two divisions, the Division of Gaming Enforcement (DGE), and the Division of Pari-mutuel Wagering (DPMW) which was transferred from the Department of Business and Professional Regulation (DBPR) effective July 1, 2022, (as discussed below).

The FGCC must do all of the following:²³

- Exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding state lottery games as authorized by the State Constitution.

DCA 1981), *review denied*, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

¹⁸ The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

¹⁹ The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

²⁰ See ch. 2021-268, Laws of Fla., (Implementation of 2021 Gaming Compact between the Seminole Tribe of Florida and the State of Florida); ch. 2021-269, Laws of Fla., (Gaming Enforcement), ch. 2021-270, Laws of Fla., (Public Records and Public Meetings), and 2021-271, Laws of Fla., (Gaming), as amended by ch. 2022-179, Laws of Fla., (Florida Gaming Control Commission). Conforming amendments are made to the section in ch. 2022-7, Laws of Fla., (Reviser’s Bill) and ch. 2023-8, Laws of Fla., (Reviser’s Bill).

²¹ Section 16.56(1)(a), F.S.

²² Section 16.71, F.S.

²³ Section 16.712, F.S. The FGCC also administers the Pari-mutuel Wagering Trust Fund. See s. 16.71(6), F.S.

- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the FGCC's regulatory and executive functions.
- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling).
- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage persons from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency or as the FGCC, information that is reported by sports governing bodies or other parties to the FGCC relating to:
 - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
 - Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing; suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
 - The use of data deemed unacceptable by the FGCC or the Seminole Tribal Gaming Commission.
- Provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that may warrant further investigation of nonproprietary information by such entities to ensure the integrity of wagering activities in the state.
- Review any matter within the scope of the jurisdiction of the DPMW.
- Review the regulation of licensees, permitholders, or persons regulated by the DPMW and the procedures used by that division to implement and enforce the law.
- Review the procedures of the DPMW which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the DBPR, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.

- Exercise all other powers and perform any other duties prescribed by the Legislature and adopt rules to implement the above.

Commissioners

As set forth in s. 16.71, F.S., of the five commissioners appointed as members of the commission, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for the preceding 10 years. All members serve four-year terms but may not serve more than 12 years.

Division of Gaming Enforcement

Section 16.711, F.S., sets forth the duties of the DGE within the FGCC.²⁴ The DGE is a criminal justice agency, as defined in s. 943.045, F.S. The commissioners must appoint a director of the DGE who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the DGE.²⁵

The DGE director and all investigators employed by the DGE must meet the requirements for employment and appointment provided by s. 943.13, F.S., and must be certified as law enforcement officers, as defined in s. 943.10(1), F.S. The DGE director and such investigators must be designated law enforcement officers and must have the power to detect, apprehend, and arrest for any alleged violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), or any rule adopted pursuant thereto, or any law of this state.²⁶

Such law enforcement officers may enter upon any premises at which gaming activities are taking place in the state for the performance of their lawful duties and may take with them any necessary equipment, and such entry does not constitute a trespass. In any instance in which there is reason to believe that a violation has occurred, such officers have the authority, without warrant, to search and inspect any premises where the violation is alleged to have occurred or is occurring.²⁷

Further, any such officer may, consistent with the United States and Florida Constitutions, seize or take possession of any papers, records, tickets, currency, or other items related to any alleged violation. Investigators employed by the FGCC also have access to, and the right to inspect, premises licensed by the FGCC, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons licensed by the FGCC.²⁸

²⁴ For a summary of DGE highlights in Fiscal Year 2023-2024, see Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 8, at <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited Feb. 7, 2026).

²⁵ Section 16.711(2), F.S.

²⁶ Section 16.711(3), F.S.

²⁷ *Id.*

²⁸ *Id.*

The DGE and its investigators are specifically authorized to seize any contraband in accordance with the Florida Contraband Forfeiture Act. The term “contraband” has the same meaning as the term “contraband article” in s. 932.701(2)(a)2., F.S.²⁹ The DGE is specifically authorized to store and test any contraband that is seized in accordance with the Florida Contraband Forfeiture Act and may authorize any of its staff to implement this provision. The authority of any other person authorized by law to seize contraband is not limited by these provisions.³⁰

Section 16.711(5), F.S., requires the Florida Department of Law Enforcement (FDLE) to provide assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary gaming operations, and such other assistance as may be requested by the FGCC’s executive director and agreed to by the FDLE’s executive director. Any other state agency, including the DBPR and the Department of Revenue, must, upon request, provide the FGCC with any information relevant to any investigation conducted as described above, and the FGCC must reimburse any agency for the actual cost of providing any such assistance.³¹

Division of Pari-mutuel Wagering

The FGCC has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties. The DPMW is charged with the regulation of Florida’s pari-mutuel, cardroom, and slot gaming industries, as authorized by ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), and ch. 849, F.S., (Gambling), as well as collecting and safeguarding associated revenues due to the state. The DPMW supports the FGCC in meeting the FGCC’s obligations as the State Compliance Agency (SCA)³² in carrying out the state’s oversight responsibilities under the provisions of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida.³³

Commission Annual Report

By December 1 of each year, the FGCC is required to make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include, in part, a summary of actions taken and investigations conducted by the FGCC.³⁴

²⁹ Section 16.711(4), F.S.

³⁰ *Id.*

³¹ Section 16.711(5), F.S.

³² See s. 285.710, F.S. Until June 30, 2022, the DPMW was designated as the SCA, prior to that division’s transfer to the FGCC from the Department of Business and Professional Regulation, as set forth in ch. 2021-269, Laws of Fla.

³³ Section 285.710(3)(b), F.S., provides that the Gaming Compact between the Seminole Tribe of Florida and the State of Florida (2021 Gaming Compact), executed by the Governor and the Tribe on April 23, 2021, as amended on May 17, 2021, is ratified and approved. The 2021 Gaming Compact may be accessed at <https://www.flgov.com/eog/sites/default/files/press/2021%20Gaming%20Compact.pdf> (last visited Feb. 19, 2026). The May 17, 2021, amendment states that Part XVIII.A [relating to certain negotiations within 36 months] is deleted in its entirety and replaced with “Reserved”, and that the Seminole Tribe of Florida agrees that it will not commence Sports Betting, as defined in Part III.CC, prior to October 15, 2021 (The 2021 Gaming Compact is on file with the Senate Regulated Industries Committee).

³⁴ Section 16.712(3)(h), F.S.

Cardrooms

Cardrooms are authorized at certain pari-mutuel facilities.³⁵ Under current law, notwithstanding any other provision of law, a pari-mutuel permitholder (other than a limited thoroughbred permitholder) may not be issued a license for the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for Fiscal Year 2020-2021.³⁶ An initial cardroom license may be issued to a pari-mutuel permitholder only after its facilities are in place and after it conducts its first day of pari-mutuel activities on racing or games.³⁷

A licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom.³⁸ An authorized game is a game or series of games of poker or dominoes.³⁹ Such games must be played in a non-banking manner,⁴⁰ where the participants play against each other, instead of against the house (cardroom).

Prohibited activities of cardrooms include the following:⁴¹

- Conducting any banking game or game not specifically authorized, or any game that violates the exclusivity provided in the gaming compact.
- Allowing persons under 18 years of age to hold a cardroom or employee license, or engage in any game.
- Allowing electronic or mechanical devices, except mechanical card shufflers to be used to conduct any authorized game in a cardroom.
- Allowing cards, game components, or game implements to be used in playing an authorized game unless such has been furnished or provided to the players by the cardroom operator.

Internet Gambling

Online gaming has rapidly normalized in the United States, with recent data showing that 22 percent of American adults now hold an active account with an online sportsbook.⁴² In Florida, the only legal form of gambling by means of the Internet is through the Seminole Tribe of Florida's Hard Rock Bet: Sportsbook App.

³⁵ Section 849.086, F.S.; s. 849.086(2)(c), F.S., defines "cardroom" to mean "a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility."

³⁶ Section 849.086(5), F.S.

³⁷ *Id.*

³⁸ Section 849.086(5) and (6), F.S.

³⁹ *See* s. 849.086(2)(a), F.S.

⁴⁰ *Id.*

⁴¹ Section 849.086(12), F.S.

⁴² Siena College Research Institute, 22% of Americans, Half of Men 18-49, Have Active Online Sports Betting Account, (Feb. 18, 2025), available at <https://sri.siena.edu/2025/02/18/22-of-all-americans-half-of-men-18-49-have-active-online-sports-betting-account/> (last visited Feb. 19, 2026).

Unregulated Internet gambling platforms (often from offshore operations, although not exclusively offshore) drain significant revenue from the state. Estimates suggest that the illegal iGaming market has grown to 31 percent of the total U.S. gaming market.⁴³

Prohibitions for Commission Employees and Commissioners

Commissioners are public officers, and employees are public employees, subject to the Code of Ethics for Public Officers and Employees set forth in part III of ch. 112, F.S., (Code of Ethics). Commissioners and employees are also governed by standards of conduct and provisions limiting ex parte communications, as provided in the bill, similar to the standards applicable to commissioners serving on the Public Service Commission.

For a period of two years immediately preceding appointment to, or employment with, the FGCC, and while appointed or employed with the FGCC, a person may not:

- Hold a permit or license issued under ch. 550, F.S., (Pari-mutuel Wagering), or a license issued under ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling); be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S.,⁴⁴ of such permitholder or licensee;
- Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe, or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity;
- Be or have been, a member of the Legislature;
- Be a registered lobbyist for the executive or legislative branch, except while a commissioner when officially representing the FGCC; or
- Be a bingo game operator or an employee of a bingo game operator.

Persons who fail to meet or who violate the above requirements are ineligible for appointment to or employment with the FGCC, or if, within the two years immediately preceding such appointment or employment, he or she has solicited or accepted employment with; acquired any direct or indirect interest in; has any direct or indirect business association, partnership, or financial relationship with; or is a relative of, any person or entity who is:

- An applicant, licensee, or registrant with the FGCC;
- An officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state;
- A contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or
- An ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity.

⁴³ American Gaming Association, *New AGA Analysis Reveals Illegal Gaming Remains Nearly a Third of the U.S. Market*, (Aug. 13, 2025) available at <https://www.prnewswire.com/news-releases/new-aga-analysis-reveals-illegal-gaming-remains-nearly-a-third-of-the-us-market-302529007.html> (last visited Feb. 19, 2026).

⁴⁴ Section 550.002, F.S., defines the term “ultimate equitable owner” to mean “a natural person who, directly or indirectly, owns or controls five percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.”

The term “relative” means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

A person who is ineligible for employment with the FGCC due to being a relative of one of the persons described above may submit a waiver request to the FGCC for the person to be considered eligible for employment. Waiver requests must be considered on a case-by-case basis, and the FGCC must approve or deny each request. If the FGCC approves the request, the person is eligible for employment with the FGCC. The waiver procedure does not apply to candidates for appointment as a commissioner.

A person is ineligible for employment with the FGCC if he or she were:

- Convicted or found guilty of, or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a felony within five years of the date of application;
- Convicted or found guilty of, or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a misdemeanor within five years of the date of application which the FGCC determines bears a close relationship to the duties and responsibilities of the position for which employment is sought; or
- Dismissed from prior employment for gross misconduct or incompetence or intentionally making a false statement concerning a material fact in connection with the application for employment to FGCC.

If an employee of the FGCC is charged with a felony while employed by the FGCC, the FGCC must suspend the employee, with or without pay, and terminate employment with the FGCC upon conviction. If an employee is charged with a misdemeanor while employed, the FGCC must suspend the employee, with or without pay, and may terminate employment upon conviction if the FGCC determines that the offense bears a close relationship to the duties and responsibilities of the position held with the FGCC.

A commissioner or an employee must notify the FGCC within three calendar days of arrest for any offense. In addition, a commissioner or an employee must provide detailed written notice of the circumstances to the FGCC if the member or employee is indicted, charged with, convicted of, pleads guilty or nolo contendere to, or forfeits bail for:

- A misdemeanor involving gambling, dishonesty, theft, or fraud;
- A violation of any law in any state, or a law of the United States or any other jurisdiction, involving gambling, dishonesty, theft, or fraud which would constitute a misdemeanor in Florida; or
- A felony under the laws of Florida or any other state, the United States, or any other jurisdiction.

Veterans Service Organizations

Veterans Service Organizations (VSOs) that are granted a federal charter under Title 36, U.S.C., are groups that have been formally recognized by Congress. While recognized federally, these groups are private, non-profit entities that must maintain a specific standard of service and

submit an annual report to Congress. Examples of these VSOs are groups like The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the American Veterans, and Paralyzed Veterans of America. Some VSOs choose to operate facilities with a valid alcoholic beverage license.

If certain requirements are met, alcohol licenses for VSOs are issued by the Division of Alcoholic Beverages and Tobacco within the DBPR.

Under Florida law, VSOs operating with alcoholic beverage licenses receive certain gaming privileges; notably, s. 546.10(6)(a), F.S., provides specific exemptions regarding amusement games or machines. These and similar provisions exempt licensed VSOs from certain limitations on amusement machine operations, authorizing them to facilitate gaming activities that support their charitable missions.

Slot Machine Controversy

At any location other than licensed pari-mutuel facilities⁴⁵ and Seminole tribe facilities⁴⁶, it is a violation to “manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of any slot machine or device or any part thereof.”⁴⁷

The legal community in general has spent decades trying to find the right balance in defining and differentiating a slot machine from an amusement machine. Because of this, amusement games or machines are primarily governed by a tension between the Florida statutes that allow amusement games under certain exemptions and Florida’s prohibition on slot machines.

Florida law prohibits slot machines in VSOs but allows certain types of amusement machines or games. In Florida, a slot machine is defined as a machine or device that:⁴⁸

- Is activated by inserting something of value (money, coin, account number, code, or other object or information);
- Is caused to operate or be operated by a user by application of skill, element of chance, or other outcome that is unpredictable to the user; and
- Entitles the user to receive something of value or additional chances or rights to use the device or machine.

A person who violates the prohibitions⁴⁹ against manufacturing, selling, or possessing slot machines or devices commits a:⁵⁰

⁴⁵ Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade counties, if approved by county referendum.

⁴⁶ Florida allows only a few operators of slot machines: certain Seminole tribal facilities and eight pari-mutuel facilities located in Miami-Dade and Broward counties. The FGCC, *FAQ’s ‘Are slot machines legal in Florida?’*, available at <https://flgaming.gov/faq/#:~:text=Are%20slot%20machines%20legal%20in,at%20certain%20Indian%20tribal%20facilities>, (last visited Feb. 19, 2026).

⁴⁷ Section 849.15(1)(a), F.S.

⁴⁸ Section 849.16(1), F.S.

⁴⁹ Sections 849.15, F.S. – 849.22, F.S.

⁵⁰ Section 849.23, F.S.

- Second degree misdemeanor upon a first conviction.⁵¹
- First degree misdemeanor upon a second conviction.⁵²
- Third degree felony upon a third or subsequent conviction, and the person is deemed a “common offender.”⁵³

There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.⁵⁴

In recent years, legal discussion has existed over slot machine and amusement machine distinctions including the “material element of chance” test; if a machine’s outcome can be influenced by factors outside the player’s immediate skill – such as a predetermined win/loss ratio or invisible game logic – the device is legally classified as a slot machine under s. 849.16, F.S.⁵⁵

Amusement Games or Machines

In 2015, the Legislature created s. 546.10, F.S., in an attempt to regulate the operation of skill-based amusement games or machines at specified locations to prevent expansion of casino-style gambling in the state.⁵⁶ To differentiate between slot machines, which are generally prohibited, and amusement machines there is a lengthy definition of what includes an amusement game or machine and what does not constitute an amusement game or machine.

An “amusement game or machine” is defined in s. 546.10(3)(a), F.S., as:

...a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, *by the application of skill, with no material element of chance* inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game.

The term does not include:

- Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps.

⁵¹ *Id.* A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections 775.082 or 775.083, F.S.

⁵² *Id.* A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 or 775.083, F.S.

⁵³ *Id.* A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Sections 775.082, 775.083, or 775.084, F.S.

⁵⁴ Section 849.16(3), F.S.

⁵⁵ See *Gator Coin II, Inc. v Dep’t Bus. & Prof’l Reg.*, 254 So. 3d 114 (Fla. 1st DCA 2018), where the “material element of chance” issue is discussed.

⁵⁶ See Ch. 2015-93 s. 1, Laws of Fla. (creating s. 546.10(2), F.S, effective July 1, 2015).

- A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player.
- A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state.
- Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

Florida law further distinguishes amusement machines or games into three types of machines, Type A, Type B, and Type C.

A Type A amusement game or machine is a game or machine that offers no prizes, or any other thing of value other than free replays so long as:

- The amusement game or machine can accumulate and react to no more than 15 such replays;
- The amusement game or machine can be discharged of accumulated replays only by reactivating the game or device for one additional play for each accumulated replay;
- The amusement game or machine cannot make a permanent record, directly or indirectly, of any free replay;
- The amusement game or machine does not entitle the player to receive anything of value other than a free replay;
- An unused free replay may not be exchanged for anything of value, including merchandise or a coupon or a point that may be redeemed for merchandise; and
- The amusement game or machine does not contain any device that awards a credit and contains a circuit, meter, or switch capable of removing and recording the removal of a credit if the award of a credit is dependent upon chance.⁵⁷

A Type B amusement game or machine is a game or machine that, upon activation and game play, entitles or enables a person to receive a coupon or a point that *may be redeemed onsite for merchandise* and the coupon or point:

- Has no value other than for redemption onsite for merchandise;
- The redemption value that a person receives for a single game played does not exceed the maximum value determined under s. 546.10(7), F.S. The maximum value was set at \$5.25 in 2016 and is adjusted annually by the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items by the Department of Revenue. The current maximum value is \$7.10.⁵⁸ However, a player may accumulate coupons or points to redeem onsite for a single item of merchandise that has a wholesale cost of not more than 100 times the maximum value, or for a prize consisting of more than one item, unit, or part, only if the aggregate wholesale cost of all items, units, or parts does not exceed 100 times the maximum value; and
- The redemption value that a person receives for playing multiple games simultaneously or competing against others in a multiplayer game does not exceed the maximum value.⁵⁹

A Type B amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;

⁵⁷ Section 546.10(5)(a), F.S.

⁵⁸ See https://floridarevenue.com/Forms_library/current/brochure/gt800020.pdf (last visited Feb. 19, 2026).

⁵⁹ Section 546.10(5)(b), F.S.

- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- The following premises, if the owner or operator of the premises has a current license issued by the DBPR pursuant to ch. 509, ch. 561, ch. 562, ch. 563, ch. 564, ch. 565, ch. 567, or ch. 568, of the Florida Statutes;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.; or
- A truck stop.⁶⁰

A Type C amusement game or machine is a game or machine that allows the player to manipulate a claw or similar device within an enclosure that entitles or enables a person to receive merchandise directly from the game or machine, if the wholesale cost of the merchandise does not exceed 10 times the maximum value determined under s. 546.10(7), F.S.

A type C amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.;
- The premises of a retailer, as defined in s. 212.02, F.S.;
- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- A truck stop; or
- The premises of a veterans' service organization (VSO) granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.⁶¹

Chapter 120 Declaratory Statement Process

As a matter of general policy, a declaratory statement serves as an administrative tool designed to resolve regulatory uncertainty. Under the Florida Administrative Procedure Act, a declaratory statement is a formal mechanism that allows any “substantially affected person” to obtain an agency’s opinion regarding the applicability of a statutory provision, rule, or order to their specific set of circumstances.⁶²

The petitioning party must state their particular circumstances with specificity and identify the exact law or regulation they believe applies to that situation.⁶³ Upon receiving a petition, an agency is required to give notice of the filing in the Florida Administrative Register and must either issue the statement or deny the petition within 90 days.⁶⁴

⁶⁰ *Id.*

⁶¹ Section 546.10(5)(c), F.S.

⁶² Section 120.565(1), F.S.

⁶³ Section 120.565(2), F.S.

⁶⁴ Section 120.565(3), F.S.

Once issued, a declaratory statement constitutes a “final agency action,” making it a legally binding interpretation that provides the petitioner with a definitive regulatory position upon which they can rely.⁶⁵

IGRA and Indian Tribes ability to Transport Slot Machines

Gambling on Indian lands is regulated by the Indian Gaming Regulatory Act of 1988 (IGRA), which generally preempts state law on tribal land.⁶⁶

Under the IGRA, gaming is categorized in three classes:

- **Class I** gaming means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations;
- **Class II** gaming includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and certain non-banked card games if not explicitly prohibited by the laws of the state and if played in conformity with state law; and
- **Class III** gaming includes all forms of gaming that are not Class I or Class II gaming, such as banked card games such as baccarat, chemin de fer, and blackjack (21), casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.⁶⁷

Under the IGRA, Class III gaming is lawful on Indian lands only if conducted pursuant to a tribal-state compact that has been ratified by the state and approved by the United States Secretary of the Interior.⁶⁸

The Seminole Tribe of Florida is the only Indian tribe in Florida to have a legally binding compact recognized by the IGRA, and therefore is the only Indian tribe allowed to offer Class III gaming. The Miccosukee Tribe of Indians of Florida offers Class II type of gaming and is prohibited from offering Class III type of gaming, like slot machines.

Because shipments of slot machines for Indian casinos physically travel through the state and not exclusively on tribal lands, there is some potential ambiguity as to whether the general prohibition on transporting slot machines in s. 849.15, F.S., applies to devices destined for tribal lands.

Recent Regulatory Efforts by the FGCC

The FGCC employs approximately 18 sworn law enforcement officers.⁶⁹ The FGCC reported seizing around \$14.47 million and over 6,700 slot machines in 2025, more than doubling its enforcement totals from the previous year.⁷⁰

⁶⁵ *Id.*

⁶⁶ See Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 *et seq.*

⁶⁷ See 25 U.S.C. s. 2703.

⁶⁸ 25 U.S.C. s. 2710(d).

⁶⁹ The FGCC, available at <https://flgaming.gov/enforcement> (last visited Feb. 19, 2026).

⁷⁰ Casino.Org, *Florida Gaming Regulator Doubles Down on Illegal Gambling Raids*, available at <https://www.casino.org/news/florida-gaming-regulator-doubles-down-on-illegal-gambling-raids/> (last visited Feb. 7, 2026).

Preservation of Slot Machines

The FGCC has been faced with is the cost associated with the preservation of potentially criminal slot machines. Most slot machines are bulky, heavy, and require climate-controlled environments to prevent the degradation of digital components and mechanical parts needed for trial. Beyond the monthly storage fees, which for items this size can range significantly, the FGCC must spend time and resources to document and transport these devices, creating a cost for preservation that often exceeds the administrative fines collected from the illegal operators.

State Preemption

There are two ways that a local enactment can be inconsistent with state law. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.⁷¹

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law; it cannot be implied or inferred.⁷² In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.⁷³ Courts determining the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.⁷⁴

III. Effect of Proposed Changes:

Section 1 repeals s. 849.23, F.S., relating to general penalties for criminal penalties for the possession, manufacturing, or sale of prohibited slot machines, replacing them with specific criminal penalties tailored to the individual offenses established throughout the bill.

Operations of the FGCC

Section 2 amends s. 16.71, F.S., to provide that the Florida Gaming Control Commission (FGCC or commission), rather than only the chair of the commission, must appoint an inspector general and to authorize the FGCC to delegate any of the other duties and powers of an agency head under s. 20.055, F.S., to a commissioner.

⁷¹ *Orange County v. Singh*, 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309, 314 (Fla. 2008)); see also James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 FLA. BAR J. 92 (2009), available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Feb. 19, 2026).

⁷² *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

⁷³ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

⁷⁴ See, e.g., *National Rifle Association of America, Inc. v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002) (concluding that a City of South Miami local government ordinance, which purported to provide safety standards for firearms, was null and void because the Legislature expressly preempted the entire field of firearm and ammunition regulation when it enacted s. 790.33, F.S.).

Section 3 amends s. 16.712, F.S., to require the FGCC to include within the annual report submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives:

- The number of investigations that led to criminal charges being filed and the resolution of such a criminal case, the number of complaints received by the FGCC, categorized by subject matter or type, and a summary of the action taken on each such complaint; and
- A list of property seized by the FGCC during the course of investigations and the disposition of such property, including a list of forfeiture actions.

Section 6 amends s. 20.055, F.S., to provide that the commissioners of the FGCC, rather than the chair, are authorized to act as an agency head for the purposes of s. 20.055, F.S.

Section 8 amends s. 551.107(6)(b), F.S., to expand the waiver process to all disqualifying offenses under the statute.

Employment Restrictions and Waiver Authority

Section 4 amends s. 16.713, F.S., to authorize a person ineligible for employment based on pre-employment activities otherwise prohibited under s. 16.713(2)(d), F.S., to request a waiver from such prohibitions if such person is applying for a career service or other-personal-services position and possesses industry expertise in pari-mutuel wagering, cardrooms, or slot machine operations.

The FGCC is required to consider the waiver requests on a case-by-case basis. The waiver does not apply to persons seeking appointment to the commission. Any standard of review for the decision is abuse of discretion. The FGCC is authorized to adopt rules to implement these provisions.

Section 5 amends s. 16.715(1)(b)3, F.S., to remove repetitive post-employment and post-appointment restrictions applicable to future employment. Also, s. 16.715(2)(c), F.S., is amended to:

- Clarify that the post-employment restrictions apply to employees classified as Senior Management Service, Selected Exempt Service, or career service.
- Impose additional post-employment restrictions on such employees relating to future employment with business entities that directly or indirectly owns or controls a person regulated by the FGCC, a person regulated by the commission, an entity that is an affiliate or subsidiary of a person regulated by the commission or any entity that has been a party before the commission within two years before the person's resignation or termination of employment from the commission.
- Provide for a waiver process from such restrictions for employees classified as career service.

Declaratory Statement for VSOs

Section 7 creates s. 546.10(10), F.S., to allow Veterans Service Organizations (VSOs) which are granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, to petition the FGCC for a declaratory statement under s. 120.565, F.S., to determine whether the operation of a

game or machine would be authorized under this section or would be a violation of this section or ch. 849, F.S. Specifically, subsection (10) is created to:

- Authorize certain VSOs to petition the FGCC for a declaratory statement under s. 120.565, F.S., on whether the operation of a game or machine is authorized under s. 546.10, F.S., or whether it violates Florida law. Under the newly created subsection, a VSO may not purchase or install a machine that is the subject of a pending declaratory statement and may not petition the commission for a declaratory statement for any machine subject to an ongoing criminal investigation.
- Require the FGCC to deny the petition or issue a declaratory statement within the earlier of 60 days after completing its investigation of the game or machine or 90 days after receiving the complete application.
- Provide that a petition is deemed complete if it provides information required by the FGCC to issue a declaratory statement, including access to hardware and associated software.
- Provide that a declaratory statement issued under the subsection is binding on the FGCC and may be introduced in proceedings to demonstrate a good faith effort to comply with Florida law.
- Allow the FGCC or any other criminal justice agency as defined in s. 943.045, F.S., from detecting, apprehending, and arresting a person for any alleged violation of part II of ch. 285, F.S., chs. 24, 550, 551, 546, or 849, F.S., or any rule adopted pursuant thereto, or of any law of this state.
- Provide that an owner or operator of an amusement game or machine under this section is not required to request or obtain a declaratory statement in order to operate.

Enhancement of Penalties

Section 9 amends s. 782.04(3), F.S., to provide that when a human being is killed during the perpetration of, or during the attempt to perpetrate, a violation of s. 849.01, F.S., (keeping a gambling house) by a person other than the person perpetrating or attempting to perpetrate the violation of s. 849.01, F.S., the person in violation of s. 849.01, F.S., commits murder in the second degree, which constitutes a felony of the first degree.

Section 10 creates s. 838.12(3), F.S., to provide that a person who stakes, bets, or wagers on the result of a professional or amateur game, contest, match, race, or sport with the knowledge that the outcome of such an event is prearranged or predetermined commits a third-degree felony.

Section 11 amends s. 843.08, F.S., relating to false personation, to provide that a person who falsely assumes or pretends to be, and acts as any personnel or representative of the commission, commits a third-degree felony.⁷⁵

Under current law, the false personation offense occurs when a person impersonates and acts as a firefighter, a sheriff, a Florida Highway Patrol officer, a Fish and Wildlife Conservation Commission officer, a Department of Environmental Protection officer, a Department of Financial Services officer, any personnel or representative of the Division of Investigative and

⁷⁵ Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed \$5,000. Under s. 775.084, F.S., a habitual felony offender is subject to enhanced penalties.

Forensic Services, a Department of Corrections officer, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, any personnel or representative of the Department of Law Enforcement, certain federal law enforcement officers, and others.⁷⁶

If the false personation occurs during the course of the commission of a felony, the violator commits a felony of the second degree (up to 15 years/\$10,000 fine).⁷⁷

Section 12 amends s. 849.01, F.S., relating to the keeping of gambling houses, to increase the penalty for that offense from a second degree misdemeanor (up to 60 days/\$500 fine)⁷⁸ to a:

- For a first offense, a third degree felony (up to five years/\$5,000 fine).⁷⁹
- For a second or subsequent violation, a felony of the second degree (up to 15 years/\$10,000 fine).⁸⁰

Current law provides, in part, that the keeping of a gambling house includes any person, servant, clerk, or agent who:

[H]as, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever

The bill creates s. 849.01(3), F.S., to define “course of conduct” to mean a pattern of conduct composed of a series of acts over time which evidence a continuity of purpose. It prohibits a person from knowingly, or in reckless disregard of the fact (i) benefitting financially or receiving anything of value in furtherance of violation of keeping a gambling house; and (ii) participating in a course of conduct in providing a service, product, or material benefit in furtherance of violation of keeping a gambling house. The penalties for a violation of s. 849.01(3), F.S., are a third-degree felony and a fine of \$50,000 per violation. The bill also creates s. 849.01(4), F.S., to provide for a criminal penalty of a felony of the second degree if, during the commission of an offense under s. 849.01, F.S., an individual suffers great bodily harm, permanent disability, or permanent disfigurement.

⁷⁶ See s. 843.08, F.S.

⁷⁷ Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed \$10,000. Under s. 775.084, F.S., a habitual felony offender is subject to enhanced penalties.

⁷⁸ 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. The enhanced penalties for this violation increase to imprisonment not to exceed five years and a fine not to exceed \$5,000.

⁷⁹ Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed \$5,000.

⁸⁰ Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed \$10,000. Under s. 775.084, F.S., a habitual felony offender is subject to enhanced penalties.

Section 13 amends s. 849.02, F.S., relating to agents or employees keeping a gambling house, to create a tier for violators based on the frequency of offenses, providing that:

- For a first offense, a misdemeanor of the first degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.
 - For a second offense, a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.
- For a third or subsequent offense, a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

The bill also provides that if the clerk, agent, or employee is authorized to bind the gambling house in violation of s. 849.01, F.S., or to act on behalf of any person in the violation thereof, he or she commits: (i) for a first offense, a third-degree felony; or (ii) for a second or subsequent offense, a second-degree felony.

Section 14 creates s. 849.021, F.S., to define: “government employee” to mean any person employed by, or acting on behalf of, the state or any political subdivision; and “political subdivision” to mean any public body created by or under state law.

This section prohibits a government employee from knowingly certifying, licensing, approving, aiding, facilitating, or concealing the operation of a gambling house in violation of s. 849.01, F.S.; and imposes a criminal penalty for a violation of s. 849.021, F.S., of: (i) for a first offense, a third-degree felony; and (ii) for a second or subsequent offense, a second-degree felony. The bill exempts any person acting in the scope of his or her employment and, in good faith, reports suspected violations of ch. 849, F.S., to law enforcement.

Section 16 amends s. 849.03, F.S., relating to renting a house for gambling purposes, to provide that a person who knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

- For a first offense, a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.
- For a second or subsequent violation, a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

The term “knowingly” is defined as having a general or reasonable knowledge of a reasonable belief or grounds for belief that keeping a gambling house is occurring.

Section 18 amends s. 849.086, F.S., relating to authorized cardrooms, to provide that it is a felony of the third degree to manipulate or attempt to manipulate the playing cards, outcome, or payoff of a card game by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means.

Section 19 republishes s. 849.09, F.S., relating to lottery prohibitions and exceptions.

Section 20 amends s. 849.11, F.S., relating to games of chance, to provide that a person who plays any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device, in person or by the use, at least in part, of the Internet, commits a misdemeanor of the second degree. The bill makes it a third-degree felony to:

- Setup up, operate, conduct, promote, or receive in any manner any money or other thing of value offered for the purpose of conducting games of chance by lot;
- Knowingly become the custodian or depositary of any money or other thing of value so offered; or
- Aid, assist, abet, or influence in any manner in any such acts.

Section 21 amends s. 849.13, F.S., relating to second convictions, to revise the first-degree misdemeanor penalty for subsequent offenses of lottery convictions to specify a person who is convicted of a second or subsequent violations for which there is no penalty specified must have the offense reclassified to an offense of the next higher degree, instead of an automatic first-degree misdemeanor, and adds penalties for habitual offenders.

The bill also specifies that for purposes of sentencing, a felony offense that is reclassified under this provision is ranked one level above the ranking under s. 921.0022, F.S., or s. 921.0023, F.S., of the felony offense committed.

Section 22 amends s. 849.14, F.S., relating to unlawful betting on games of skill, to revise the third-degree felony for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, to add penalties for habitual offenders provided in s. 775.084, F.S.

Slot Machine Penalties

Section 23 amends s. 849.15, F.S., relating to the prohibited manufacture, sale, or possession of slot machines or devices, to provide a definition for a “conviction” to mean “a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.” The bill provides a definition for “part thereof” to mean any equipment, subassembly, or other part of a slot machine or device, whether attached to the slot machine or separate therefrom, which was used, attempted to be used, or intended to be used in connection with the play or operation of the slot machine or device. The bill also provides a definition for “person of authority” to mean a person who, at any business, establishment, premises, or other locations at which a slot machine or device is offered for play, has:

- Actual authority to act on behalf of the business, establishment, premises, or other location where a slot machine or device is offered for play; or
- Any ownership interest in the business, establishment, premises, or other location. The term “ownership interest” includes being an officer, director, or managing member of the business, establishment, premises, or other location.

The bill also provides the following criminal penalties:

- A person who violates the prohibitions on slot machines commits a first-degree misdemeanor (imprisonment up to one year and a fine up to \$1,000).
- A person commits a third-degree felony (imprisonment up to five years and a fine up to \$5,000), if he or she violates the prohibitions on slot machines and:
 - At the time of the violation, the person was a person of authority; or
 - The person has one prior conviction for a violation of this section.
- A person commits a second-degree felony (imprisonment up to 15 years and a fine up to \$10,000), if he or she violates the prohibitions on slot machines and:

- At the time of the violation, the person was a person of authority; and
- The violation involves five or more slot machines or devices; or
- The person has two or more prior convictions for a violation of this section.

Further, this section provides that “all shipments of legal gaming devices, including legal slot machines, into Indian lands located within this state must be deemed legal shipments thereof provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.”

Trafficking Slot Machines

Section 24 creates s. 849.155(1), F.S., relating to trafficking in slot machines or devices or parts thereof. The bill makes it a:

- First degree felony, (imprisonment up to 30 years and a fine up to \$10,000), to knowingly sell, purchase, manufacture, transport, deliver, or bring into Florida more than 15 slot machines or devices or any part thereof; and includes:
 - An additional fine of \$100,000, if the quantity of slot machines or devices or any part thereof involved is more than 15 slot machines or devices or any part thereof, but less than 25 slot machines or devices or any part thereof.
 - An additional fine of \$250,000, if the quantity of slot machines or devices or any part thereof involved is more than 25 slot machines or devices or any part thereof, but less than 50 slot machines or devices or any part thereof.
 - An additional fine of \$500,000, if the quantity of slot machines or devices or any part thereof involved is more than 50 slot machines or devices or any part thereof.

The bill provides an exemption from criminal and financial penalties if such person is trafficking slot machines into any Florida county that has authorized slot machine gaming. Such machines are to be deemed legal shipments, provided that the destination of such shipments is an eligible facility as defined in s. 551.102, F.S., or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a), F.S. All shipments of legal gaming devices, including legal slot machines, into Indian lands located within the state shall be deemed legal shipments, so long as the Indian lands are held in federal trust for the benefit of a federally recognized compact with the state.

The bill requires all fines imposed and collected pursuant these provisions be deposited into the Pari-mutuel Wagering Trust Fund and authorizes such funds to be used for the enforcement of chs. 546, 550, 551, and 849, F.S., by the commission.

Section 25 creates s. 849.157(1), F.S., relating to making a false or misleading statement regarding the legality of slot machines to facilitate sales. The bill makes it a:

- Third degree felony (imprisonment up to five years and a fine up to \$5,000), punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., to knowingly and willfully:
 - Make a materially false or misleading statement regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other thing of value; or

- Disseminate false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other thing of value.
- Second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices.

Destruction of Slot Machines

Section 26 amends s. 849.18 F.S., to specify that the FGCC may destroy slot machines or devices prohibited under s. 849.15, F.S., which are not destroyed under the newly created s. 849.181, F.S., when: a person arrested for a violation of s. 849.15, F.S., a person enters a plea of guilty or nolo contendere, regardless of adjudication; a nolle prosequi is filed; the arrested person successfully completes a diversion program or a deferred prosecution agreement; or a no-information is filed in the case.

Section 849.18, F.S., is further amended to provide that if no arrest or criminal charge has been filed against any person for violations of ss. 849.15-849.22, F.S., the FGCC may destroy seized slot machines or devices if, 60 days after the conclusion of a lawful investigation, no claim has been filed seeking the return of such machines.

Section 27 creates s. 849.181, F.S., to authorize a seizing agency to destroy excess slot machines seized during an investigation provided certain requirements are met. Under subsection (2), the term “excess slot machines” means more than five slot machines.

Under subsection (3), the seizing agency may destroy such excess slot machines if the seizing agency: (i) retains at least five slot machines until such time as the slot machines may be destroyed under s. 849.18, F.S.; (ii) notifies the appropriate prosecuting attorney that such machines will be destroyed within 60 days of such notice unless the prosecuting attorney notifies the seizing agency otherwise; (iii) photographs and video records each excess slot machine before destruction for evidentiary purposes; and (iv) destroys each excess slot machine in the presence of a law enforcement officer, who must create a sworn record of same.

Under subsection (4), the photographing and video recording of an excess slot machine may be deemed admissible, competent evidence.

Slot Machine Surrender Program

Section 31 creates s. 849.51, F.S., to authorize a limited slot machine surrender program, under which individuals and organizations may surrender or otherwise disclaim any and all interest in any gaming devices and convey such gaming devices to the FGCC. The bill provides to any individual or organization surrendering devices immunity from criminal prosecution for a violation of ch. 849, F.S., related to such devices.

Under subsection (4), the program’s duration is from September 1, 2026, to October 31, 2026. Under subsection (5), the FGCC is required to advertise the surrender program no earlier than 60 days before October 1, 2026.

Illegal Transportation

Section 28 creates s. 849.47, F.S., relating to the transportation of persons to facilitate illegal gambling, define the term “illegal gambling” to mean “any criminal violation of chs. 546, 550, 551, or 849, F.S., that occurs at any business, establishment, premises, or other location.”

Under the bill, a person who knowingly and willfully transports, or procures the transportation of five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a first-degree misdemeanor (a fine up to \$1,000).

A person who transports, or procures the transportation of, a minor or a person 65 years of age or older commits a third-degree felony (imprisonment up to five years and a fine up to \$5,000).

A person who transports, or procures the transportation of, 12 or more persons commits a third-degree felony (imprisonment up to five years and a fine up to \$5,000).

Gaming Advertisements

Section 29 creates s. 849.48, F.S., relating to prohibited gambling or gaming advertisements. Except as otherwise specifically authorized by law, a person may not:

- Knowingly and intentionally make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated or circulated or placed before the public in Florida, in any manner, whether in person or by the use, at least in part, of the internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling; and
- Set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

The bill provides that for a first offense, violators of the above prohibitions commit a first-degree misdemeanor. For a second or subsequent offense, violators of the above prohibitions commit a third-degree felony.

Under the bill, the printing or producing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of Florida, where such gambling is not prohibited.

The bill provides the term “illegal gambling” has the same meaning as in s. 849.47(1), F.S.

Administrative Consequences for Gaming Violations

Section 15 creates s. 849.023, F.S., to: (i) define “commission” as the FGCC; define “controlling person” as specified key individuals who are owners or otherwise control a business entity (including an officer, director, or, if a limited liability company, a manager) of the licensee or applicant for a license issued by certain agencies; define “conviction” as a determination of guilt

regardless of whether adjudication is withheld or a plea of nolo contendere is entered; define a license as a license under s. 120.52, F.S., that is issued by the DBPR, the FGCC, or the Office of Financial Regulation; (ii) impose licensure penalties on any licensee holding a license issued by the DBPR, the FGCC, or the Office of Financial Regulation, including summary suspension and revocation of any such license, for violations of s. 849.01, F.S. s. 849.03, F.S., or s. 849.15, F.S., by the licensee or its controlling person; (iii) provide that a licensee or applicant may retain or reapply for a license if the license-issuing agency finds that the licensee has removed the specified key individual; and (iv) provide for a fine of up to \$75,000 for a violation of ss. 849.01, F.S., 849.03, F.S., or 849.15, F.S.

This section establishes regulatory accountability for business entities by authorizing the summary suspension or revocation of state issued licenses based on the illegal gaming activities of a controlling person.

Bail Determination

Section 32 amends s. 903.046(2)(i), F.S., to provide that when determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider the amount of currency seized that is connected to or involved in a violation of chs. 546, 550, 551, or 849, F.S.

Internet Gambling

Section 17 amends s. 849.08, F.S., to relating to gambling, to provide a definition for the terms “Internet gambling” and “Internet sports wagering” along with associated penalties.

- “Internet gambling” means “to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.”
- “Internet sports wagering” means “to stake, bet, or wager money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast, other than pari-mutuel wagering conducted pursuant to ch. 550, F.S., which is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device.”

The bill also provides criminal penalties for a person who plays or engages in Internet gaming (a misdemeanor of the second degree). Additionally, a person who plays or engages in Internet sports wagering commits:

- For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.
- For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

A person commits a third degree felony if they are a person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner money or other thing of value offered for the purpose of Internet gambling or Internet sports wagering, or who knowingly

becomes the custodian or depository of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts. This section of the bill does not apply to people participating in authorized gaming activities under s. 285.710(13), F.S., or any gaming compact.

State Preemption of Gaming and Gambling Regulations

Section 30 creates s. 849.49, F.S., relating to preemption of gaming regulations, to provide that a Florida county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10, F.S., or ch. 849, F.S., except as otherwise expressly provided by general law, special law, or the State Constitution.

Offense Severity Ranking Chart

Section 33 amends relating to the offense severity ranking chart of the Criminal Punishment Code, to revise the penalties for offenses in the ranking chart for specified gaming offenses, which incorporate changes being made by the bill.

The offense severity ranking chart must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The offense severity ranking chart has 10 offense levels, ranked from least severe, which are Level 1 offenses, to most severe, which are Level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense.⁸¹

Conforming Amendments

Section 34 amends s. 772.102, F.S., to conform definitions relating to civil remedies for criminal practices, to remove references to s. 849.23, F.S., which is repealed by the bill.

Section 35 amends s. 849.17, F.S., to eliminate references to the repealed s. 849.23, F.S.

Section 36 amends s. 849.18, F.S., to eliminate references to repealed s. 849.23, F.S.

Section 37 amends s. 849.20, F.S., to eliminate references to repealed s. 849.23, F.S.

Section 38 amends s. 849.21, F.S., to eliminate references to repealed s. 849.23, F.S.

Section 39 amends s. 849.22, F.S., to eliminate references to repealed s. 849.23, F.S.

Section 40 amends s. 895.02, F.S., to conform definitions relating to offenses concerning racketeering and illegal debts, to remove references to s. 849.23, F.S., which is repealed by the bill.

⁸¹ See s. 921.0022, F.S.

Effective Date

The bill takes effect 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:

Persons who violate the gambling laws will be subject to increased penalties.

Such violators may be impacted by the information that must be considered by a court for determining bail or release of persons arrested for crimes involving controlled substances, a slot machine, or illegal gambling or gaming, including the amount of currency seized that is connected to a violation of the gambling laws.

C. Government Sector Impact:

The fiscal impact on state and local government is indeterminate. The bill increases and creates new criminal penalties for violations relating to illegal gambling. This may create a positive fiscal impact on the state and local governmental entities that receive proceeds

from related fines. There could also be a possible positive fiscal impact due to an increase in forfeitures of contraband.⁸²

This bill may have a positive indeterminate prison bed impact (an unquantifiable increase in prison beds) due to expanding the crimes eligible for enhancements which may lead to an increased number of offenders receiving enhanced sentences. The Criminal Justice Impact Conference (conference), which provides the final, official estimate of the prison bed impact, if any, of legislation, evaluated a similar bill, CS/HB 189 on February 12, 2024, and the conference adopted the estimate of “Positive Indeterminate.”⁸³ (i.e., an unquantifiable positive prison bed impact).

The Florida Gaming Control Commission (commission) may see a fiscal impact due to the revised procedures that allow VSOs to petition the commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under this section or ch. 849, F.S. Under these revised procedures, the commission would now have to respond within 60 days instead of the current 90-day timeline laid out under s. 120.565, F.S.⁸⁴ However, the workload associated with issuing declaratory statements required in the bill is anticipated to be handled with existing resources. The commission may experience an increase in revenues resulting from increased confiscation of contraband under the bill. The bill also requires all fines imposed and collected for violations of trafficking in slot machines or devices to be deposited into the Pari-mutuel Wagering Trust Fund and authorizes the use of such funds by the commission for the enforcement of chs. 546, 550, 551, and 849, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 16.71, 16.712, 16.713, 16.715, 20.055, 546.10, 551.107, 782.04, 838.12, 843.08, 849.01, 849.02, 849.03, 849.08, 849.086, 849.09, 849.11, 849.13, 849.14, 849.15, 849.18, 903.046, 921.0022, 772.102, 849.17, 849.18, 849.20, 849.21, 849.22, and 895.02.

This bill creates the following sections of the Florida Statutes: 849.021; 849.023; 849.155, 849.157; 849.181; 849.47; 849.48; 849.49; and 849.51.

⁸² See Florida Gaming Control Commission, *2026 Agency Legislative Bill Analysis for SB 1580* at 11 (Jan. 23, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

⁸³ See the conference’s Narrative Analysis of CS/HB 189 at <http://www.edr.state.fl.us/Content/conferences/criminaljusticeimpact/CSHB189.pdf> (last visited February 20, 2026).

⁸⁴ See Florida Gaming Control Commission, *2026 Agency Legislative Bill Analysis for SB 1580* at 12 (Jan. 23, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

This bill repeals section 849.23 of the Florida Statutes.

IX. Additional Information:

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

CS by Regulated Industries on February 10, 2026:

The committee substitute removed provisions related to fantasy sports from the bill.

- B. **Amendments:**

None.

By the Committee on Regulated Industries; and Senator Martin

580-02716-26

20261580c1

1 A bill to be entitled
 2 An act relating to illegal gaming; repealing s.
 3 849.23, F.S., relating to penalties and violations
 4 related to illegal gambling; amending s. 16.71, F.S.;
 5 requiring that the Florida Gaming Control Commission,
 6 rather than the chair of the commission, appoint an
 7 inspector general; authorizing the commission to
 8 delegate any of the duties and powers of an agency
 9 head to a commissioner, with an exception; amending s.
 10 16.712, F.S.; revising the information to be included
 11 in the commission's annual report to the Governor and
 12 the Legislature; amending s. 16.713, F.S.; authorizing
 13 a person who is ineligible for employment with the
 14 commission to submit a waiver request to the
 15 commission asking to be considered eligible for
 16 employment if the person possesses certain expertise
 17 or experience; requiring the commission to consider
 18 such requests on a case-by-case basis and to approve
 19 or deny such requests; providing that such person is
 20 eligible for employment with the commission if the
 21 waiver request is approved by the commission;
 22 providing applicability; providing the standard of
 23 review for such waiver requests; authorizing the
 24 commission to adopt rules; amending s. 16.715, F.S.;
 25 revising the standards of conduct for current and
 26 former commissioners and employees of the commission;
 27 revising the persons who may not hold permits or
 28 licenses relating to gaming within a certain
 29 timeframe; prohibiting such persons from accepting

Page 1 of 120

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

580-02716-26

20261580c1

30 employment or compensation from or engaging in any
 31 business activity with certain persons or entities for
 32 a specified timeframe; authorizing certain employees
 33 to request that the commission waive certain
 34 postemployment restrictions for a certain purpose;
 35 requiring the commission to consider and approve or
 36 deny each waiver request on a case-by-case basis;
 37 authorizing the commission to adopt rules; amending s.
 38 20.055, F.S.; conforming a provision to changes made
 39 by the act; amending s. 546.10, F.S.; authorizing
 40 certain veterans' service organizations to petition
 41 the commission for a declaratory statement to
 42 determine whether a game or machine is authorized by
 43 law before such organizations purchase or install such
 44 game or machine; prohibiting the purchase or
 45 installation of a game or machine awaiting such
 46 declaratory statement until the declaratory statement
 47 has been issued; authorizing veterans' service
 48 organizations that have a game or machine already
 49 installed on their premises to petition the commission
 50 for a declaratory statement to determine whether a
 51 game or machine is authorized by law; prohibiting such
 52 veterans' service organizations from petitioning the
 53 commission if the game, machine, premises, or
 54 organization is the subject of an ongoing criminal
 55 investigation; requiring the commission to issue the
 56 declaratory statement or deny the petition for a
 57 declaratory statement within a specified timeframe;
 58 prohibiting the commission from denying a veterans'

Page 2 of 120

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

580-02716-26

20261580c1

59 service organization's petition that is validly
 60 requested; providing that a petition is deemed
 61 complete if the petition includes certain information;
 62 providing that the declaratory statement is valid only
 63 for the game or machine for which it was requested;
 64 providing that a declaratory statement is invalid if
 65 the specifications of the game or machine have
 66 changed; providing that the declaratory statement is
 67 binding on the commission and may be introduced in
 68 subsequent proceedings as evidence of a good faith
 69 effort to comply with certain provisions; providing
 70 construction; amending s. 551.107, F.S.; requiring the
 71 commission to consider and approve or deny waiver
 72 requests on a case-by-case basis; providing the
 73 standard of review for certain actions of the
 74 commission; making technical changes; amending s.
 75 782.04, F.S.; revising the underlying felonies for
 76 felony murder of the second degree to include keeping
 77 a gambling house; amending s. 838.12, F.S.; providing
 78 criminal penalties for persons who stake, bet, or
 79 wager any money or other thing of value upon the
 80 result of certain games, contests, matches, races, or
 81 sports if such persons have knowledge that the outcome
 82 of the games, contests, matches, races, or sports is
 83 prearranged or predetermined; making technical
 84 changes; amending s. 843.08, F.S.; revising a
 85 prohibition on false personation of certain persons to
 86 include any personnel or representative of the
 87 commission; amending ss. 849.01 and 849.02, F.S.;

Page 3 of 120

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

580-02716-26

20261580c1

88 revising the criminal penalties for persons who keep a
 89 gambling house or are agents or employees of a keeper
 90 of a gambling house, respectively; defining the term
 91 "course of conduct"; prohibiting a person from
 92 knowingly or recklessly benefit or participate in a
 93 course of conduct in furtherance of illegal gambling;
 94 creating s. 849.021, F.S.; defining the terms
 95 "government employee" and "political subdivision";
 96 prohibiting a government employee from knowingly
 97 certifying, licensing, approving, aiding,
 98 facilitating, or concealing the operation of a
 99 gambling house; providing criminal penalties;
 100 providing applicability; creating s. 849.023, F.S.;
 101 defining terms; providing that violations of certain
 102 laws are deemed immediate and serious dangers to
 103 public health, safety, and welfare; authorizing the
 104 Department of Business and Professional Regulation,
 105 the commission, or the Office of Financial Regulation
 106 to summarily suspend the license of certain persons
 107 violating such laws; authorizing a licensee or an
 108 applicant to retain, apply for, or be reissued a
 109 license if the license-issuing agency finds that such
 110 licensee has removed the controlling person violating
 111 such laws from the business; providing that a licensee
 112 is subject to a specified fine; amending s. 849.03,
 113 F.S.; revising the criminal penalties for persons who
 114 rent or lease a house for gambling purposes; defining
 115 the term "knowingly"; amending s. 849.08, F.S.;
 116 defining terms; providing criminal penalties for

Page 4 of 120

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

580-02716-26

20261580c1

117 persons who play, engage in, operate, conduct, or
 118 promote Internet gambling or Internet sports wagering;
 119 providing applicability; amending s. 849.086, F.S.;
 120 revising the prohibited activities of licensed
 121 cardrooms; providing criminal penalties for violations
 122 of such prohibitions; republishing s. 849.09, F.S.,
 123 relating to the prohibition against lotteries;
 124 amending s. 849.11, F.S.; providing criminal penalties
 125 for persons who play in person, or by the use of the
 126 Internet, certain games of chance; providing criminal
 127 penalties for persons who set up, operate, conduct,
 128 promote, or receive any money or other thing of value
 129 for certain prohibited conduct; amending s. 849.13,
 130 F.S.; revising the criminal penalties for persons
 131 convicted of a second or subsequent violation in
 132 connection with lotteries; reclassifying certain
 133 criminal violations to the next level higher in the
 134 Criminal Punishment Code's offense severity ranking
 135 chart; amending s. 849.14, F.S.; making technical
 136 changes; amending s. 849.15, F.S.; defining terms;
 137 revising criminal penalties relating to persons owning
 138 or operating slot machines or devices; providing that
 139 all shipments of legal slot machines into Indian lands
 140 are deemed legal shipments under certain
 141 circumstances; creating s. 849.155, F.S.; providing
 142 criminal penalties for persons who knowingly sell,
 143 purchase, manufacture, transport, deliver, or bring
 144 into this state more than a specified number of slot
 145 machines or devices or any parts thereof; defining the

Page 5 of 120

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

580-02716-26

20261580c1

146 term "parts thereof"; providing for fines for
 147 specified violations; providing that any county in
 148 which slot machine gaming is authorized is exempt from
 149 certain federal provisions; providing that all
 150 shipments of slot machines into any county in this
 151 state are deemed legal shipments if specified
 152 requirements are met; providing that all shipments of
 153 legal gaming devices into Indian lands located within
 154 this state are deemed legal shipments under certain
 155 circumstances; requiring that any fines imposed and
 156 collected be deposited into the Pari-mutuel Wagering
 157 Trust Fund to be used for a specified purpose;
 158 creating s. 849.157, F.S.; prohibiting persons from
 159 knowingly and willfully making or disseminating
 160 materially false or misleading statements or
 161 information regarding the legality of a slot machine
 162 or device to facilitate the sale of such slot machine
 163 or device; providing criminal penalties; amending s.
 164 849.18, F.S.; revising the circumstances under which a
 165 judge may order a slot machine, apparatus, or device
 166 seized; authorizing the commission to destroy a seized
 167 machine, apparatus, or device after a specified
 168 timeframe if no arrests or criminal charges have been
 169 filed and no person files a claim for such machine,
 170 apparatus, or device; creating s. 849.181, F.S.;
 171 providing legislative intent; defining terms;
 172 authorizing a criminal justice agency having custody
 173 of excess slot machines related to a legal proceeding
 174 or ongoing criminal investigation to destroy such

Page 6 of 120

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

580-02716-26

20261580c1

175 machines if the criminal justice agency takes certain
 176 actions; requiring that written descriptions of such
 177 slot machines be made under oath by the investigating
 178 law enforcement officer before the slot machines are
 179 destroyed; requiring that photographs and video
 180 recordings of such slot machines be authenticated by
 181 the photographer's or videographer's signature;
 182 requiring that a law enforcement officer create
 183 written and sworn documentation of certain information
 184 regarding a destroyed slot machine; providing that
 185 such photographs or video recordings may be deemed
 186 competent evidence and may be admissible in a
 187 prosecution to the same extent as if such slot
 188 machines were introduced as evidence; providing
 189 severability; creating s. 849.47, F.S.; defining the
 190 term "illegal gambling"; prohibiting persons from
 191 knowingly and willfully transporting, or procuring the
 192 transportation of, certain persons into this state for
 193 the purpose of illegal gambling; providing criminal
 194 penalties; creating s. 849.48, F.S.; defining the term
 195 "illegal gambling"; prohibiting persons from
 196 advertising illegal gambling or setting up any type or
 197 plate for any type for advertising illegal gambling;
 198 providing criminal penalties; providing exceptions;
 199 creating s. 849.49, F.S.; prohibiting counties,
 200 municipalities, or other political subdivisions from
 201 enacting or enforcing any ordinance or local rule
 202 relating to certain gaming and gambling activities;
 203 creating s. 849.51, F.S.; providing legislative

580-02716-26

20261580c1

204 findings; creating the Limited Slot Machine Surrender
 205 Program within the commission; providing the purpose
 206 of the program; providing that the surrender of any
 207 slot machine to the commission is irrevocable and
 208 final; providing that an individual or organization
 209 that surrenders a slot machine pursuant to the program
 210 is immune from criminal prosecution; requiring that
 211 the program begin and end within specified timeframes;
 212 requiring the commission to advertise the program
 213 before a specified timeframe; providing that a person
 214 or entity that surrenders a gaming device does not
 215 have any rights of the property inside the slot
 216 machine; authorizing the commission to enter into
 217 memoranda of understanding with other criminal justice
 218 agencies to administer the program; amending s.
 219 903.046, F.S.; revising the circumstances a court must
 220 consider when determining whether to release a
 221 defendant on bail or other conditions; amending s.
 222 921.0022, F.S.; revising the ranking of certain
 223 offenses on the offense severity ranking chart of the
 224 Criminal Punishment Code; amending ss. 772.102,
 225 849.17, 849.18, 849.20, 849.21, 849.22, and 895.02,
 226 F.S.; conforming provisions to changes made by the
 227 act; providing an effective date.

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

231 Section 1. Section 849.23, Florida Statutes, is repealed.

232 Section 2. Subsection (5) of section 16.71, Florida

580-02716-26

20261580c1

Statutes, is amended to read:

16.71 Florida Gaming Control Commission; creation; meetings; membership.—

(5) INSPECTOR GENERAL.—~~The chair of the~~ commission shall appoint an inspector general who shall perform the duties of an inspector general under s. 20.055. Except for the appointment of an inspector general under s. 20.055(3)(a)1., the commission may delegate any of the duties and powers of an agency head under s. 20.055 to a commissioner serving on the commission.

Section 3. Paragraph (h) of subsection (3) of section 16.712, Florida Statutes, is amended, and paragraphs (i) and (j) are added to that subsection, to read:

16.712 Florida Gaming Control Commission authorizations, duties, and responsibilities.—

(3) By December 1 of each year, the commission shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include all of the following:

(h) A summary of actions taken and investigations conducted by the commission, including the number of investigations that led to criminal charges being filed and the resolution of such criminal cases.

(i) The number of complaints received by the commission, categorized by subject matter or type of complaint, and a summary of the action taken by the commission on each complaint.

(j) A list of property seized by the commission during the course of its investigations, and the disposition of such property, including a list of forfeiture actions.

Section 4. Paragraph (d) is added to subsection (2) of

580-02716-26

20261580c1

section 16.713, Florida Statutes, to read:

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE COMMISSION.—

(d)1. A person who is ineligible for employment with the commission under this subsection may submit a waiver request to the commission to be considered eligible for employment as a career service or other-personal-services employee if such person possesses industry expertise in pari-mutuel wagering, cardrooms, or slot machine operations.

2. The commission shall consider waiver requests on a case-by-case basis and shall approve or deny each request. If the commission approves the waiver request, the person is eligible for employment with the commission. This paragraph does not apply to persons seeking appointment to the commission. The standard of review applicable to the commission under this subsection is whether the commission's action was an abuse of discretion. The commission may adopt rules to implement the provisions of this subsection.

For the purposes of this subsection, the term "relative" means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Section 5. Paragraph (b) of subsection (1) and paragraph

580-02716-26

20261580c1

291 (c) of subsection (2) of section 16.715, Florida Statutes, are
 292 amended to read:

293 16.715 Florida Gaming Control Commission standards of
 294 conduct; ex parte communications.-

295 (1) STANDARDS OF CONDUCT.-

296 (b)1. A commissioner or employee of the commission may not
 297 accept anything from any business entity that, either directly
 298 or indirectly, owns or controls any person regulated by the
 299 commission or from any business entity that, either directly or
 300 indirectly, is an affiliate or subsidiary of any person
 301 regulated by the commission.

302 2. A commissioner or an employee may attend conferences,
 303 along with associated meals and events that are generally
 304 available to all conference participants, without payment of any
 305 fees in addition to the conference fee. Additionally, while
 306 attending a conference, a commissioner or an employee may attend
 307 meetings, meals, or events that are not sponsored, in whole or
 308 in part, by any representative of any person regulated by the
 309 commission and that are limited to commissioners or employees
 310 only, committee members, or speakers if the commissioner or
 311 employee is a member of a committee of the association of
 312 regulatory agencies which organized the conference or is a
 313 speaker at the conference. It is not a violation of this
 314 subparagraph for a commissioner or an employee to attend a
 315 conference for which conference participants who are employed by
 316 a person regulated by the commission have paid a higher
 317 conference registration fee than the commissioner or employee,
 318 or to attend a meal or event that is generally available to all
 319 conference participants without payment of any fees in addition

580-02716-26

20261580c1

320 to the conference fee and that is sponsored, in whole or in
 321 part, by a person regulated by the commission.

322 3. While employed, ~~and for 2 years after service as a~~
 323 ~~commissioner or for 2 years after employment with the~~
 324 ~~commission~~, a commissioner or an employee may not accept any
 325 form of employment with or engage in any business activity with
 326 any business entity that, either directly or indirectly, owns or
 327 controls any person regulated by the commission; any person
 328 regulated by the commission; or any business entity that, either
 329 directly or indirectly, is an affiliate or subsidiary of any
 330 person regulated by the commission.

331 4. While employed, and for 2 years after service as a
 332 commissioner or for 2 years after employment with the
 333 commission, a commissioner, an employee, or a relative living in
 334 the same household as a commissioner or an employee may not have
 335 any financial interest, other than shares in a mutual fund, in
 336 any person regulated by the commission; in any business entity
 337 that, either directly or indirectly, owns or controls any person
 338 regulated by the commission; or in any business entity that,
 339 either directly or indirectly, is an affiliate or a subsidiary
 340 of any person regulated by the commission. If a commissioner, an
 341 employee, or a relative living in the same household as a
 342 commissioner or an employee acquires any financial interest
 343 prohibited by this subsection during the commissioner's term of
 344 office or the employee's employment with the commission as a
 345 result of events or actions beyond the commissioner's, the
 346 employee's, or the relative's control, he or she must ~~shall~~
 347 immediately sell such financial interest. For the purposes of
 348 this subsection, the term "relative" has the same meaning as in

580-02716-26

20261580c1

s. 16.713(2)(b).

5. A commissioner or an employee may not accept anything from a party in a proceeding currently pending before the commission.

6. A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

7. A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

8. A commissioner or an employee may not act in an unprofessional manner at any time during the performance of official duties.

9. A commissioner or an employee ~~shall must~~ avoid impropriety in all activities and ~~shall must~~ act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

10. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an

580-02716-26

20261580c1

affiliate or a subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

11. A commissioner may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except to represent the commission in an official capacity.

(2) FORMER COMMISSIONERS AND EMPLOYEES.—

(c) A person employed by the commission and classified as Senior Management Service, Selected Exempt Service, or career service may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; ~~or~~

2. Accept employment or compensation from, or engage in any business activity with, a business entity that, directly or indirectly, owns or controls a person regulated by the commission; any person regulated by the commission; any business entity that, directly or indirectly, is an affiliate or subsidiary of a person regulated by the commission; or any business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the employee's resignation or termination of employment from the commission; or

3. Be a bingo game operator or an employee of a bingo game

580-02716-26

20261580c1

operator.

Notwithstanding any other law, an employee classified as career service may request that the commission waive the postemployment restrictions of subparagraph 1., but only for the purpose of obtaining an occupational license under s. 550.105, s. 551.107, or s. 849.086(6); or for any other postemployment restrictions under subparagraph 2. or subparagraph 3. If the commission approves the request, the employee is exempt from paragraph (d). The commission shall consider and approve or deny waiver requests on a case-by-case basis. The commission may adopt rules to implement this paragraph.

Section 6. Paragraph (a) of subsection (1) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

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

(a) "Agency head" means the Governor, a Cabinet officer, or a secretary or executive director as those terms are defined in s. 20.03, the chair of the Public Service Commission, the Director of the Office of Insurance Regulation of the Financial Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, the commissioners ~~chair~~ of the Florida Gaming Control Commission, and the Chief Justice of the State Supreme Court.

Section 7. Subsection (10) of section 546.10, Florida Statutes, is added to read:

546.10 Amusement games or machines.—

(10)(a)1. Before purchasing or installing a game or machine

580-02716-26

20261580c1

on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of such game or machine is authorized under this section or is a violation of this section or chapter 849. A game or machine awaiting such declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.

2. A veterans' service organization as described in subparagraph 1. which has a game or machine already installed on its premises may petition the commission for a declaratory statement under s. 120.565 on whether the operation of such game or machine is authorized under this section or is a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

3. The commission must issue a declaratory statement or deny the petition within 60 days after completing its investigation of the game or machine subject to the statement or 90 days after receiving a complete petition requesting such statement, whichever is earlier. The commission may not deny a petition that is validly requested pursuant to this subsection and s. 120.565.

(b) A petition for a declaratory statement made pursuant to paragraph (a) is deemed complete if it provides the information required for the commission to issue the declaratory statement

580-02716-26

20261580c1

and is accompanied by the specifications, including all pertinent information and documentation and access to hardware and associated software by the commission's contracted testing lab, for the type of game or machine that the organization will purchase or install or has already installed on the premises. The declaratory statement issued under this subsection is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or the machine have been changed.

(c) A declaratory statement issued under this subsection is binding on the commission and may be introduced in any subsequent proceedings relating to the game or machine for which the declaratory statement is requested as evidence of a good faith effort to comply with this section or chapter 849.

(d) This subsection does not prevent the commission or any other criminal justice agency as defined in s. 943.045 from detecting, apprehending, and arresting a person for any alleged violation of this chapter, chapter 24, part II of chapter 285, chapter 550, chapter 551, or chapter 849, or any rule adopted pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to this section.

Section 8. Paragraph (b) of subsection (6) of section 551.107, Florida Statutes, is amended to read:

551.107 Slot machine occupational license; findings; application; fee.—

(6)

580-02716-26

20261580c1

(b) The commission may deny, revoke, or refuse to renew any slot machine occupational license if the applicant for such license or the licensee has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States if such felony or misdemeanor is related to gambling or bookmaking as described in s. 849.25. The restrictions excluding offenders under this section ~~authorized in this paragraph~~ may be waived by the commission if the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to slot machine gaming and is not a capital offense. The commission shall consider and approve or deny waiver requests on a case-by-case basis. The standard of review applicable to the commission under this paragraph is whether the commission's action was an abuse of discretion.

Section 9. Subsection (3) of section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(3) When a human being is killed during the perpetration of, or during the attempt to perpetrate, any:

- (a) Trafficking offense prohibited by s. 893.135(1),
- (b) Arson,
- (c) Sexual battery,
- (d) Robbery,
- (e) Burglary,
- (f) Kidnapping,
- (g) Escape,
- (h) Aggravated child abuse,
- (i) Aggravated abuse of an elderly person or disabled

580-02716-26

20261580c1

523 adult,

524 (j) Aircraft piracy,

525 (k) Unlawful throwing, placing, or discharging of a

526 destructive device or bomb,

527 (l) Carjacking,

528 (m) Home-invasion robbery,

529 (n) Aggravated stalking,

530 (o) Murder of another human being,

531 (p) Aggravated fleeing or eluding with serious bodily

532 injury or death,

533 (q) Resisting an officer with violence to his or her

534 person, ~~or~~

535 (r) Felony that is an act of terrorism or is in furtherance

536 of an act of terrorism, including a felony under s. 775.30, s.

537 775.32, s. 775.33, s. 775.34, or s. 775.35, or

538 (s) Keeping a gambling house under s. 849.01,

539

540 by a person other than the person engaged in the perpetration of

541 or in the attempt to perpetrate such felony, the person

542 perpetrating or attempting to perpetrate such felony commits

543 murder in the second degree, which constitutes a felony of the

544 first degree, punishable by imprisonment for a term of years not

545 exceeding life or as provided in s. 775.082, s. 775.083, or s.

546 775.084.

547 Section 10. Subsections (1) and (2) of section 838.12,

548 Florida Statutes, are amended, and subsection (3) is added to

549 that section, to read:

550 838.12 Bribery in athletic contests.—

551 (1) A person who ~~Whoever~~ gives, promises, offers or

Page 19 of 120

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

580-02716-26

20261580c1

552 conspires to give, promise or offer, to anyone who participates

553 or expects to participate in any professional or amateur game,

554 contest, match, race or sport; or to any umpire, referee, judge

555 or other official of such game, contest, match, race or sport;

556 or to any owner, manager, coach or trainer of, or to any

557 relative of, or to any person having any direct, indirect,

558 remote or possible connection with, any team, individual,

559 participant or prospective participant in any such professional

560 or amateur game, contest, match, race or sport, or the officials

561 aforesaid, any bribe, money, goods, present, reward or any

562 valuable thing whatsoever, or any promise, contract or agreement

563 whatsoever, with intent to influence him or her or them to lose

564 or cause to be lost any game, contest, match, race or sport, or

565 to limit his or her or their or any person's or any team's

566 margin of victory in any game, contest, match, race, or sport,

567 or to fix or throw any game, contest, match, race or sport,

568 commits ~~shall be guilty of~~ a felony of the third degree,

569 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

570 (2) Any participant or prospective participant in any

571 professional or amateur game, contest, match, race or sport; or

572 any umpire, referee, judge or other official of such game,

573 contest, match, race or sport; or any owner, manager, coach or

574 trainer of, or any relative of, or any person having any direct,

575 indirect, remote or possible connection with, any team,

576 individual, participant or prospective participant in any such

577 professional or amateur game, contest, match, race or sport, or

578 the officials aforesaid; who in any way solicits, receives or

579 accepts, or agrees to receive or accept, or who conspires to

580 receive or accept, any bribe, money, goods, present, reward or

Page 20 of 120

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

580-02716-26

20261580c1

581 any valuable thing whatsoever, or any promise, contract or
 582 agreement whatsoever, with intent to lose or cause to be lost
 583 any game, contest, match, race or sport, or to limit his, her,
 584 their or any person's or any team's margin of victory in any
 585 game, contest, match, race or sport, or to fix or throw any
 586 game, contest, match, race or sport, ~~commits shall be guilty of~~
 587 a felony of the third degree, punishable as provided in s.
 588 775.082, s. 775.083, or s. 775.084.

589 (3) A person who stakes, bets, or wagers any money or other
 590 thing of value upon the result of any professional or amateur
 591 game, contest, match, race, or sport with knowledge that the
 592 outcome of such professional or amateur game, contest, match,
 593 race, or sport is prearranged or predetermined as described in
 594 subsection (1) or subsection (2) commits a felony of the third
 595 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 596 775.084.

597 Section 11. Section 843.08, Florida Statutes, is amended to
 598 read:

599 843.08 False personation.—A person who falsely assumes or
 600 pretends to be a firefighter, a sheriff, an officer of the
 601 Florida Highway Patrol, an officer of the Fish and Wildlife
 602 Conservation Commission, an officer of the Department of
 603 Environmental Protection, an officer of the Department of
 604 Financial Services, any personnel or representative of the
 605 Florida Gaming Control Commission, any personnel or
 606 representative of the Division of Criminal Investigations, an
 607 officer of the Department of Corrections, a correctional
 608 probation officer, a deputy sheriff, a state attorney or an
 609 assistant state attorney, a statewide prosecutor or an assistant

580-02716-26

20261580c1

610 statewide prosecutor, a state attorney investigator, a coroner,
 611 a police officer, a lottery special agent or lottery
 612 investigator, a beverage enforcement agent, a school guardian as
 613 described in s. 30.15(1)(k), a security officer licensed under
 614 chapter 493, any member of the Florida Commission on Offender
 615 Review or any administrative aide or supervisor employed by the
 616 commission, any personnel or representative of the Department of
 617 Law Enforcement, or a federal law enforcement officer as defined
 618 in s. 901.1505, and takes upon himself or herself to act as
 619 such, or to require any other person to aid or assist him or her
 620 in a matter pertaining to the duty of any such officer, commits
 621 a felony of the third degree, punishable as provided in s.
 622 775.082, s. 775.083, or s. 775.084. However, a person who
 623 falsely personates any such officer during the course of the
 624 commission of a felony commits a felony of the second degree,
 625 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 626 If the commission of the felony results in the death or personal
 627 injury of another human being, the person commits a felony of
 628 the first degree, punishable as provided in s. 775.082, s.
 629 775.083, or s. 775.084. In determining whether a defendant has
 630 violated this section, the court or jury may consider any
 631 relevant evidence, including, but not limited to, whether the
 632 defendant used lights in violation of s. 316.2397 or s. 843.081.

633 Section 12. Section 849.01, Florida Statutes, is amended to
 634 read:

635 849.01 Keeping gambling houses, etc.—

636 (1) A person who, ~~Whoever~~ by herself or himself, her or his
 637 ~~servant,~~ clerk or agent, or in any other manner has, keeps,
 638 exercises, or maintains a gaming table or room, or gaming

580-02716-26

20261580c1

implements or apparatus, or house, booth, tent, shelter, or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control, or management, either exclusively or with others, procures, suffers, or permits any person to play for money or other valuable thing at any game whatever, ~~whether heretofore prohibited or not~~, commits the offense of keeping a gambling house.

(2)(a) For a first offense, a person who violates subsection (1) commits a felony misdemeanor of the third second degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(b) For a second or subsequent offense, a person who violates subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) As used in this subsection, the term "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose.

(a) A person may not knowingly, or in reckless disregard of the fact:

1. Benefit financially or receive anything of value, whether or not as a legal entity, in furtherance of a violation of subsection (1); or

2. Participate in a course of conduct in providing any service, product, or material benefit in the furtherance of a violation of subsection (1).

(b) A person who violates paragraph (a) commits a felony of the third degree, punishable as provided in s. 775.082, s.

580-02716-26

20261580c1

775.083, or s. 775.084.

(c) A person found in violation of paragraph (a) shall be ordered to pay a fine of \$50,000 for each violation.

(4) Notwithstanding subsection (2), a person who violates subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, during the commission of an offense under this section, an individual suffers great bodily harm, permanent disability, or permanent disfigurement.

Section 13. Section 849.02, Florida Statutes, is amended to read:

849.02 Agents or employees of keeper of gambling house.—

(1) A person who ~~whoever~~ acts as ~~servant~~, clerk, agent, or employee of any person in the violation of s. 849.01 commits:

(a) For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 shall be punished in the manner and to the extent therein mentioned.

(2)(a) Notwithstanding subsection (1), if the clerk, agent, or employee is authorized to bind the gambling house in violation of s. 849.01 or act on behalf of any person in the violation of s. 849.01, he or she commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) For a second or subsequent offense, a person commits a

580-02716-26 20261580c1

697 felony of the second degree, punishable as provided in s.
 698 775.082, s. 775.083, or s. 775.084.
 699 Section 14. Section 849.021, Florida Statutes, is created
 700 to read:
 701 849.021 Government employee misconduct.—
 702 (1) As used in this section, the term:
 703 (a) "Government employee" means any person employed by, or
 704 acting on behalf of, the state or any political subdivision
 705 thereof.
 706 (b) "Political subdivision" means a county, municipality,
 707 department, commission, district, board, or other public body,
 708 whether corporate or otherwise, created by or under state law.
 709 (2) A government employee may not knowingly certify,
 710 license, approve, aid, facilitate, or conceal the operation of a
 711 gambling house in violation of s. 849.01.
 712 (3) A person who violates subsection (2) commits:
 713 (a) For a first offense, a felony of the third degree,
 714 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 715 (b) For a second or subsequent offense, a felony of the
 716 second degree, punishable as provided in s. 775.082, s. 775.083,
 717 or s. 775.084.
 718 (4) This section does not apply to any person who is acting
 719 in the scope of his or her employment and, in good faith,
 720 reports suspected violations of chapter 849 to law enforcement
 721 or regulatory agencies.
 722 Section 15. Section 849.023, Florida Statutes, is created
 723 to read:
 724 849.023 Licensure disqualifying offenses; corporate
 725 shielding prohibited.—

580-02716-26 20261580c1

726 (1) DEFINITIONS.—As used in this section, the term:
 727 (a) "Commission" means the Florida Gaming Control
 728 Commission.
 729 (b) "Controlling person" means:
 730 1. A corporate officer or director, or, if a limited
 731 liability company, a manager, of the licensee or applicant for a
 732 license;
 733 2. A general partner, member, or owner of more than 5
 734 percent of any equity interest, direct or indirect, in the
 735 licensee or applicant; or
 736 3. An owner of any interest in the licensee or applicant,
 737 including any immediate family member of the owner, or holder of
 738 any debt, mortgage, contract, or concession from the licensee or
 739 applicant, who by virtue thereof is able to control the business
 740 of the licensee or applicant.
 741 (c) "Conviction" means a determination of guilt which is
 742 the result of a plea or trial, regardless of whether
 743 adjudication is withheld or a plea of nolo contendere is
 744 entered.
 745 (d) "License" has the same meaning as in s. 120.52 and is
 746 issued by:
 747 1. The Department of Business and Professional Regulation
 748 pursuant to chapter 509, chapter 561, chapter 562, chapter 563,
 749 chapter 564, chapter 565, chapter 567, chapter 568, or chapter
 750 569;
 751 2. The commission pursuant to chapter 550, chapter 551, or
 752 s. 849.086; or
 753 3. The Office of Financial Regulation pursuant to chapter
 754 560.

580-02716-26

20261580c1

755 (e) "Licensee" means a holder of a license.
 756 (f) "Owner" means a sole member or owner of 100 percent of
 757 any equity interest, direct or indirect, in the licensee or
 758 applicant.
 759 (2) PENALTIES.—
 760 (a)1. Notwithstanding subsection (1), pursuant to s.
 761 120.60(6), a violation of s. 849.01, s. 849.03, or s. 849.15 is
 762 deemed an immediate and serious danger to public health, safety,
 763 and welfare, and the Department of Business and Professional
 764 Regulation, the commission, or the Office of Financial
 765 Regulation may summarily suspend the license of any person found
 766 in violation of s. 849.01, s. 849.03, or 849.15, or of any
 767 business entity if its controlling person or sole owner is found
 768 to be in violation of s. 849.01, s. 849.03, or s. 849.15.
 769 2. In addition to any other penalty provided by law, a
 770 licensee or an applicant may have a license revoked or any
 771 application thereof denied or not reissued if the licensee or
 772 applicant, the controlling person of the licensee or applicant,
 773 or the sole owner of the licensee or applicant is convicted of a
 774 violation of s. 849.01, s. 849.03, or s. 849.15.
 775 3. Notwithstanding subparagraph 2., a licensee or applicant
 776 may retain, apply for, or be reissued a license if the license-
 777 issuing agency finds that such licensee has removed the
 778 controlling person from the business.
 779 (b) Notwithstanding paragraph (a), a licensee is subject to
 780 a fine of up to \$75,000 for a violation of s. 849.01, s. 849.03,
 781 or s. 849.15.
 782 Section 16. Section 849.03, Florida Statutes, is amended to
 783 read:

Page 27 of 120

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

580-02716-26

20261580c1

784 849.03 Renting or leasing house for gambling purposes.—
 785 (1) A person who ~~whoever~~, whether as owner or agent,
 786 knowingly rents or leases to another a house, room, booth, tent,
 787 shelter, or place for the purpose of gaming commits:
 788 (a) For a first offense, a felony of the third degree,
 789 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 790 (b) For a second or subsequent offense, a felony of the
 791 second degree, punishable as provided in s. 775.082, s. 775.083,
 792 or s. 775.084 shall be punished in the manner and to the extent
 793 mentioned in s. 849.01.
 794 (2) For purposes of this section, the term "knowingly"
 795 means having general or reasonable knowledge of, or reasonable
 796 belief or grounds for belief that, a violation of s. 849.01 is
 797 occurring.
 798 Section 17. Section 849.08, Florida Statutes, is amended to
 799 read:
 800 849.08 Gambling.—
 801 (1) As used in this section, the term:
 802 (a) "Internet gambling" means to play or engage in a game
 803 in which money or other thing of value is awarded based on
 804 chance, regardless of any application of skill, which game is
 805 available on the Internet and accessible on a mobile device,
 806 computer terminal, or other similar access device and simulates
 807 casino-style gaming, including, but not limited to, slot
 808 machines, video poker, and table games.
 809 (b) "Internet sports wagering" means to stake, bet, or
 810 wager money or other thing of value upon the result of any trial
 811 or contest of skill, speed, power, or endurance of human or
 812 beast, other than pari-mutuel wagering conducted pursuant to

Page 28 of 120

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

580-02716-26

20261580c1

813 chapter 550, which is available on the Internet and accessible
 814 on a mobile device, computer terminal, or other similar access
 815 device.

816 (2) A person who ~~whoever~~ plays or engages in Internet
 817 gambling or any game at cards, keno, roulette, faro, or other
 818 game of chance, at any place, by any device whatever, for money
 819 or other thing of value, commits ~~shall be guilty of~~ a
 820 misdemeanor of the second degree, punishable as provided in s.
 821 775.082 or s. 775.083.

822 (3) A person who plays or engages in Internet sports
 823 wagering commits:

824 (a) For a first violation, a misdemeanor of the second
 825 degree, punishable as provided in s. 775.082 or s. 775.083.

826 (b) For a second or subsequent violation, a misdemeanor of
 827 the first degree, punishable as provided in s. 775.082 or s.
 828 775.083.

829 (4) A person who operates, conducts, or promotes Internet
 830 gambling or Internet sports wagering, or receives in any manner
 831 money or other thing of value offered for the purpose of
 832 Internet gambling or Internet sports wagering, or who knowingly
 833 becomes the custodian or depository of any money or other thing
 834 of value so offered, or who aids, assists, abets, or influences
 835 in any manner in any such acts, commits a felony of the third
 836 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 837 775.084.

838 (5) This section does not apply to participation in, or the
 839 conduct of, any gaming activities authorized under s.
 840 285.710(13) and conducted pursuant to a gaming compact ratified
 841 and approved under s. 285.710(3).

580-02716-26

20261580c1

842 Section 18. Paragraph (e) is added to subsection (12) of
 843 section 849.086, Florida Statutes, to read:

844 849.086 Cardrooms authorized.—

845 (12) PROHIBITED ACTIVITIES.—

846 (e) A person who manipulates or attempts to manipulate the
 847 playing cards, outcome, or payoff of a card game in a licensed
 848 cardroom by physical tampering or by use of any object,
 849 instrument, or device, whether mechanical, electrical, magnetic,
 850 or involving other means, commits a felony of the third degree,
 851 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

852 Section 19. Section 849.09, Florida Statutes, is
 853 republished to read:

854 849.09 Lottery prohibited; exceptions.—

855 (1) It is unlawful for any person in this state to:

856 (a) Set up, promote, or conduct any lottery for money or
 857 for anything of value;

858 (b) Dispose of any money or other property of any kind
 859 whatsoever by means of any lottery;

860 (c) Conduct any lottery drawing for the distribution of a
 861 prize or prizes by lot or chance, or advertise any such lottery
 862 scheme or device in any newspaper or by circulars, posters,
 863 pamphlets, radio, telegraph, telephone, or otherwise;

864 (d) Aid or assist in the setting up, promoting, or
 865 conducting of any lottery or lottery drawing, whether by
 866 writing, printing, or in any other manner whatsoever, or be
 867 interested in or connected in any way with any lottery or
 868 lottery drawing;

869 (e) Attempt to operate, conduct, or advertise any lottery
 870 scheme or device;

580-02716-26

20261580c1

871 (f) Have in her or his possession any lottery wheel,
 872 implement, or device whatsoever for conducting any lottery or
 873 scheme for the disposal by lot or chance of anything of value;
 874 (g) Sell, offer for sale, or transmit, in person or by mail
 875 or in any other manner whatsoever, any lottery ticket, coupon,
 876 or share, or any share in or fractional part of any lottery
 877 ticket, coupon, or share, whether such ticket, coupon, or share
 878 represents an interest in a live lottery not yet played or
 879 whether it represents, or has represented, an interest in a
 880 lottery that has already been played;
 881 (h) Have in her or his possession any lottery ticket, or
 882 any evidence of any share or right in any lottery ticket, or in
 883 any lottery scheme or device, whether such ticket or evidence of
 884 share or right represents an interest in a live lottery not yet
 885 played or whether it represents, or has represented, an interest
 886 in a lottery that has already been played;
 887 (i) Aid or assist in the sale, disposal, or procurement of
 888 any lottery ticket, coupon, or share, or any right to any
 889 drawing in a lottery;
 890 (j) Have in her or his possession any lottery
 891 advertisement, circular, poster, or pamphlet, or any list or
 892 schedule of any lottery prizes, gifts, or drawings; or
 893 (k) Have in her or his possession any so-called "run down
 894 sheets," tally sheets, or other papers, records, instruments, or
 895 paraphernalia designed for use, either directly or indirectly,
 896 in, or in connection with, the violation of the laws of this
 897 state prohibiting lotteries and gambling.
 898
 899 Provided, that nothing in this section shall prohibit

580-02716-26

20261580c1

900 participation in any nationally advertised contest, drawing,
 901 game or puzzle of skill or chance for a prize or prizes unless
 902 it can be construed as a lottery under this section; and,
 903 provided further, that this exemption for national contests
 904 shall not apply to any such contest based upon the outcome or
 905 results of any horserace, harness race, dograce, or jai alai
 906 game.
 907 (2) Any person who is convicted of violating any of the
 908 provisions of paragraph (a), paragraph (b), paragraph (c), or
 909 paragraph (d) of subsection (1) is guilty of a felony of the
 910 third degree, punishable as provided in s. 775.082, s. 775.083,
 911 or s. 775.084.
 912 (3) Any person who is convicted of violating any of the
 913 provisions of paragraph (e), paragraph (f), paragraph (g),
 914 paragraph (i), or paragraph (k) of subsection (1) is guilty of a
 915 misdemeanor of the first degree, punishable as provided in s.
 916 775.082 or s. 775.083. Any person who, having been convicted of
 917 violating any provision thereof, thereafter violates any
 918 provision thereof is guilty of a felony of the third degree,
 919 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 920 The provisions of this section do not apply to bingo as provided
 921 for in s. 849.0931.
 922 (4) Any person who is convicted of violating any of the
 923 provisions of paragraph (h) or paragraph (j) of subsection (1)
 924 is guilty of a misdemeanor of the first degree, punishable as
 925 provided in s. 775.082 or s. 775.083. Any person who, having
 926 been convicted of violating any provision thereof, thereafter
 927 violates any provision thereof is guilty of a felony of the
 928 third degree, punishable as provided in s. 775.082, s. 775.083,

580-02716-26

20261580c1

929 or s. 775.084.

930 Section 20. Section 849.11, Florida Statutes, is amended to
931 read:

932 849.11 Plays at games of chance by lot.—

933 (1) A person who ~~whoever~~ sets up, promotes or plays in
934 person or by the use, in whole or in part, of the Internet, at
935 any game of chance by lot or with dice, cards, numbers, hazards
936 or any other gambling device whatever for, or for the disposal
937 of money or other thing of value or under the pretext of a sale,
938 gift or delivery thereof, or for any right, share or interest
939 therein, commits shall be guilty of a misdemeanor of the second
940 degree, punishable as provided in s. 775.082 or s. 775.083.

941 (2) A person who sets up, operates, conducts, promotes, or
942 receives in any manner any money or other thing of value offered
943 for the purpose of conduct prohibited in subsection (1), or who
944 knowingly becomes the custodian or depository of any money or
945 other thing of value so offered, or who aids, assists, abets, or
946 influences in any manner in any such acts, commits a felony of
947 the third degree, punishable as provided in s. 775.082, s.
948 775.083, or s. 775.084.

949 Section 21. Section 849.13, Florida Statutes, is amended to
950 read:

951 849.13 Punishment on second or subsequent conviction.—A
952 person who is convicted of a second or subsequent violation of
953 the same ~~whoever~~, after being convicted of an offense forbidden
954 by law in connection with lotteries for which there is no
955 penalty specified for a second or subsequent violation shall
956 have the offense reclassified to an offense of the next higher
957 degree, ~~commits the like offense, shall be guilty of a~~

580-02716-26

20261580c1

958 ~~misdemeanor of the first degree~~, punishable as provided in s.
959 775.082, ~~or~~ s. 775.083, or s. 775.084. For purposes of
960 sentencing under chapter 921, a felony offense that is
961 reclassified under this section is ranked one level above the
962 ranking under s. 921.0022 or s. 921.0023 of the felony offense
963 committed.

964 Section 22. Section 849.14, Florida Statutes, is amended to
965 read:

966 849.14 Unlawful to bet on result of trial or contest of
967 skill, etc.—A person who ~~whoever~~ stakes, bets, or wagers any
968 money or other thing of value upon the result of any trial or
969 contest of skill, speed or power or endurance of human or beast,
970 or who ~~whoever~~ receives in any manner whatsoever any money or
971 other thing of value staked, bet, or wagered, or offered for the
972 purpose of being staked, bet, or wagered, by or for any other
973 person upon any such result, or who ~~whoever~~ knowingly becomes
974 the custodian or depository of any money or other thing of value
975 so staked, bet, or wagered upon any such result, or who ~~whoever~~
976 aids, or assists, or abets, or influences in any manner in any
977 of such acts ~~all of which are hereby forbidden~~, commits a felony
978 of the third degree, punishable as provided in s. 775.082, ~~or~~ s.
979 775.083, or s. 775.084.

980 Section 23. Section 849.15, Florida Statutes, is amended to
981 read:

982 849.15 Manufacture, sale, possession, etc., of slot
983 machines or devices prohibited.—

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

985 (a) "Conviction" means a determination of guilt which is
986 the result of a plea or trial, regardless of whether

580-02716-26

20261580c1

987 adjudication is withheld or a plea of nolo contendere is
 988 entered.

989 (b) "Part thereof" means any equipment, subassembly, or
 990 other part of a slot machine or device, whether attached to the
 991 slot machine or device or separate therefrom, which was used,
 992 attempted to be used, or intended to be used in connection with
 993 the play or operation of the slot machine or device.

994 (c) "Person of authority" means a person who, at any
 995 business, establishment, premises, or other location at which a
 996 slot machine or device is offered for play, has:

997 1. Actual authority to act on behalf of such business,
 998 establishment, premises, or other location; or

999 2. Any ownership interest in such business, establishment,
 1000 premises, or other location. For purposes of this paragraph, the
 1001 term "ownership interest" includes an officer, a director, or a
 1002 managing member of the business, establishment, premises, or
 1003 other location.

1004 (2) It is unlawful:

1005 (a) To manufacture, own, store, keep, possess, sell, rent,
 1006 lease, let on shares, lend or give away, transport, or expose
 1007 for sale or lease, or to offer to sell, rent, lease, let on
 1008 shares, lend or give away, or permit the operation of, or for
 1009 any person to permit to be placed, maintained, or used or kept
 1010 in any room, space, or building owned, leased or occupied by the
 1011 person or under the person's management or control, any slot
 1012 machine or device or any part thereof.~~7-08~~

1013 (b) To make or to permit to be made with any person any
 1014 agreement with reference to any slot machine or device, pursuant
 1015 to which the user thereof, as a result of any element of chance

580-02716-26

20261580c1

1016 or other outcome unpredictable to him or her, may become
 1017 entitled to receive any money, credit, allowance, or thing of
 1018 value or additional chance or right to use such machine or
 1019 device, or to receive any check, slug, token or memorandum
 1020 entitling the holder to receive any money, credit, allowance or
 1021 thing of value.

1022 (3) (a) Except as provided in paragraphs (b) and (c), a
 1023 person who violates subsection (2) commits a misdemeanor of the
 1024 first degree, punishable as provided in s. 775.082 or s.
 1025 775.083.

1026 (b) A person commits a felony of the third degree,
 1027 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 1028 if he or she violates subsection (2), and:

1029 1. At the time of the violation, the person was a person of
 1030 authority; or

1031 2. The person has one prior conviction for a violation of
 1032 this section.

1033 (c) A person commits a felony of the second degree,
 1034 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 1035 if he or she violates subsection (2), and:

1036 1.a. At the time of the violation, the person was a person
 1037 of authority; and

1038 b. The violation involves five or more slot machines or
 1039 devices; or

1040 2. The person has two or more prior convictions for a
 1041 violation of this section.

1042 (4) (2) Pursuant to section 2 of that chapter of the
 1043 Congress of the United States entitled "An act to prohibit
 1044 transportation of gaming devices in interstate and foreign

580-02716-26

20261580c1

commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, ~~are shall be~~ deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

(5) All shipments of legal gaming devices, including legal slot machines, into Indian lands located within this state are deemed legal shipments, provided that such Indian lands are held

580-02716-26

20261580c1

in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.

Section 24. Section 849.155, Florida Statutes, is created to read:

849.155 Trafficking in slot machines, devices, or parts thereof.—

(1) Any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, the term "parts thereof" has the same meaning as in s. 849.15. If the quantity of slot machines or devices or any parts thereof involved is:

(a) More than 15 slot machines or devices or any parts thereof, but fewer than 25 slot machines or devices or any parts thereof, such person must be fined \$100,000.

(b) More than 25 slot machines or devices or any parts thereof, but fewer than 50 slot machines or devices or any parts thereof, such person must be fined \$250,000.

(c) More than 50 slot machines or devices or any parts thereof or more, such person must be fined \$500,000.

(2) Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, relating to

580-02716-26

20261580c1

1103 transportation of gambling devices in interstate and foreign
 1104 commerce, the State of Florida, acting by and through the duly
 1105 elected and qualified members of its Legislature, does hereby in
 1106 this section, and in accordance with and in compliance with
 1107 section 2 of such chapter of Congress, declare and proclaim that
 1108 any county of the State of Florida within which slot machine
 1109 gaming is authorized pursuant to chapter 551 is exempt from
 1110 section 2 of that chapter of the Congress of the United States
 1111 entitled "An act to prohibit transportation of gaming devices in
 1112 interstate and foreign commerce," designated as 15 U.S.C. ss.
 1113 1171-1177, approved January 2, 1951. All shipments of slot
 1114 machines into any county of this state in which slot machine
 1115 gaming is authorized pursuant to chapter 551 and the
 1116 registering, recording, and labeling of which have been duly
 1117 performed by the manufacturer or distributor thereof in
 1118 accordance with sections 3 and 4 of that chapter of the Congress
 1119 of the United States entitled "An act to prohibit transportation
 1120 of gaming devices in interstate and foreign commerce," approved
 1121 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
 1122 designated as 15 U.S.C. ss. 1171-1177, are deemed legal
 1123 shipments thereof into this state, provided the destination of
 1124 such shipments is an eligible facility as defined in s. 551.102
 1125 or the facility of a slot machine manufacturer or slot machine
 1126 distributor as provided in s. 551.109(2)(a).
 1127 (3) All shipments of legal gaming devices, including legal
 1128 slot machines, onto Indian lands located within this state are
 1129 deemed legal shipments thereof, provided that such Indian lands
 1130 are held in federal trust for the benefit of a federally
 1131 recognized Indian tribe that is a party to a tribal-state

Page 39 of 120

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

580-02716-26

20261580c1

1132 compact with the state pursuant to the federal Indian Gaming
 1133 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
 1134 ss. 2701 et seq.
 1135
 1136 Notwithstanding any other law, all fines imposed and collected
 1137 pursuant to this section shall be deposited into the Pari-mutuel
 1138 Wagering Trust Fund to be used by the Florida Gaming Control
 1139 Commission for the enforcement of this chapter and chapters 546,
 1140 550, and 551.
 1141 Section 25. Section 849.157, Florida Statutes, is created
 1142 to read:
 1143 849.157 Making a false or misleading statement regarding
 1144 the legality of slot machines or devices to facilitate sale.-
 1145 (1) Except as provided in subsection (2), a person may not
 1146 knowingly and willfully make a materially false or misleading
 1147 statement or knowingly and willfully disseminate false or
 1148 misleading information regarding the legality of a slot machine
 1149 or device for the purpose of facilitating the sale or delivery
 1150 of such slot machine or device for any money or other thing of
 1151 value. A person who violates this subsection commits a felony of
 1152 the third degree, punishable as provided in s. 775.082, s.
 1153 775.083, or s. 775.084.
 1154 (2) A person who violates subsection (1), when such a
 1155 violation involves the sale or delivery, or attempted sale or
 1156 delivery, of five or more slot machines or devices, commits a
 1157 felony of the second degree, punishable as provided in s.
 1158 775.082, s. 775.083, or s. 775.084.
 1159 Section 26. Section 849.18, Florida Statutes, is amended to
 1160 read:

Page 40 of 120

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

580-02716-26

20261580c1

1161 849.18 Disposition of machines upon conviction.—
 1162 (1) For any slot machine or device prohibited pursuant to
 1163 s. 849.15 which is not destroyed pursuant to s. 849.181, upon
 1164 entering a plea of guilty or nolo contendere to, regardless of
 1165 adjudication, the filing of a nolle prosequi or upon the
 1166 successful completion of a diversion program or a deferred
 1167 prosecution agreement, the filing of a no-information, or upon
 1168 conviction of the person arrested for the violation of ss.
 1169 849.15-849.22 any of the provisions of ss. 849.15-849.23, the
 1170 judge of the court trying the case, after such notice to the
 1171 person convicted, and any other person whom the judge may be of
 1172 the opinion is entitled to such notice, and as the judge may
 1173 deem reasonable, shall issue to the sheriff of the county a
 1174 written order adjudging and declaring any such machine,
 1175 apparatus or device forfeited, and directing such sheriff to
 1176 destroy the same, with the exception of the money. The order of
 1177 the court must shall state the time and place and the manner in
 1178 which such property must shall be destroyed, and the sheriff
 1179 shall destroy the same in the presence of the clerk of the
 1180 circuit court of such county.
 1181 (2) For any slot machine or device prohibited pursuant to
 1182 s. 849.15 which is not destroyed pursuant to s. 849.181, if no
 1183 arrests or criminal charges have been filed against any person
 1184 for violations of ss. 849.15-849.22, the Florida Gaming Control
 1185 Commission may destroy such seized machine, apparatus, or device
 1186 under s. 849.16 if, 60 days after the conclusion of a lawful
 1187 investigation, no claim has been filed in any court of competent
 1188 jurisdiction for such machine, apparatus, or device.
 1189 Section 27. Section 849.181, Florida Statutes, is created

Page 41 of 120

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

580-02716-26

20261580c1

1190 to read:
 1191 849.181 Destruction of excess machines.—
 1192 (1) It is the intent of the Legislature to protect the
 1193 public health, safety, and welfare of the residents of this
 1194 state by removing slot machines or devices as defined in s.
 1195 849.16 from public circulation and preventing the warehousing of
 1196 large quantities of such slot machines or devices.
 1197 (2) As used in this section, the term:
 1198 (a) "Criminal justice agency" has the same meaning as
 1199 provided in s. 943.045.
 1200 (b) "Excess slot machines" means more than five slot
 1201 machines seized during an investigation.
 1202 (c) "Slot machine" has the same meaning as the term "slot
 1203 machine or device" as defined in s. 849.16(1) and includes the
 1204 definition of "parts thereof" provided in s. 849.15.
 1205 (3) Notwithstanding any other law, a criminal justice
 1206 agency having custody of excess slot machines may destroy such
 1207 slot machines during the pendency of any related legal
 1208 proceedings or ongoing criminal investigations, provided that
 1209 such criminal justice agency:
 1210 (a) Retains at least five slot machines seized during an
 1211 investigation until such time as the slot machines may be
 1212 destroyed as provided in s. 849.18;
 1213 (b) Notifies the appropriate United States Attorney or
 1214 assistant United States Attorney, the responsible state or local
 1215 prosecutor, or a criminal justice agency conducting a criminal
 1216 investigation that the excess slot machines will be destroyed
 1217 after 60 days from the date notice is provided, unless the
 1218 entity receiving the notice under this paragraph requests in

Page 42 of 120

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

580-02716-26

20261580c1

writing that the criminal justice agency not destroy the excess slot machines;

(c) Photographs and records on video each excess slot machine before its destruction to serve as evidentiary exhibits for use at trial. Each photograph and video recording must include a written description of the name of the violator of this chapter, the location where the alleged violation occurred, the name of the investigating law enforcement officer, the date the photograph or video recording was taken, and the name of the photographer or videographer. Such writing must be made under oath by the investigating law enforcement officer, and the photograph and video recording must be authenticated by the photographer's or videographer's signature;

(d) Destroys each excess slot machine in the presence of a law enforcement officer. The law enforcement officer shall create a written and properly sworn documentation of the date, time, location, and number of excess slot machines destroyed; and

(e) Maintains the written and properly sworn documentation created by the witnessing law enforcement officer pursuant to paragraph (d) as required under s. 119.021.

(4) In any prosecution for a violation of this chapter, a photograph and video recording of an excess slot machine captured and documented pursuant to paragraph (c) may be deemed competent evidence and may be admissible in the prosecution to the same extent as if such excess slot machine were introduced as evidence.

(5) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does

580-02716-26

20261580c1

not affect other provisions or applications of this section or chapter which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Section 28. Section 849.47, Florida Statutes, is created to read:

849.47 Transporting or procuring the transportation of persons to facilitate illegal gambling.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of this chapter, chapter 546, chapter 550, or chapter 551 which occurs at any business, establishment, premises, or other location.

(2) Except as provided in subsection (3), a person who knowingly and willfully transports, or procures the transportation of, five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who transports, or procures the transportation of, 12 or more persons in violation of subsection (2) commits a felony of the third degree, punishable as provided in s.

580-02716-26

20261580c1

775.082, s. 775.083, or s. 775.084.

Section 29. Section 849.48, Florida Statutes, is created to read:

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" has the same meaning as in s. 849.47(1).

(2)(a) Except as otherwise authorized by law, a person may not knowingly and intentionally make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling.

(b) Except as otherwise authorized by law, a person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

(c) A person who violates this subsection commits:

1. For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. For a second or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not prohibit the printing or producing of any advertisement, circular, bill, poster,

580-02716-26

20261580c1

pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited.

Section 30. Section 849.49, Florida Statutes, is created to read:

849.49 Preemption.—A county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in this chapter or s. 546.10, except as otherwise expressly provided by general law, special law, or the State Constitution.

Section 31. Section 849.51, Florida Statutes, is created to read:

849.51 Limited Slot Machine Surrender Program.—

(1) The Legislature finds that illegal gaming operations not only undermine public trust but also expose citizens of this state to organized criminal conduct, financial exploitation, and a host of other social harms. Furthermore, the Legislature finds that certain persons or entities owning, storing, keeping, possessing, transporting, permitting the operation of, or otherwise offering illegal gaming devices for play may have been misled regarding the legality of the otherwise illegal gaming devices. Therefore, the Legislature finds that there is a compelling state interest in creating a limited period of time in which otherwise illegal gaming devices may be surrendered without penalty to ensure that any unknowing or otherwise innocent party may avoid criminal prosecution or civil penalty.

(2) There is created within the commission the Limited Slot

580-02716-26

20261580c1

Machine Surrender Program. The purpose of the program is to allow individuals and organizations an opportunity to surrender or otherwise disclaim any and all interest in any gaming devices, including, but not limited to, those devices or games described in ss. 849.09 and 849.16, and devices or games purported to be authorized by ss. 546.10, 849.0931, 849.094, and 849.14, and convey such gaming devices to the commission. The surrender of a gaming device pursuant to the program is deemed irrevocable and final.

(3) Any individual or organization that surrenders a gaming device to the commission pursuant to the program is immune from criminal prosecution for a violation of this chapter related to any of the surrendered devices.

(4) The program shall begin by September 1, 2026, and end on October 1, 2026.

(5) The commission shall advertise the program no earlier than 60 days before October 1, 2026.

(6) A person or an entity does not have any right to property in any of the devices surrendered to the commission pursuant to this section.

(7) The commission may execute memoranda of understanding with other criminal justice agencies to administer the program.

Section 32. Present paragraphs (i) through (m) of subsection (2) of section 903.046, Florida Statutes, are redesignated as paragraphs (j) through (n), respectively, and a new paragraph (i) is added to that subsection, to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may

580-02716-26

20261580c1

be, the court shall consider:

(i) The amount of currency seized which is connected to or involved in a violation of chapter 546, chapter 550, chapter 551, or chapter 849.

Section 33. Paragraphs (c), (e), (g), and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

1379	580-02716-26	20261580c1	
	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
1380	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
1381	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
1382	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1383	327.35(2)(b)	3rd	Felony BUI.
1384	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
1385	328.07(4)	3rd	Manufacture, exchange, or

	580-02716-26	20261580c1	
			possess vessel with counterfeit or wrong ID number.
1386	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1387	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
1388	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
1389			

	580-02716-26		20261580c1
	379.2431	3rd	Soliciting to commit or
	(1) (e) 7.		conspiring to commit a
			violation of the Marine
1390			Turtle Protection Act.
	400.9935 (4) (a)	3rd	Operating a clinic, or
	or (b)		offering services requiring
			licensure, without a
1391			license.
	400.9935 (4) (e)	3rd	Filing a false license
			application or other
			required information or
			failing to report
1392			information.
	440.1051 (3)	3rd	False report of workers'
			compensation fraud or
			retaliation for making such
1393			a report.
	501.001 (2) (b)	2nd	Tampers with a consumer
			product or the container
			using materially
			false/misleading
1394			information.
	624.401 (4) (a)	3rd	Transacting insurance
			without a certificate of

Page 51 of 120

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

	580-02716-26		20261580c1
			authority.
1395	624.401 (4) (b) 1.	3rd	Transacting insurance
			without a certificate of
			authority; premium
			collected less than
1396			\$20,000.
	626.902 (1) (a) &	3rd	Representing an
	(b)		unauthorized insurer.
1397	697.08	3rd	Equity skimming.
1398	790.15 (3)	3rd	Person directs another to
			discharge firearm from a
			vehicle.
1399	794.053	3rd	Lewd or lascivious written
			solicitation of a person 16
			or 17 years of age by a
			person 24 years of age or
			older.
1400	800.045 (3)	3rd	Possess, control, or
			intentionally view any
			photographic material,
			motion picture, etc., which
			includes a lewd or
			lascivious image.

Page 52 of 120

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

	580-02716-26		20261580c1
1401	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1402	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
1403	810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1404	810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
1405	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1406	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1407	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.

Page 53 of 120

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

	580-02716-26		20261580c1
1408	812.081(2)	3rd	Theft of a trade secret.
1409	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
1410	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1411	817.233	3rd	Burning to defraud insurer.
1412	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1413	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
1414	817.236	3rd	Filing a false motor vehicle insurance application.
1415	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

Page 54 of 120

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

1416	580-02716-26	20261580c1	
	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
1417			
	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
1418			
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
1419			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
1420			
	836.13(2)	3rd	Generating an altered sexual depiction of an identifiable person without consent.
1421			
	836.13(4)	3rd	Promoting, or possessing with intent to promote, an

Page 55 of 120

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

	580-02716-26	20261580c1	
			altered sexual depiction of an identifiable person without consent.
1422			
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
1423			
	<u>838.12</u>	<u>3rd</u>	<u>Bribery in athletic contests.</u>
1424			
	847.01385	3rd	Harmful communication to a minor.
1425			
	<u>849.01(2)(a)</u>	<u>3rd</u>	<u>Keeping a gambling house.</u>
1426			
	<u>849.01(3)(b)</u>	<u>3rd</u>	<u>Knowingly benefitting from or participating in the operation of a gambling house.</u>
1427			
	<u>849.02(1)(b) & (2)(a)</u>	<u>3rd</u>	<u>Agents or employees of keeper of gambling house.</u>
1428			
	<u>849.021(3)(a)</u>	<u>3rd</u>	<u>Government employee misconduct relating to gambling houses.</u>
1429			
	<u>849.03(1)(a)</u>	<u>3rd</u>	<u>Renting space at a gambling house.</u>

Page 56 of 120

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

580-02716-26

20261580c1

1430			
	<u>849.08(4)</u>	<u>3rd</u>	<u>Internet wagering.</u>
1431			
	<u>849.086(12)(e)</u>	<u>3rd</u>	<u>Manipulating playing cards.</u>
1432			
	<u>849.09(2)</u>	<u>3rd</u>	<u>Illegal lottery.</u>
1433			
	<u>849.11(2)</u>	<u>3rd</u>	<u>Operating or playing games of chance by lot.</u>
1434			
	<u>849.14</u>	<u>3rd</u>	<u>Betting on result of trial or contest of skill.</u>
1435			
	<u>849.15(3)(b)</u>	<u>3rd</u>	<u>Manufacture, sale, possession, etc. of slot machines or devices.</u>
1436			
	<u>849.157(1)</u>	<u>3rd</u>	<u>False or misleading statement to facilitate sale of slot machines or devices.</u>
1437			
	<u>849.25(2)</u>	<u>3rd</u>	<u>Bookmaking.</u>
1438			
	<u>849.47(3)(a)&(b)</u>	<u>3rd</u>	<u>Transporting or procuring transportation of certain persons to facilitate gambling.</u>
1439			

Page 57 of 120

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

580-02716-26

20261580c1

	<u>849.48(2)(c)2.</u>	<u>3rd</u>	<u>Prohibited gambling or gaming advertisements.</u>
1440			
	860.15(3)	3rd	Overcharging for repairs and parts.
1441			
	870.01(2)	3rd	Riot.
1442			
	870.01(4)	3rd	Inciting a riot.
1443			
	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
1444			
	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
1445			
	893.13(1)(f)2.	2nd	Sell, manufacture, or

Page 58 of 120

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

580-02716-26

20261580c1

deliver s. 893.03(1)(c),
 (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)6.,
 (2)(c)7., (2)(c)8.,
 (2)(c)9., (2)(c)10., (3),
 or (4) drugs within 1,000
 feet of public housing
 facility.

1446

893.13(4)(c)

3rd

Use or hire of minor;
 deliver to minor other
 controlled substances.

1447

893.13(6)(a)

3rd

Possession of any
 controlled substance other
 than felony possession of
 cannabis.

1448

893.13(7)(a)8.

3rd

Withhold information from
 practitioner regarding
 previous receipt of or
 prescription for a
 controlled substance.

1449

893.13(7)(a)9.

3rd

Obtain or attempt to obtain
 controlled substance by
 fraud, forgery,
 misrepresentation, etc.

1450

Page 59 of 120

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

580-02716-26

20261580c1

893.13(7)(a)10.

3rd

Affix false or forged label
 to package of controlled
 substance.

1451

893.13(7)(a)11.

3rd

Furnish false or fraudulent
 material information on any
 document or record required
 by chapter 893.

1452

893.13(8)(a)1.

3rd

Knowingly assist a patient,
 other person, or owner of
 an animal in obtaining a
 controlled substance
 through deceptive, untrue,
 or fraudulent
 representations in or
 related to the
 practitioner's practice.

1453

893.13(8)(a)2.

3rd

Employ a trick or scheme in
 the practitioner's practice
 to assist a patient, other
 person, or owner of an
 animal in obtaining a
 controlled substance.

1454

893.13(8)(a)3.

3rd

Knowingly write a
 prescription for a
 controlled substance for a

Page 60 of 120

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

	580-02716-26		20261580c1
			fictitious person.
1455	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
1456	918.13(1)	3rd	Tampering with or fabricating physical evidence.
1457	944.47	3rd	Introduce contraband to
	(1)(a)1. & 2.		correctional facility.
1458	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
1459	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
1460			
1461	(e) LEVEL 5		
1462			

Page 61 of 120

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

	580-02716-26		20261580c1
	Florida Statute	Felony Degree	Description
1463	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1464	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1465	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
1466	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1467	327.30(5)(a)2.	3rd	Vessel accidents

Page 62 of 120

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

	580-02716-26		20261580c1
			involving personal injuries other than serious bodily injury; leaving scene.
1468	365.172	2nd	Misuse of emergency communications system resulting in death.
	(14) (b) 2.		
1469	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or

Page 63 of 120

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

	580-02716-26		20261580c1
			imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
1470	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
1471	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
1472	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1473	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
1474	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1475			

Page 64 of 120

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

	580-02716-26		20261580c1
1476	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1477	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1478	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
1479	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
1480	790.162	2nd	Threat to throw or discharge destructive device.
	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use

Page 65 of 120

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

	580-02716-26		20261580c1
1481			of firearms in violent manner.
	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
1482	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1483	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
1484	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
1485	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
1486	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1487	810.145(4)	3rd	Commercial digital

Page 66 of 120

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

	580-02716-26		20261580c1
			voyeurism dissemination.
1488	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
1489	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
1490	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
1491	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1492	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
1493	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
1494	812.015(8)(g)	3rd	Retail theft; committed

Page 67 of 120

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

	580-02716-26		20261580c1
			with specified number of other persons.
1495	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
1496	812.081(3)	2nd	Trafficking in trade secrets.
1497	812.131(2)(b)	3rd	Robbery by sudden snatching.
1498	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
1499	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1500	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1501	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property

Page 68 of 120

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

	580-02716-26		20261580c1
			values relating to the solvency of an insuring entity.
1502	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
1503	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
1504	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
1505	825.1025 (4)	3rd	Lewd or lascivious exhibition in the

Page 69 of 120

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

	580-02716-26		20261580c1
			presence of an elderly person or disabled adult.
1506	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1507	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
1508	<u>838.12</u>	<u>3rd</u>	<u>Bribery in athletic contests(2nd or subsequent conviction).</u>
1509	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
1510	843.01 (1)	3rd	Resist officer with violence to person; resist arrest with

Page 70 of 120

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

	580-02716-26		20261580c1
			violence.
1511	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
1512	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1513	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1514	<u>849.01 (2) (b)</u>	<u>2nd</u>	<u>Keeping a gambling house (2nd or subsequent offense).</u>
1515	<u>849.02 (1) (c) & (2) (b)</u>	<u>2nd</u>	<u>Agents or employees of keeper of gambling house (2nd or subsequent offense).</u>
1516	<u>849.021 (3) (b)</u>	<u>2nd</u>	<u>Government employee misconduct relating to gambling houses (2nd or</u>

	580-02716-26		20261580c1
			<u>subsequent offense).</u>
1517	<u>849.03 (1) (b)</u>	<u>2nd</u>	<u>Renting space at a gambling house (2nd or subsequent offense).</u>
1518	<u>849.08 (4)</u>	<u>2nd</u>	<u>Operating, conducting, promoting, aiding, assisting, abetting, influencing Internet gambling and Internet sports wagering (2nd or subsequent conviction).</u>
1519	<u>849.086 (12) (e)</u>	<u>2nd</u>	<u>Tampering with cards or card games (2nd or subsequent conviction).</u>
1520	<u>849.11 (2)</u>	<u>2nd</u>	<u>Offenses related to games of chance (2nd or subsequent conviction).</u>
1521	<u>849.14</u>	<u>2nd</u>	<u>Betting on result of trial or contest of skill (2nd or subsequent conviction).</u>
1522	<u>849.15 (3) (c)</u>	<u>2nd</u>	<u>Manufacture, sale, possession, etc. of slot</u>

	580-02716-26		20261580c1
			<u>machines or devices.</u>
1523	<u>849.47(3)(a) & (b)</u>	<u>2nd</u>	<u>Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons (2nd or subsequent conviction).</u>
1524	<u>849.48(2)(c)2.</u>	<u>2nd</u>	<u>Prohibited gambling or gaming advertisements (2nd or subsequent offense).</u>
1525	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
1526	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
1527	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a),

Page 73 of 120

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

	580-02716-26		20261580c1
			(1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
1528	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
1529	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
1530	893.13(1)(e)2.	2nd	Sell, manufacture, or

Page 74 of 120

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

580-02716-26

20261580c1

deliver cannabis or
other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

1531

893.13(1)(f)1.

1st

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

1532

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

1533

893.1351(1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of

Page 75 of 120

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

580-02716-26

20261580c1

controlled substance.

1534

1535

1536

1537

(g) LEVEL 7

Florida

Felony

Statute

Degree

Description

1538

316.027(2)(c)

1st

Accident involving death,
failure to stop; leaving
scene.

1539

316.193(3)(c)2.

3rd

DUI resulting in serious
bodily injury.

1540

316.1935(3)(b)

1st

Causing serious bodily
injury or death to
another person; driving
at high speed or with
wanton disregard for
safety while fleeing or
attempting to elude law
enforcement officer who
is in a patrol vehicle
with siren and lights
activated.

1541

327.35(3)(a)3.b.

3rd

Vessel BUI resulting in
serious bodily injury.

Page 76 of 120

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

1542	580-02716-26	20261580c1	
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1543	409.920	3rd	Medicaid provider fraud;
1544	(2) (b) 1.a.		\$10,000 or less.
	409.920	2nd	Medicaid provider fraud;
1545	(2) (b) 1.b.		more than \$10,000, but less than \$50,000.
	456.065(2)	3rd	Practicing a health care profession without a license.
1546	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1547	458.327(1)	3rd	Practicing medicine without a license.
1548	459.013(1)	3rd	Practicing osteopathic medicine without a

Page 77 of 120

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

	580-02716-26	20261580c1	license.
1549	460.411(1)	3rd	Practicing chiropractic medicine without a license.
1550	461.012(1)	3rd	Practicing podiatric medicine without a license.
1551	462.17	3rd	Practicing naturopathy without a license.
1552	463.015(1)	3rd	Practicing optometry without a license.
1553	464.016(1)	3rd	Practicing nursing without a license.
1554	465.015(2)	3rd	Practicing pharmacy without a license.
1555	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1556	467.201	3rd	Practicing midwifery without a license.
1557			

Page 78 of 120

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

	580-02716-26		20261580c1
1558	468.366	3rd	Delivering respiratory care services without a license.
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
1559	483.901(7)	3rd	Practicing medical physics without a license.
1560	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
1561	484.053	3rd	Dispensing hearing aids without a license.
1562	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1563	560.123(8)(b)1.	3rd	Failure to report currency or payment

Page 79 of 120

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

	580-02716-26		20261580c1
			instruments exceeding \$300 but less than \$20,000 by a money services business.
1564	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1565	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1566	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1567	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
1568			

Page 80 of 120

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

	580-02716-26		20261580c1
1569	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1570	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1571	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1572	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless

Page 81 of 120

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

	580-02716-26		20261580c1
1573			manner (vessel homicide).
1574	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1575	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
1576	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1577	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
1578	784.048(7)	3rd	Aggravated stalking; violation of court order.
1579	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
1580	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
	784.08(2)(a)	1st	Aggravated battery on a

Page 82 of 120

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

	580-02716-26		20261580c1
			person 65 years of age or older.
1581	784.081(1)	1st	Aggravated battery on specified official or employee.
1582	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
1583	784.083(1)	1st	Aggravated battery on code inspector.
1584	787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
1585	787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
1586	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1587	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and

Page 83 of 120

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

	580-02716-26		20261580c1
			services by the transfer or transport of an adult from outside Florida to within the state.
1588	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1589	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1590	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1591	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1592	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1593			

Page 84 of 120

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

	580-02716-26		20261580c1
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1594	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1595	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1596	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
1597	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1598	800.04(5)(c)1.	2nd	Lewd or lascivious

Page 85 of 120

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

	580-02716-26		20261580c1
			molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1599	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
1600	800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
1601	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
1602	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1603			

Page 86 of 120

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

	580-02716-26		20261580c1
1604	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1605	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
1606	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1607	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1608	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

Page 87 of 120

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

	580-02716-26		20261580c1
1609	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1610	812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
1611	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1612	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1613	812.131(2)(a)	2nd	Robbery by sudden snatching.
1614	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1615	817.034(4)(a)1.	1st	Communications fraud,

Page 88 of 120

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

	580-02716-26		20261580c1
			value greater than \$50,000.
1616	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1617	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1618	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1619	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1620	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.

Page 89 of 120

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

	580-02716-26		20261580c1
1621	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
1622	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1623	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
1624	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1625	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
1626	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or

Page 90 of 120

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

	580-02716-26		20261580c1
			disfigurement.
1627	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1628	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1629	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
1630	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1631	838.015	2nd	Bribery.
1632	838.016	2nd	Unlawful compensation or reward for official behavior.
1633			

	580-02716-26		20261580c1
	838.021(3)(a)	2nd	Unlawful harm to a public servant.
1634	838.22	2nd	Bid tampering.
1635	843.0855(2)	3rd	Impersonation of a public officer or employee.
1636	843.0855(3)	3rd	Unlawful simulation of legal process.
1637	843.0855(4)	3rd	Intimidation of a public officer or employee.
1638	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1639	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1640	<u>849.01(4)</u>	<u>2nd</u>	<u>Keeping a gambling house; great bodily harm, permanent disability, or permanent disfigurement.</u>
1641	<u>849.157(2)</u>	<u>2nd</u>	<u>False or misleading</u>

580-02716-26

20261580c1

statement to facilitate
sale of 5 or more slot
machines or devices.

1642

872.06

2nd

Abuse of a dead human
body.

1643

874.05(2)(b)

1st

Encouraging or recruiting
person under 13 to join a
criminal gang; second or
subsequent offense.

1644

874.10

1st, PBL

Knowingly initiates,
organizes, plans,
finances, directs,
manages, or supervises
criminal gang-related
activity.

1645

893.13(1)(c)1.

1st

Sell, manufacture, or
deliver cocaine (or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b),
or (2)(c)5.) within 1,000
feet of a child care
facility, school, or
state, county, or
municipal park or

Page 93 of 120

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

580-02716-26

20261580c1

publicly owned
recreational facility or
community center.

1646

893.13(1)(e)1.

1st

Sell, manufacture, or
deliver cocaine or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b),
or (2)(c)5., within 1,000
feet of property used for
religious services or a
specified business site.

1647

893.13(4)(a)

1st

Use or hire of minor;
deliver to minor other
controlled substance.

1648

893.135(1)(a)1.

1st

Trafficking in cannabis,
more than 25 lbs., less
than 2,000 lbs.

1649

893.135
(1)(b)1.a.

1st

Trafficking in cocaine,
more than 28 grams, less
than 200 grams.

1650

893.135
(1)(c)1.a.

1st

Trafficking in illegal
drugs, more than 4 grams,
less than 14 grams.

Page 94 of 120

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

	580-02716-26		20261580c1
1651	893.135	1st	Trafficking in
	(1) (c) 2.a.		hydrocodone, 28 grams or more, less than 50 grams.
1652	893.135	1st	Trafficking in
	(1) (c) 2.b.		hydrocodone, 50 grams or more, less than 100 grams.
1653	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.a.		7 grams or more, less than 14 grams.
1654	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less than 25 grams.
1655	893.135	1st	Trafficking in fentanyl,
	(1) (c) 4.b. (I)		4 grams or more, less than 14 grams.
1656	893.135	1st	Trafficking in
	(1) (d) 1.a.		phencyclidine, 28 grams or more, less than 200 grams.
1657	893.135 (1) (e) 1.	1st	Trafficking in
			methaqualone, 200 grams

	580-02716-26		20261580c1
			or more, less than 5 kilograms.
1658	893.135 (1) (f) 1.	1st	Trafficking in
			amphetamine, 14 grams or more, less than 28 grams.
1659	893.135	1st	Trafficking in
	(1) (g) 1.a.		flunitrazepam, 4 grams or more, less than 14 grams.
1660	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1661	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.
1662	893.135	1st	Trafficking in
	(1) (k) 2.a.		Phenethylamines, 10 grams or more, less than 200 grams.
1663	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams

580-02716-26		20261580c1	
			or more, less than 500 grams.
1664	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1665	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1666	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1667	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1668	896.104(4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than

580-02716-26		20261580c1	
			\$20,000.
1669	943.0435(4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1670	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1671	943.0435(9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1672	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1673	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false

	580-02716-26		20261580c1
			registration information.
1674	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1675	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1676	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1677	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1678	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

Page 99 of 120

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

	580-02716-26		20261580c1
1679	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1680	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1681			
1682			
1683	(h) LEVEL 8		
1684			
	Florida Statute	Felony Degree	Description
1685	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
1686	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
1687			

Page 100 of 120

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

	580-02716-26		20261580c1
	327.35	2nd	Vessel BUI manslaughter.
1688	(3) (a) 3.c. (I)		
	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
1689			
	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
1690			
	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
1691			
	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
1692			
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding

	580-02716-26		20261580c1
			\$20,000, but less than \$100,000 by financial institutions.
1693			
	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
1694			
	<u>782.04 (3)</u>	<u>1st</u>	<u>Killing of a human being during the attempt or perpetration of certain felonies.</u>
1695			
	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
1696			
	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated

	580-02716-26		20261580c1
			in s. 782.04(3).
1697	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
1698	782.071(1)(c)	1st	Vehicular homicide with a prior conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide.
1699	782.072(2)(b)	1st	Committing vessel homicide and failing to render aid or give information.
1700	782.072(3)	1st	Vessel homicide with a prior conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide.
1701	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.

Page 103 of 120

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

	580-02716-26		20261580c1
1702	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
1703	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
1704	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
1705	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
1706	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property

Page 104 of 120

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

	580-02716-26		20261580c1
			damage.
1707	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
1708	794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
1709	794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
1710	794.011(5)(d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury;

Page 105 of 120

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

	580-02716-26		20261580c1
			prior conviction for specified sex offense.
1711	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1712	800.04(4)(b)	2nd	Lewd or lascivious battery.
1713	800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
1714	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1715	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
1716	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous

Page 106 of 120

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

	580-02716-26		20261580c1	
			weapon.	
1717	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.	
1718	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.	
1719	812.015(11)(b)	1st	Retail theft; possession of a firearm during commission of offense.	
1720	812.13(2)(b)	1st	Robbery with a weapon.	
1721	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.	
1722	817.418(2)(b)	2nd	Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense.	
1723				

	580-02716-26		20261580c1	
	817.504(1)(b)	2nd	Offering or advertising a vaccine with intent to defraud; second or subsequent offense.	
1724	817.505(4)(c)	1st	Patient brokering; 20 or more patients.	
1725	817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.	
1726	817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.	
1727	817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.	
1728	817.535(5)(a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial	

	580-02716-26		20261580c1
			loss as a result of the false instrument.
1729	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
1730	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
1731	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
1732	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
1733	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
1734	837.02 (2)	2nd	Perjury in official proceedings relating to

	580-02716-26		20261580c1
			prosecution of a capital felony.
1735	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
1736	<u>849.155</u>	<u>1st</u>	<u>Trafficking in slot machines or devices.</u>
1737	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
1738	860.16	1st	Aircraft piracy.
1739	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
1740	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).

	580-02716-26		20261580c1
1741	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1742	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1743	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1744	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
1745	893.135(1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
1746	893.135(1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
1747	893.135	1st	Trafficking in fentanyl,

Page 111 of 120

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

	580-02716-26		20261580c1
	(1)(c)4.b.(II)		14 grams or more, less than 28 grams.
1748	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
1749	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
1750	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
1751	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
1752	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1753			

Page 112 of 120

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

	580-02716-26		20261580c1
	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.b.		Butanediol, 5 kilograms
			or more, less than 10
1754			kilograms.
	893.135	1st	Trafficking in
	(1) (k) 2.b.		Phenethylamines, 200
			grams or more, less than
			400 grams.
1755			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.c.		cannabinoids, 1,000 grams
			or more, less than 30
			kilograms.
1756			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.b.		phenethylamines, 100
			grams or more, less than
			200 grams.
1757			
	893.1351(3)	1st	Possession of a place
			used to manufacture
			controlled substance when
			minor is present or
			resides there.
1758			
	895.03(1)	1st	Use or invest proceeds
			derived from pattern of
			racketeering activity.

Page 113 of 120

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

	580-02716-26		20261580c1
1759	895.03(2)	1st	Acquire or maintain
			through racketeering
			activity any interest in
			or control of any
			enterprise or real
			property.
1760			
	895.03(3)	1st	Conduct or participate in
			any enterprise through
			pattern of racketeering
			activity.
1761			
	896.101(5) (b)	2nd	Money laundering,
			financial transactions
			totaling or exceeding
			\$20,000, but less than
			\$100,000.
1762			
	896.104(4) (a) 2.	2nd	Structuring transactions
			to evade reporting or
			registration
			requirements, financial
			transactions totaling or
			exceeding \$20,000 but
			less than \$100,000.
1763			
1764			
1765	Section 34. Paragraph (a) of subsection (1) and paragraph		

Page 114 of 120

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

580-02716-26 20261580c1

1766 (a) of subsection (2) of section 772.102, Florida Statutes, are
 1767 amended to read:
 1768 772.102 Definitions.—As used in this chapter, the term:
 1769 (1) "Criminal activity" means to commit, to attempt to
 1770 commit, to conspire to commit, or to solicit, coerce, or
 1771 intimidate another person to commit:
 1772 (a) Any crime that is chargeable by indictment or
 1773 information under the following provisions:
 1774 1. Section 210.18, relating to evasion of payment of
 1775 cigarette taxes.
 1776 2. Section 414.39, relating to public assistance fraud.
 1777 3. Section 440.105 or s. 440.106, relating to workers'
 1778 compensation.
 1779 4. Part IV of chapter 501, relating to telemarketing.
 1780 5. Chapter 517, relating to securities transactions.
 1781 6. Section 550.235 or s. 550.3551, relating to dogracing
 1782 and horseracing.
 1783 7. Chapter 550, relating to jai alai frontons.
 1784 8. Chapter 552, relating to the manufacture, distribution,
 1785 and use of explosives.
 1786 9. Chapter 562, relating to beverage law enforcement.
 1787 10. Section 624.401, relating to transacting insurance
 1788 without a certificate of authority, s. 624.437(4)(c)1., relating
 1789 to operating an unauthorized multiple-employer welfare
 1790 arrangement, or s. 626.902(1)(b), relating to representing or
 1791 aiding an unauthorized insurer.
 1792 11. Chapter 687, relating to interest and usurious
 1793 practices.
 1794 12. Section 721.08, s. 721.09, or s. 721.13, relating to

Page 115 of 120

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

580-02716-26 20261580c1

1795 real estate timeshare plans.
 1796 13. Chapter 782, relating to homicide.
 1797 14. Chapter 784, relating to assault and battery.
 1798 15. Chapter 787, relating to kidnapping or human
 1799 trafficking.
 1800 16. Chapter 790, relating to weapons and firearms.
 1801 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
 1802 relating to prostitution.
 1803 18. Chapter 806, relating to arson.
 1804 19. Section 810.02(2)(c), relating to specified burglary of
 1805 a dwelling or structure.
 1806 20. Chapter 812, relating to theft, robbery, and related
 1807 crimes.
 1808 21. Chapter 815, relating to computer-related crimes.
 1809 22. Chapter 817, relating to fraudulent practices, false
 1810 pretenses, fraud generally, and credit card crimes.
 1811 23. Section 827.071, relating to commercial sexual
 1812 exploitation of children.
 1813 24. Chapter 831, relating to forgery and counterfeiting.
 1814 25. Chapter 832, relating to issuance of worthless checks
 1815 and drafts.
 1816 26. Section 836.05, relating to extortion.
 1817 27. Chapter 837, relating to perjury.
 1818 28. Chapter 838, relating to bribery and misuse of public
 1819 office.
 1820 29. Chapter 843, relating to obstruction of justice.
 1821 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 1822 s. 847.07, relating to obscene literature and profanity.
 1823 31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.

Page 116 of 120

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

580-02716-26

20261580c1

849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, and tampering with evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s. 849.25, relating to gambling.

Section 35. Section 849.17, Florida Statutes, is amended to read:

849.17 Confiscation of machines by arresting officer.—Upon the arrest of any person charged with the violation of ss. 849.15-849.22, ~~any of the provisions of ss. 849.15-849.23~~ the arresting officer shall take into his or her custody any such machine, apparatus or device, and its contents, and the arresting agency, at the place of seizure, shall make a complete

580-02716-26

20261580c1

and correct list and inventory of all such things so taken into his or her custody, and deliver to the person from whom such article or articles may have been seized, a true copy of the list of all such articles. The arresting agency shall retain all evidence seized and shall have the same forthcoming at any investigation, prosecution, or other proceedings, ~~incident to charges of violation of ss. 849.15-849.22 any of the provisions of ss. 849.15-849.23.~~

Section 36. Section 849.18, Florida Statutes, is amended to read:

849.18 Disposition of machines upon conviction.—Upon conviction of the person arrested for the violation of ss. 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~, the judge of the court trying the case, after such notice to the person convicted, and any other person whom the judge may be of the opinion is entitled to such notice, and as the judge may deem reasonable, shall issue to the sheriff of the county a written order adjudging and declaring any such machine, apparatus or device forfeited, and directing such sheriff to destroy the same, with the exception of the money. The order of the court must ~~shall~~ state the time and place and the manner in which such property must ~~shall~~ be destroyed, and the sheriff shall destroy the same in the presence of the clerk of the circuit court of such county.

Section 37. Section 849.20, Florida Statutes, is amended to read:

849.20 Machines and devices declared nuisance; place of operation subject to lien for fine.—Any room, house, building, boat, vehicle, structure, or place wherein any machine or

580-02716-26

20261580c1

device, or any part thereof, the possession, operation, or use of which is prohibited by ss. 849.15-849.22 ~~ss. 849.15-849.23~~, must ~~shall~~ be maintained or operated, and each of such machines or devices, is declared to be a common nuisance. If a person has knowledge, or reason to believe, that his or her room, house, building, boat, vehicle, structure, or place is occupied or used in violation of ss. 849.15-849.22 ~~the provisions of ss. 849.15-849.23~~ and by acquiescence or consent suffers the same to be used, such room, house, building, boat, vehicle, structure, or place is ~~shall be~~ subject to a lien for and may be sold to pay all fines or costs assessed against the person guilty of such nuisance, for such violation, and the several state attorneys shall enforce such lien in the courts of this state having jurisdiction.

Section 38. Section 849.21, Florida Statutes, is amended to read:

849.21 Injunction to restrain violation.—An action to enjoin any nuisance as herein defined may be brought by any person in the courts of equity in this state. If it is made to appear by affidavit or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the action. Upon application of the complainant in such a proceeding, the court or judge may also enter an order restraining the defendant and all other persons from removing, or in any way interfering with the machines or devices or other things used in connection with the violation of ss. 849.15-849.22 ~~ss. 849.15-849.23~~

Page 119 of 120

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

580-02716-26

20261580c1

constituting such a nuisance. A ~~No~~ bond is not ~~shall be~~ required in instituting such proceedings.

Section 39. Section 849.22, Florida Statutes, is amended to read:

849.22 Fees of clerk of circuit court and sheriff.—The clerks of the courts and the sheriffs performing duties under ss. 849.15-849.22 ~~the provisions of ss. 849.15-849.23~~ shall receive the same fees as prescribed by general law for the performance of similar duties, and such fees must ~~shall~~ be paid out of the fine and forfeiture fund of the county as costs are paid upon conviction of an insolvent person.

Section 40. Paragraph (a) of subsection (12) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(12) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.
2. Chapter 550, relating to jai alai frontons.
3. Section 551.109, relating to slot machine gaming.
4. Chapter 687, relating to interest and usury.
5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s. 849.25, relating to gambling.

Section 41. This act shall take effect July 1, 2026.

Page 120 of 120

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1668

INTRODUCER: Senator Burton

SUBJECT: Florida Birth-Related Neurological Injury Compensation Association

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Knudson</u>	<u>BI</u>	<u>Favorable</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 1668 revises provisions relating to the Florida Birth-Related Neurological Injury Compensation Association (NICA). In 1988, the Legislature created the Florida Birth-Related Neurological Injury Compensation plan¹ (plan) to provide compensation, long-term medical care, and other services to individuals with birth-related neurological injuries.² If an infant suffers such an injury, and the physician participates in the NICA and delivers obstetrical services in connection with the birth, then an administrative award for a compensable injury is the individual's sole and exclusive remedy for the injury, with exceptions.³ Although the benefits paid under the plan are limited, the plan does not require the claimant to prove malpractice and provides a streamlined administrative hearing process to resolve the claim.⁴ The primary, initial funding for the plan is provided through assessments on physicians and hospitals with exceptions.

The bill revises the process for the NICA and the Office of Insurance Regulation (OIR) to evaluate the actuarial soundness and adequacy of cash flows of the plan and to access additional revenue for the plan if the OIR determines that the plan does not have adequate cash flows or is not actuarially sound. The bill:

- Defines the term, “actuarially sound,” to mean the total plan assets available to fund future liabilities are equal to or greater than 90 percent of the present value of total estimated liabilities excluding any risk margin.
- Defines the term, “risk margin,” to mean an additional, explicit allowance above the best-estimate reserve to reflect uncertainty in future claim payments, including variation in

¹ Section 766.303(1), F.S.

² Chapter 88-1, Laws of Fla., was enacted by the Legislature to stabilize and reduce malpractice insurance premiums for physicians practicing obstetrics. The intent of the Legislature is to provide compensation for birth-related neurological injuries, that result in unusually high costs for custodial care and rehabilitation. Section 766.301, F.S.

³ Section 766.31(1), F.S.

⁴ See *Florida Birth-Related Neurological Injury Compensation Ass'n v. McKaughan*, 668 So.2d 974, 977 (Fla. 1996).

claimant life expectancy and the number and cost of pending or unreported claims. The risk margin is not included in the reserve amount used to calculate the funding ratio.

- Revises the scope and process of the OIR's actuarial valuation of the assets and liabilities of the plan. The OIR must conduct such a valuation based on the assets and liabilities of the plan for the calendar year before the year in which the actuarial valuation is due. Further, the OIR must also determine whether:
 - The plan has adequate estimated cash flow for the following fiscal year;
 - The plan is actuarially sound, and if not, whether the plan is likely to return to actuarial soundness before the next biennial review.
- Increases the amount the OIR may transfer from the Insurance Regulatory Trust Fund to the NICA for funding the plan, from \$20 million to up to \$50 million, if the OIR determines that the plan lacks adequate cash flow for the following fiscal year. Currently, the OIR may transfer up to \$20 million from the trust fund to the NICA if the annual hospital and provider assessments are insufficient to maintain the plan on an actuarially sound basis.
- Limits to five years the assessments the OIR may impose on each casualty insurer writing liability, malpractice, and miscellaneous casualty insurance annually up to 0.25 percent of net direct premiums written to achieve actuarial soundness of the plan.
- Provides that, if the OIR finds that the plan is not actuarially sound pursuant to its review, the NICA must submit quarterly reports that provide projections of the plan's financial condition. If assessments were ordered by the OIR, the NICA must submit projected revenues for such assessments.
- Requires that, if the NICA finds the plan is not actuarially sound and the remedies provided through assessments are insufficient to reestablish actuarial soundness, the NICA must, within 60 days after such finding, notify the Governor, the President of the Senate, the Speaker of the House of Representatives, and the OIR. Once the NICA issues this notice, the NICA may not accept any new claims without explicit authority from the Legislature. However, this does not preclude the NICA from accepting any claim if the injury occurred 18 months or more before the effective date of this enrollment suspension. Under current law, for the 2025-2026 fiscal year, the NICA is authorized to accept new claims during the fiscal year if the total current estimates exceed 100 percent of the funds on hand and the funds that will be available to the NICA within the next 12 months.

The bill also:

- Updates the statutory provisions to replace the term, "child" with "participant." According to the NICA, 40 percent of current NICA participants are adults.
- Requires family members to continuously maintain comprehensive major medical health coverage for a NICA participant or the participant must be covered by Medicaid.
- Specifies that NICA benefits include:
 - The costs of major medical health coverage for the participant, including the premium and out-of-pocket costs.
 - Reimbursement of Florida Medicaid fee-for-service and capitation rate paid claims for NICA participants.
 - Dental services for the participants.
 - Legal costs are associated with establishing and maintaining guardianship for a participant.

- Revises the NICA plan of operation to include a fraud and overpayment prevention and detection program.

The bill has a potential significant negative impact on state revenues and expenditures. *See* Section V., Fiscal Impact Statement.

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

II. Present Situation:

In 1988, the Legislature created the Florida Birth-Related Neurological Injury Compensation Association (NICA) to provide exclusive remedy, irrespective of fault, for infants who have sustained a birth-related neurological injury.⁵ A “birth-related neurological injury” is an injury to the brain or spinal cord of a live infant who weighs at least 2,500 grams for a single gestation or, in the case of a multiple gestation, a live infant who weighs at least 2,000 grams at birth caused by oxygen deprivation or by mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate post-delivery period in a hospital.⁶ Such an injury addressed by this statute renders the infant permanently and substantially mentally and physically impaired.⁷ As of June 30, 2025, there were 253 NICA participants receiving ongoing benefits through the Florida Birth-Related Neurological Injury Compensation plan (plan).⁸

The NICA is governed by a board of directors appointed by the Chief Financial Officer.⁹ Board meetings are subject to public meetings and record requirements of s. 286.011, F.S.¹⁰

Filing a Claim for Benefits

A claim for compensation under the plan must be filed within five years of the birth of an infant alleged to be injured.¹¹ First, the parents or guardians of the infant must file a petition with the Division of Administrative Hearings (DOAH).¹² Then, the DOAH serves a copy of the petition upon the NICA, the physician and hospital named in the petition, the Division of Medical Quality Assurance of the Department of Health, and the Agency for Health Care Administration (agency or AHCA).¹³ Within 10 days of filing the petition, the parents or guardian must provide to the NICA all medical records, assessments, evaluations and prognoses, documentation of expenses, and documentation of any private or governmental source of services, or reimbursement relative to the impairments.¹⁴

⁵ Section 766.301, F.S.

⁶ Section 766.302(2), F.S.

⁷ *Id.*

⁸ Florida Birth-Related Neurological Injury Compensation Association (NICA), *Report of the Florida Birth-Related Neurological Injury Compensation Association to the Governor, Legislature, and Chief Financial Officer* (Nov. 2025) <https://nica.com/wp-content/uploads/2025/10/2025-Legislatively-Mandated-Report-Nov.pdf> (last visited Feb. 19, 2026).

⁹ Section 766.315(1), F.S.

¹⁰ Section 766.315(5), F.S.

¹¹ Section 766.313, F.S.

¹² Section 766.305, F.S.

¹³ Section 766.305(2), F.S.

¹⁴ Section 766.305(3), F.S.

Within 45 days from the date of service of a complete claim, the NICA must file a response to the petition and submit relevant written information relating to the issue of whether the injury alleged is a birth-related neurological injury.¹⁵ An administrative law judge (ALJ) from the DOAH will set a hearing on the claim to be conducted 60-120 days from the petition filing date.¹⁶

The issue of whether the claim for compensation is covered by the plan is determined exclusively in an administrative proceeding.¹⁷ The ALJ presiding over the hearing makes the following determinations:

- Whether the injury claimed is a birth-related neurological injury;
- Whether obstetrical services were delivered by a participating physician;
- How much compensation, if any, is awardable under s. 766.31, F.S.; and
- Whether, if raised by the claimant or other party, the factual determination regarding the notice requirement in s. 766.316, F.S.¹⁸

If the ALJ determines that an injury meets the definition of a birth-related neurological injury, compensation from the plan is the exclusive legal remedy.¹⁹ If the ALJ determines that, the injury alleged is not a birth-related neurological injury or that a participating physician did not deliver the obstetrical services, the ALJ will enter an order to that effect.²⁰ The ALJ may also bifurcate the proceeding and address compensability and notice first, and address an award, if any, in a separate proceeding.²¹ If any party chooses to appeal the ALJ's order under s. 766.309, F.S., the appeal must be filed in the District Court of Appeal.²²

Benefits²³

The plan pays benefits, on behalf of a participant, including actual expenses for medically necessary and reasonable medical and hospital, habilitative and training, family residential or custodial care and service, professional residential, and custodial care and service, drugs, special equipment, facilities, and related travel.²⁴ At a minimum, the statutes require the plan to pay compensation for the following actual expenses:

- Annual psychotherapeutic services benefit of up to \$10,000 for immediate family members who reside with the plan participant.
- Transportation benefits, which includes providing parents or legal guardians with a reliable method of transportation for the care of the participant or reimbursing the cost of upgrading an existing vehicle to accommodate the participant's needs when it becomes medically

¹⁵ Section 766.305(4), F.S.

¹⁶ Section 766.307(1), F.S.

¹⁷ Section 766.301(1)(d), F.S.

¹⁸ Section 766.309(1), F.S.

¹⁹ Section 766.303(2), F.S., only allows a civil action in place of a claim under the plan where there is clear and convincing evidence of bad faith or malicious purpose or willful and wanton disregard of human rights, safety, or property.

²⁰ Section 766.309(2), F.S.

²¹ Section 766.309(4), F.S.

²² Section 766.311(1), F.S.

²³ Section 766.31, F.S.

²⁴ The plan excludes coverage for expenses that are compensable by state or federal governments, or by private insurers. Section 766.31(1)(a), F.S.

necessary for wheelchair transportation. The plan must replace any vans purchased by the plan every seven years or 150,000 miles, whichever comes first.

- Housing assistance of up to \$100,000 for the life of the participant, including home construction and modifications.

In addition, the plan must provide compensation for the following items:

- Periodic or lump-sum award to the parents or legal guardians, in an amount not to exceed \$250,000;²⁵
- Death benefit in the amount of \$50,000 for the participant;²⁶ and
- Reasonable expenses for filing the claim under the plan, including attorney's fees.²⁷

The plan does not reimburse or pay expenses that might otherwise be covered by insurance or any private or governmental programs, unless such exclusion is prohibited by state or federal law.²⁸

NICA Funding

The Florida Legislature appropriated \$20 million²⁹ to initially fund the plan at its inception and authorized annual assessments of physicians and hospitals thereafter.³⁰ A participating physician is required to pay a \$5,000 fee each year for coverage on a calendar year basis.³¹ All licensed Florida physicians pay a mandatory fee of \$250, regardless of specialty.³² Hospitals pay \$50 for each live birth during the previous calendar year. Certain exemptions apply to all these categories, including resident physicians, retired physicians, government physicians, and facilities.³³ The amount of the physician and hospital assessments have remained unchanged since the plan's inception in 1988.³⁴ Section 766.314, F.S., also requires the OIR to maintain an appropriation of \$20 million in the Insurance Regulatory Trust Fund for the NICA.

Section 766.314, F.S., provide alternative funding mechanisms for the plan if the assessments collected by the NICA "are insufficient to maintain the plan on an actuarially sound basis." The first remedy is to require the OIR to transfer up to \$20 million from the Insurance Regulatory Trust Fund.³⁵ If the appropriation and assessments do not result in the plan being maintained on an actuarially sound basis, the OIR may assess casualty insurers up to 0.25 percent of net direct premiums written in proportion to the total amount of all net direct premiums written by casualty

²⁵ Section 766.31(1)(d), F.S. This amount is increased annually by three percent.

²⁶ Section 766.31(1)(d)2.a., F.S.

²⁷ Section 766.31(1)(e), F.S.

²⁸ Section 766.31(1)(a), F.S.

²⁹ Ch. 88-277, Laws of Fla.

³⁰ Section 766.314, F.S.

³¹ *Id.*

³² Section 766.314(4), F.S.

³³ *Id.*

³⁴ If the assessments amounts at June 30, 1988, were adjusted for inflation, as of June 30, 2024, the assessments would increase in the following manner: participating physicians \$5,000 would be \$13,312.50; participating nurse midwives \$2,500 would be \$6,656.26; hospital assessments \$50 would be \$133.12; and nonparticipating physician assessments of \$250 would be \$665.62. See NICA Report on Actuarial Soundness (Sep. 2024) <https://www.nica.com/wp-content/uploads/2025/06/20240930-FTI-Consulting-Reserve-Evaluation.pdf> (last visited Feb. 19, 2026) .

³⁵ Section 766.314(5)(b), F.S.

insurers.³⁶ Lastly, s. 766.314(7)(b), F.S., requires that, if the OIR finds that the plan cannot be maintained on an actuarially sound basis based on the assessments and appropriations, the OIR must increase the assessments on physicians and hospitals on a proportional basis as needed. The statutory provisions do not define the term, “actuarial soundness,” and while the OIR is required to biennially produce an actuarial valuation, that valuation does not opine on the actuarial soundness of the plan.

Within 60 days after a claim is filed, the NICA must estimate the present value of the total cost of the claim, including the estimated amount to be paid to the claimant, the claimant’s attorney, the attorney’s fees of the NICA incident to the claim, and any other expenses that are reasonably anticipated to be incurred by the NICA in connection with the adjudication and payment of the claim.³⁷ Every quarter, the NICA must update these estimates based upon the actual costs incurred and any additional information that becomes available to the NICA since the last review of this estimate.³⁸ The estimate must be reduced by any amounts paid by the NICA that were included in the current estimate.

If the total of all current estimates equals or exceeds 100 percent of the funds on hand and the funds that will become available to the association within the next 12 months from all sources, including physician and provider assessments, funds from the Insurance Regulatory Trust Fund, and assessments on specified casualty insurance, the NICA may not accept any new claims without express authority from the Legislature.³⁹ However, this does not preclude NICA from accepting any claim if the injury occurred 18 months or more before the effective date of this enrollment suspension.⁴⁰ Notwithstanding this requirement, the NICA is authorized to accept new claims during the 2025-2026 fiscal year if the total of all current estimates exceeds the limits described above during that fiscal year.⁴¹

Within 30 days after the effective date of this enrollment suspension, the NICA must notify the Governor, the Speaker of the House of Representatives, the President of the Senate, the Office of Insurance Regulation, the agency, and the Department of Health of this suspension.⁴²

Recent Financial Trends

Since its inception and until recently, the NICA has taken in more cash than it has spent, thus, there was never an issue about its actuarial soundness and none of the above remedies have ever initiated.⁴³ Because the NICA is operating at an annual cash flow deficit while the number of participants and associated expenses are increasing, significant cash from investment income and other income must be used to fund operating expenses.

³⁶ Section 766.314(5)(c)1, F.S. provides that casualty insurance described in s. 624.605(b),(k), and (q) would be subject to this assessment, which would include liability insurance, malpractice insurance, and miscellaneous insurance (insurance against liability for any other kind of loss or damage to person or property, properly a subject of insurance and not within any other kind of insurance as defined in the Florida Insurance Code).

³⁷ Section 766.314(9)(a), F.S.

³⁸ Section 766.314(9)(b), F.S.

³⁹ Section 766.314(9)(c)1., F.S.

⁴⁰ *Id.*

⁴¹ This provision expires July 1, 2026.

⁴² Section 766.314(9)(c)1.

⁴³ See *supra* NICA at 7.

For Fiscal Year 2023 - 2024, the NICA collected approximately \$37.9 million in annual physician and hospital assessment revenue. However, total operating expenses⁴⁴ exceeded total revenues by about \$156 million, thereby requiring the NICA to use about \$93 million in investment income and other income to fund the plan's operations.⁴⁵ Subsequently, for Fiscal Year 2024 - 2025, the NICA collected \$37.5 million in hospital and physician assessments. Although total operating expenses were significantly lower due to a decrease in claims incurred for this fiscal year; total operating expenses exceeded total revenues by about \$110 million, resulting in the NICA using investment income and other income to fund operations.⁴⁶ At June 30, 2025, and 2204, the NICA had a deficit net position of approximately \$189.3 million and \$216.6 million, respectively.⁴⁷ The average claim size for an open active claim increased from \$3.68 million at June 30, 2020, to \$5.42 million at June 30, 2025, and the amount of total annual claims payments increased from \$19.8 million to \$51.7 million for the same period.⁴⁸

In recent years, many factors have increased the NICA's financial obligations and expenses. For example, in 2021, the Florida Legislature substantially revised benefits and the provision of benefits in response to concerns of family members of plan participants, which has increased the financial obligations of the NICA.⁴⁹ Further, as the result of the Medicaid settlement,⁵⁰ the NICA was required to pay approximately \$51 million to the federal government and Medicaid will no longer reimburse NICA participants for expenses, and instead the NICA will be responsible for quarterly payments.⁵¹ Claim payments are expected to increase an additional \$12 million annually once the Medicaid reimbursement process begins.⁵²

⁴⁴ Thomas Howell Ferguson (THF) Certified Public Accountants, *Florida Birth Related Neurological Injury Compensation Association Years ended June 30, 2024 and 2023 with Report of Independent Auditors* (Sep. 9, 2025) <https://www.nica.com/wp-content/uploads/2025/06/2024-NICA-Audited-Financial-Statements.pdf> (last visited Feb. 20, 2026). Operating expenses for Fiscal Year 2023-2024 were comprised of claims incurred (\$189.7 million) and other operating expenses (\$4.6 million). For Fiscal Year 2024-2025, operating expenses were comprised of claims incurred of about \$143 million and other operating expenses of about \$4.9 million.

⁴⁵ Thomas Howell Ferguson (THF) Certified Public Accountants, *Florida Birth Related Neurological Injury Compensation Association Years ended June 30, 2025 and 2024 with Report of Independent Auditors* (Sep. 9, 2025), p. 24, <https://www.nica.com/wp-content/uploads/2025/09/Audited-Financial-Statements-06-30-2025.pdf> (last visited Feb. 19, 2026).

⁴⁶ *Id.*

⁴⁷ *Id.* at p. 3.

⁴⁸ *Id.*

⁴⁹ Ch. 2021-134, Laws of Fla.

⁵⁰ U.S. Department of Justice and NICA Settlement (Nov. 14, 2022) https://fromthegman.net/wp-content/uploads/2022/11/nica_settlement_agreement_executed_0.pdf (last visited Feb. 19, 2026).

⁵¹ Thomas Howell Ferguson (THF) Certified Public Accountants, *Florida Birth Related Neurological Injury Compensation Association Years ended June 30, 2025 and 2024 with Report of Independent Auditors* (Sep. 9, 2025), p. 24, <https://www.nica.com/wp-content/uploads/2025/09/Audited-Financial-Statements-06-30-2025.pdf> (last visited Feb. 19, 2026).

⁵² *Id.*

Federal Medicaid Settlement and Agreement with the Agency for Health Care Administration

Medicaid Program⁵³

The Medicaid program provides medical assistance to certain low-income individuals and individuals with disabilities.⁵⁴ The federal government and states jointly fund and administer the Medicaid program. At the federal level, the Centers for Medicare and Medicaid Services (CMS) administers the program, and each state administers its Medicaid program according to a CMS approved State plan that establishes which services the Medicaid program will cover. Although each state has considerable flexibility in designing and operating its Medicaid program, it must comply with federal requirements. The federal government pays its share of a state's medical assistance costs under the Medicaid program based on the Federal medical assistance percentage (FMAP). In Florida, the Agency for Health Care Administration, the State Medicaid agency, is responsible for computing and reporting the federal share, which is based on the total computable amount multiplied by the FMAP.

Medicaid Third-Party Liability

Federal law requires states to take all reasonable measures to ascertain the legal liability of third parties to pay for care and services that are available under the Medicaid State plan.⁵⁵ The third party liability effectuates the payor of last resort policy. Specifically, states are required to: (1) identify Medicaid enrollees' third-party health coverage, (2) determine third party liability⁵⁶ for services, (3) avoid payment for services in most circumstances in which the state believes that a third party is liable, and (4) recover reimbursement from liable third parties after Medicaid payment if the state can reasonably expect to recover more than it paid to seek reimbursement.

Section 409.910, F.S., the "Medicaid Third-Party Liability Act," which governs third party liability in Florida provides that "it is the intent of the Legislature that Medicaid be the payor of last resort for medically necessary goods and services furnished to Medicaid recipients." This provision is consistent with federal law, which provides that Medicaid pays for services only after other responsible third parties have met their burden of costs.⁵⁷ In "applying for or accepting medical assistance [Medicaid], an applicant, recipient, or legal representative automatically assigns to the agency any right, title, and interest such person has to any third-party benefit, excluding any Medicare benefit to the extent required to be excluded by federal law." Section 409.910, F.S., also requires that "if benefits of a liable third party are discovered or become available after medical assistance has been provided by Medicaid, Medicaid is to be repaid in full and prior to any other person, program, or entity. Medicaid is to be repaid in full,

⁵³ Department of Health and Human Services, Office of Inspector General, *States face ongoing challenges in meeting third-party liability requirements for ensuring that Medicaid functions as the payer of last resort* (Oct. 2023), <https://oig.hhs.gov/documents/audit/7897/A-05-21-00013-Complete%20Report.pdf> (last visited Feb. 19, 2026).

⁵⁴ 42 U.S.C. ss. 1396-1396w-5.

⁵⁵ Section 1902(a)(25) of the Social Security Act and 42 CFR part 433, subpart D. Federal regulations refer to amounts owed by non-Medicaid payers as third-party liability.

⁵⁶ 42 CFR part 433, subpart D.

⁵⁷ 42 U.S.C. s. 1396(a)(25). Third parties that may be liable to pay for services include private health insurance, Medicare, employer-sponsored health insurance, settlements from a liability insurer, workers' compensation, long-term care insurance, and other State and Federal programs (unless specifically excluded by Federal statute).

from and to the extent of, any third-party benefits, regardless of whether a recipient is made whole or other creditors paid.”

2022 Medicaid Settlement

On November 14, 2022, the plan and NICA, its administrator, agreed to pay \$51 million to resolve allegations that they violated the False Claims Act by causing NICA participants to submit their health care claims to Medicaid rather than the NICA, in violation of Medicaid’s status as the payer of last resort under federal law.⁵⁸ The civil settlement resolves a lawsuit filed under the whistleblower provisions of the False Claims Act, which permits a private party to file a lawsuit on behalf of the United States and receive a portion of any recovery.⁵⁹ Incorporated in the settlement, the NICA represented that it would, with respect to NICA participants who also qualified for Medicaid, set aside a financial reserve, effective August 31, 2021, to pay claims it will be responsible for as the primary payor but the agency would pay while a transition plan is developed by the agency and the NICA.⁶⁰

NICA and Agency for Health Care Administration Agreement⁶¹

The agency and the NICA entered into an agreement to coordinate payment for services for individuals who are both enrolled in NICA and Florida Medicaid participant. The purpose of the agreement is to allow participants to receive services through the Medicaid delivery system while ensuring that the NICA is the primary payor for these services. At the end of each quarter, the agency will calculate each participants’ monthly plan capitation rate payments and any fee-for-service payments made. The agency will include the sum of these payments on an invoice and submit them to the NICA. The NICA will reimburse the agency in accordance with s. 409.910, F.S., and the executed agreement.

In mid-December 2025, the AHCA submitted a retroactive invoice to the NICA for the collection of outstanding payments made by Medicaid on behalf of NICA participants. For this invoice, the AHCA identified a little over 200 NICA members enrolled in Florida Medicaid. Pursuant to the agreement, the NICA is required to provide the agency with an updated member listing each month.

⁵⁸ Department of Justice, *Florida Birth-Related Neurological Injury Compensation Plan and Association to Pay \$51 Million to Resolve False Claims Act Allegations* (Nov. 14, 2022), <https://www.justice.gov/archives/opa/pr/florida-birth-related-neurological-injury-compensation-plan-and-association-pay-51-million> (last visited Feb. 19, 2026).

⁵⁹ U.S. Department of Justice, *The False Claims Act*, <https://www.justice.gov/civil/false-claims-act> (last visited Feb. 23, 2026). Private citizens who successfully file suits on behalf of the government (qui tam suits) may receive a portion of the government’s recovery. *See also*, 31 U.S.C. s. 3729-3733, False Claims Act.

⁶⁰ U.S. Department of Justice and NICA Settlement (Nov. 14, 2022) https://fromthegman.net/wp-content/uploads/2022/11/nica_settlement_agreement_executed_0.pdf (last visited Feb. 19, 2026). The Settlement Agreement is neither an admission of liability by the NICA nor a concession by the United States that its claims are not well founded. The NICA denies the allegations.

⁶¹ Email from the Agency for Health Care Administration (Jan. 12, 2026) (On file with the Senate Committee on Banking and Insurance).

Time Period	Total Fee for Service Expenditures	Total Capitation Rate Expenditures	Total Expenditures
08/31/2021- 06/30/2022	\$2,906,416.63	\$7,032,986.75	\$9,939,403.38
07/01/2022-06/30/2023	\$2,583,022.26	\$9,557,859.99	\$12,140,882.25
07/01/2023-06/30/2024	\$2,339,993.05	\$9,648,253.73	\$11,988,246.78
07/01/2024-06/30/2025	\$2,314,719.61	\$8,197,459.77	\$10,512,179.38
Total Expenditures 08/31/2021-06/30/2025 ⁶²			\$44,580,711.79

Office of Insurance Regulation

Florida's Office of Insurance Regulation (OIR)⁶³ is responsible for the regulation of all activities of insurers and other risk-bearing entities, including licensure, rates,⁶⁴ policy forms, market conduct, claims, solvency, administrative supervision, as provided under the Florida Insurance Code (code).⁶⁵ Insurance is classified into the following kinds of insurance: life, health, property, casualty, marine, and title.⁶⁶

III. Effect of Proposed Changes:

Section 1 amends s. 409.910, F.S., the "Medicaid Third Party Liability Act," to authorize the Agency for Health Care Administration (AHCA or agency) to recover the full amount of all medical assistance provided by Medicaid on behalf of recipients to the full extent of third-party benefits, including incurred costs of Florida Birth-Related Neurological Injury Compensation Association (NICA) plan participants pursuant to s. 766.31, F.S. The agency and the NICA entered into an agreement to coordinate payment for services for individuals who are enrolled in both NICA and Florida Medicaid. The purpose of the agreement is to allow participants to receive services through the Medicaid delivery system while ensuring that NICA is the "primary payor" for these services.

Section 2 amends s. 766.302, F.S., to revise the definition of the term, "claimant," to provide that the administrative law judge has exclusive jurisdiction to determine compensability and notice even if the claimant does not seek the NICA compensation. Definitions for the following terms are created:

⁶² Email from the Agency for Health Care Administration (Jan. 12, 2026) (On file with the Senate Committee on Banking and Insurance).

⁶³ The OIR is an office under the Financial Services Commission (commission), which is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. The commission is not subject to control, supervision, or direction by the Department of Financial Services in any manner, including purchasing, transactions involving real or personal property, personnel, or budgetary matters. Section 20.121(3), F.S.

⁶⁴ Pursuant to s. 627.062(1), F.S., rates may not be excessive, inadequate, or unfairly discriminatory.

⁶⁵ Section 20.121(3)(a)1., F.S.

⁶⁶ Section 624.6011, F.S.

- “Actuarially sound” means that the total plan assets available to fund future liabilities are equal to or greater than 90 percent of the present value of total estimated liabilities excluding any risk margin. This term is used in the NICA provisions; however, it is undefined.
- “Participant” means the person who suffered a birth related neurological injury as an infant and who accepted compensation under the plan by final order entered by an administrative law judge pursuant to s. 766.309, F.S. According to NICA, about 40 percent of participants are adults.
- “Risk margin” means an additional, explicit allowance above the best-estimate reserve to reflect uncertainty in future claim payments, including variation in claimant life expectancy and the number and cost of pending or unreported claims. The risk margin is not included in the reserve amount used to calculate the funding ratio.

NICA adjusts claim reserves to provide for a risk margin in the event future contingent events and actual payments significantly exceed management's best estimate. The risk margin was approximately \$82 million as of June 30, 2025.⁶⁷

Section 3 amends s. 766.303, F.S., relating to the plan, to provide technical changes and clarify terms used. The term, “children,” as used in the context of participants of the plan is replaced with the term, “participant.”

Section 4 amends s. 766.305, F.S., relating to the filing of claims, to provide technical conforming changes.

Section 5 amends s. 766.309, F.S., to provide a technical, conforming cross reference.

Section 6 amends s. 766.31, F.S., relating to awards for birth-related injuries, to revise the types of compensation of actual expenses for medically necessary care or services an administrative law judge may award and to provide technical changes. The bill revises the types of compensation of actual expenses for medically necessary care or services an administration law judge may award. The bill provides the following changes in benefits:

- Codifies coverage of medically necessary dental services. Many participants require medically necessary sedation due to their birth injury. However, routine cleanings are not currently covered.
- Revises the current statutory benefit for psychotherapeutic services to provide access to these services for immediate family members who no longer live with the participant or do not live in Florida. The board of the NICA extended the benefit to families whose children are deceased. Family members and relatives would be capped at \$10,000 annually during the participant's lifetime and up to a total of \$20,000 subsequent to the participant's death.
- Codifies coverage for legal costs associated with establishing and maintaining guardianship for a participant.
- Revises the current statutory benefit for transportation to provide family members, rather than only parents and guardians, with a reliable method of transporting the participant's

⁶⁷ FTI Consulting, *Florida Birth Related Neurological Injury Compensation Association Analysis of Loss and LAE Reserves as of June 30, 2025* (Aug. 26, 2025), p. 44, <https://www.nica.com/wp-content/uploads/2025/09/Actuarial-Report-June-30-2025.pdf> (last visited Feb. 23, 2026).

wheelchair and medically necessary equipment. The bill expands the type of vehicles covered to include vehicles rather than just vans.

- Clarifies the coverage of housing assistance benefit of up to \$100,000 for the life of the participant to include, but is not limited to, a down payment on a new home, and moving expenses. Currently, this benefit includes home construction and modification costs.
- Requires the NICA to reimburse plan participants for the payment of major medical health insurance coverage, which includes the premium and any cost sharing incurred by the participant.
- Clarifies that the NICA will not provide compensation for professional custodial care provided by a family member while such care is being provided by another person or entity or the family member is being compensated from another source of work during the same time for which compensation is sought from the NICA. If the family member disputes that an overpayment has occurred, the NICA is authorized to file a petition for division review of an overpayment for a determination of the amount, if any, to be recouped by the NICA,
- Expands the list of individuals eligible to receive an award of up to \$250,000 to include family members instead of only parents or legal guardians.

The bill requires a family member to continuously maintain comprehensive major medical health coverage for the participant.⁶⁸ A family member must obtain insurance coverage within 60 days after an administrative law judge enters a final order approving a claim for compensation or apply for Medicaid coverage within 30 days after entry of such order. If the participant is ineligible for Medicaid, the family member must obtain other coverage within 60 days after receipt of a Medicaid denial. A family member of an individual who is a participant on June 30, 2026, must obtain the required coverage for the participant by January 1, 2027.

The bill requires the NICA to reimburse the agency for fee-for-service claims and capitation payments for participants enrolled in Medicaid, as well as for the payment of administrative and support costs associated with the provision of Medicaid services. This provision codifies the agreement between the agency and NICA. The bill provides such funds to be credited to the Health Care Administration Medical Care Trust Fund.

In the case of an alleged overpayment of an expense reimbursement by the NICA to a family member, if the family member does not agree that an overpayment has occurred, the NICA may file a petition for review of the overpayment for a determination of the amount, if any, to be recouped by the NICA.

Section 7 amends s. 766.314, F.S., relating to assessments and plan of operation, to require NICA to include a fraud and overpayment prevention and detection program in the plan of operation that is subject to review and approval by the OIR.

⁶⁸ NICA, Benefit Handbook (Dec. 12, 2024), <https://www.nica.com/wp-content/uploads/2025/06/NICA-Benefit-Handbook-1-13-25.pdf> (last visited Feb. 19, 2026). The benefit manual provides that it is the NICA's expectation that health insurance is always maintained for participants. The NICA reimburses families for the cost of the participant's health insurance. For families with Medicaid, the NICA reimburses the Agency for Health Care Administration for the cost of those premiums. For items such as therapy, equipment, and some supplies, the NICA may request documentation of an insurance denial prior to authorizing a reimbursement request. If there is a lapse in insurance coverage and expenses are incurred that would have been covered by insurance, the NICA will not reimburse for those items.

The amount of annual assessments paid by hospitals and physicians remain unchanged.

Provisions relating to the assessment process are revised in the following manner:

- Requires the NICA to submit updated claims estimates to the OIR on a quarterly basis within 10 business days after completion.
- Requires the NICA to calculate whether the plan is actuarially sound after the completion of its quarterly revisions of claims estimates. If the NICA determines the plan is not actuarially sound, the NICA must immediately notify the OIR. Then, the OIR must review the NICA's calculations and, within 60 days after the NICA's notification, determine whether to initiate an actuarial valuation, and notify the NICA of its determination. The OIR must, at a minimum, make its determination based on the degree to which the NICA's calculations indicate that the plan is not actuarially sound, the direction and consistency of recent trends in the calculations of the plan's actuarial soundness, and the length of time since the most recent actuarial analysis conducted by the OIR and until the next biennial valuation. The OIR must initiate such actuarial valuation within 30 days after its determination there is a need for a valuation.
- Requires the OIR to make an actuarial valuation to be made of the assets and liabilities of the plan at a minimum biennially on or before December 31 of even-numbered years and as provided upon calculation and notification by the NICA that the plan is not actuarially sound. The valuation by the OIR must be based on the assets and liabilities of the plan for the calendar year before the year in which the actuarial valuation is due. Further, the OIR must determine whether the plan has adequate estimated cash flows for the following fiscal year, whether, based on actuarial valuation, the plan is actuarially sound, and if not, whether the plan is likely to return to actuarial soundness before the next biennial review.
- Requires that, if the OIR determines that the plan lacks adequate cash flow for the following fiscal year pursuant to its review, the OIR must authorize a transfer of up to \$50 million from the Insurance Regulatory Trust Fund to the NICA within 30 calendar days.
- Requires that, if the OIR finds that the plan is not likely to return to actuarial soundness before the next biennial review, the OIR must, within 60 calendar days after this finding, order one or more of the following actions:
 - Require each licensed casualty insurer writing specified coverage, as defined in s. 624.605(1)(b),(k), and (q), F.S.,⁶⁹ to pay into the NICA an annual assessment that is calculated to generate a total amount no greater than the amount required to achieve actuarial soundness of the plan within five years after the date of the order.
 - Requires the assessment to be made on the basis of net direct premiums written for the business activity used as the basis for each such insurer's inclusion as a funding source for the plan in the state during the prior year ending December 31, as reported to the OIR, and must be in proportion that the net direct written premium written for each insurer on account of the business activity forming the basis for its inclusion in the plan bears to the aggregate net direct premiums for all such business activity written in this state by all such insurers.
 - The annual assessment is capped at 0.25 percent of the insurer's net direct premiums written. An assessment may not extend five years after the date of the order. Insurers

⁶⁹ Section 624.605(1)(b), (k) and (q), F.S., apply to liability insurance, malpractice and miscellaneous, respectively.

- are authorized to recoup their assessments through a surcharge on future policies, a rate increase applicable prospectively, or a combination of the two.
- Provide that, if the actuarial soundness cannot be achieved through the assessment on casualty insurers, the OIR is authorized to increase the assessments on hospitals and physicians on a proportional basis to generate a total amount of revenue no greater than the amount required to maintain the plan on an actuarially sound basis.
- Requires that if the NICA finds that the plan is not actuarially sound and the insurer assessments and hospital and physician assessments are insufficient to achieve actuarial soundness of the plan, the NICA must within 60 days of such finding, notify the Governor, the President of the Senate, the Speaker of the House of Representatives, and the OIR. If the NICA issues the notice, it may not accept any new claims without express authority from the Legislature. However, this provision does not preclude the NICA from accepting any claim if the injury occurred 18 months or more before the effective date of the claim suspension. Under current law, for the 2025-2026 fiscal year, the NICA is authorized to accept new claims during the fiscal year if the total current estimates exceed 100 percent of the funds on hand and the funds that will be available to the NICA within the next 12 months.

Section 8 amends s. 766.315, F.S., to substitute the one board director representative for a parent or legal guardian of an injured infant with one family member of a participant.

Section 9 provides the bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill revises benefits available to plan participants which will assist parents, other family members, and legal guardians in funding significant medical expenses and other necessary services and care of plan participants.

The bill would allow Florida Birth-Related Neurological Injury Compensation Association (NICA) participants, if eligible, to enroll or to continue enrollment in the Florida Medicaid program. Florida Medicaid will then have to seek reimbursement from the NICA for services previously reimbursed.⁷⁰

The bill would require each licensed casualty insurer writing specified coverage, as defined in s. 624.605(1)(b),(k), and (q), F.S.,⁷¹ to pay into the NICA an annual assessment that is calculated to generate a total amount no greater than the amount required to achieve actuarial soundness of the plan within five years after the date of the order. Such assessment will have a fiscal impact on each licensed casualty insurer.

C. Government Sector Impact:

The bill has a significant indeterminate impact on state revenues and expenditures.

The bill increases the amount of funds the Office of Insurance Regulation (OIR) is authorized to transfer from the Insurance Regulatory Trust Fund to the NICA from \$20 million to \$50 million if the OIR determines that the plan lacks adequate cash flows for the following fiscal year.

The OIR may experience workload increases related to the more rigorous actuarial approach to the NICA's financial oversight. In the event NICA calculations indicate the Birth-Related Neurological Injury Compensation Plan (plan) is not actuarially sound and the OIR subsequently determines an actuarial valuation is necessary, such costs are indeterminate. The bill does not provide an appropriation for such costs.

The Agency for Health Care Administration (AHCA) indicates the bill does not impact its revenue or expenditures as the updates are specific to the NICA and do not have any operational or fiscal impact to the AHCA.⁷²

⁷⁰ Agency for Health Care Administration, *2026 Agency Analysis of Senate Bill 1668* (Jan. 13, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).

⁷¹ Section 624.605(1)(b), (k) and (q), F.S., apply to liability insurance, malpractice and miscellaneous, respectively.

⁷² Agency for Health Care Administration, *2026 Agency Analysis of Senate Bill 1668* (Jan. 13, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends sections 409.910, 766.302, 766.303, 766.305, 766.309, 766.31, 766.314, and 766.315 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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



149182

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (7) of section
409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-
eligible persons when other parties are liable.—

(7) The agency shall recover the full amount of all medical
assistance provided by Medicaid on behalf of the recipient to



149182

the full extent of third-party benefits.

(a) Recovery of such benefits shall be collected directly from:

1. Any third party;

2. The recipient or legal representative, if he or she has received third-party benefits;

3. The provider of a recipient's medical services if third-party benefits have been recovered by the provider; notwithstanding any provision of this section, to the contrary, however, no provider shall be required to refund or pay to the agency any amount in excess of the actual third-party benefits received by the provider from a third-party payor for medical services provided to the recipient; ~~or~~

4. Any person who has received the third-party benefits; or

5. The Florida Birth-Related Neurological Injury Compensation Association for plan participant costs incurred under s. 766.31.

The provisions of this subsection do not apply to any proceeds received by the state, or any agency thereof, pursuant to a final order, judgment, or settlement agreement, in any matter in which the state asserts claims brought on its own behalf, and not as a subrogee of a recipient, or under other theories of liability. The provisions of this subsection do not apply to any proceeds received by the state, or an agency thereof, pursuant to a final order, judgment, or settlement agreement, in any matter in which the state asserted both claims as a subrogee and additional claims, except as to those sums specifically identified in the final order, judgment, or settlement agreement



149182

as reimbursements to the recipient as expenditures for the named recipient on the subrogation claim.

Section 2. Section 766.302, Florida Statutes, is reordered and amended to read:

766.302 Definitions; ss. 766.301-766.316.—As used in ss. 766.301-766.316, the term:

(1)~~(4)~~ “Administrative law judge” means an administrative law judge appointed by the division.

(2)~~(1)~~ “Association” means the Florida Birth-Related Neurological Injury Compensation Association established in s. 766.315 to administer the Florida Birth-Related Neurological Injury Compensation Plan and the plan of operation established in s. 766.314.

(3)~~(2)~~ “Birth-related neurological injury” means injury to the brain or spinal cord of a live infant weighing at least 2,500 grams for a single gestation or, in the case of a multiple gestation, a live infant weighing at least 2,000 grams at birth caused by oxygen deprivation or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate postdelivery period in a hospital, which renders the infant permanently and substantially mentally and physically impaired. This definition shall apply to live births only and does ~~shall~~ not include disability or death caused by genetic or congenital abnormality.

(4)~~(3)~~ “Claimant” means any person who files a claim pursuant to s. 766.305 ~~for compensation~~ for a birth-related neurological injury to an infant. Such a claim may be filed by any legal representative on behalf of an injured infant; and, in the case of a deceased infant, the claim may be filed by an



149182

69 administrator, personal representative, or other legal
70 representative thereof.

71 (5) "Division" means the Division of Administrative
72 Hearings of the Department of Management Services.

73 ~~(6)~~~~(9)~~ "Family member" means a father, mother, or legal
74 guardian.

75 ~~(7)~~~~(10)~~ "Family residential or custodial care" means care
76 normally rendered by trained professional attendants which is
77 beyond the scope of child care duties, but which is provided by
78 family members. Family members who provide nonprofessional
79 residential or custodial care may not be compensated under this
80 act for care that falls within the scope of child care duties
81 and other services normally and gratuitously provided by family
82 members. Family residential or custodial care shall be performed
83 only at the direction and control of a physician when such care
84 is medically necessary. Reasonable charges for expenses for
85 family residential or custodial care provided by a family member
86 shall be determined as follows:

87 (a) If the family member is not employed, the per-hour
88 value equals the federal minimum hourly wage.

89 (b) If the family member is employed and elects to leave
90 that employment to provide such care, the per-hour value of that
91 care shall equal the rates established by Medicaid for private
92 duty services provided by a home health aide. A family member or
93 a combination of family members providing care in accordance
94 with this definition may not be compensated for more than a
95 total of 10 hours per day. Family care is in lieu of
96 professional residential or custodial care, and no professional
97 residential or custodial care may be awarded for the period of



149182

time during the day that family care is being provided.

~~(8)(6)~~ "Hospital" means any hospital licensed in Florida.

~~(9)~~ "Office" means the Office of Insurance Regulation.

~~(10)~~ "Participant" means the person who suffered a birth-related neurological injury as an infant and who accepted compensation under the plan by final order entered by an administrative law judge pursuant to s. 766.309.

~~(11)(7)~~ "Participating physician" means a physician licensed in Florida to practice medicine who practices obstetrics or performs obstetrical services either full time or part time and who had paid or was exempted from payment at the time of the injury the assessment required for participation in the birth-related neurological injury compensation plan for the year in which the injury occurred. Such term does ~~shall~~ not apply to any physician who practices medicine as an officer, employee, or agent of the Federal Government.

~~(12)(8)~~ "Plan" means the Florida Birth-Related Neurological Injury Compensation Plan established under s. 766.303.

Section 3. Section 766.303, Florida Statutes, is amended to read:

766.303 Florida Birth-Related Neurological Injury Compensation Plan; exclusiveness of remedy.—

(1) There is established the Florida Birth-Related Neurological Injury Compensation Plan for the purpose of providing compensation, irrespective of fault, for birth-related neurological injuries ~~injury claims~~. Such plan shall apply to births occurring on or after January 1, 1989, and shall be administered by the Florida Birth-Related Neurological Injury Compensation Association.



149182

(2) The rights and remedies granted by this plan on account of a birth-related neurological injury shall exclude all other rights and remedies of such infant, her or his personal representative, family members ~~parents~~, dependents, and next of kin, at common law or otherwise, against any person or entity ~~directly~~ involved with the labor, delivery, or immediate postdelivery resuscitation during which such injury occurs, arising out of or related to a medical negligence claim with respect to such injury; except that a civil action may ~~shall~~ not be foreclosed where there is clear and convincing evidence of bad faith or malicious purpose or willful and wanton disregard of human rights, safety, or property, provided that such suit is filed prior to and in lieu of payment of an award under ss. 766.301-766.316. Such suit shall be filed before the award of the division becomes conclusive and binding as provided for in s. 766.311.

(3) Sovereign immunity is hereby waived on behalf of the Florida Birth-Related Neurological Injury Compensation Association solely to the extent necessary to assure payment of compensation as provided in s. 766.31.

(4) The association shall administer the plan in a manner that promotes and protects the health and best interests of participants ~~children~~ with birth-related neurological injuries.

Section 4. Subsections (1) and (3) of section 766.305, Florida Statutes, are amended to read:

766.305 Filing of claims and responses; medical disciplinary review.—

(1) All claims filed ~~for compensation~~ under the plan must ~~shall~~ commence by the claimant filing with the division a



149182

petition that includes all of ~~seeking compensation. Such~~
~~petition shall include~~ the following information:

(a) The name and address of the legal representative and
the basis for her or his representation of the injured infant.

(b) The name and address of the injured infant.

(c) The name and address of any physician providing
obstetrical services who was present at the birth and the name
and address of the hospital at which the birth occurred.

(d) A description of the disability for which the claim is
made.

(e) The time and place the injury occurred.

(f) A brief statement of the facts and circumstances
surrounding the injury and giving rise to the claim.

(3) The claimant shall furnish to the ~~Florida Birth-Related~~
~~Neurological Injury Compensation~~ association the following
information, which must be filed with the association within 10
days after the filing of the petition as set forth in subsection
(1):

(a) All available relevant medical records relating to the
birth-related neurological injury and a list identifying any
unavailable records known to the claimant and the reasons for
the records' unavailability.

(b) Appropriate assessments, evaluations, and prognoses and
such other records and documents as are reasonably necessary for
the determination of the amount of compensation to be paid to,
or on behalf of, the injured infant on account of the birth-
related neurological injury.

(c) Documentation of expenses and services incurred to date
which identifies any payment made for such expenses and services



149182

and the payor.

(d) Documentation of any applicable private or governmental source of services or reimbursement relative to the impairments.

The information required by paragraphs (a)-(d) shall remain confidential and exempt under the provisions of s. 766.315(6)(b) ~~s. 766.315(5)(b)~~.

Section 5. Paragraph (a) of subsection (1) of section 766.309, Florida Statutes, is amended to read:

766.309 Determination of claims; presumption; findings of administrative law judge binding on participants.—

(1) The administrative law judge shall make the following determinations based upon all available evidence:

(a) Whether the injury claimed is a birth-related neurological injury. If the claimant has demonstrated, to the satisfaction of the administrative law judge, that the infant has sustained a brain or spinal cord injury caused by oxygen deprivation or mechanical injury and that the infant was thereby rendered permanently and substantially mentally and physically impaired, a rebuttable presumption shall arise that the injury is a birth-related neurological injury as defined in s. 766.302 ~~s. 766.302(2)~~.

Section 6. Section 766.31, Florida Statutes, is amended to read:

766.31 Administrative law judge awards for birth-related neurological injuries; notice of award.—

(1) Upon determining that an infant has sustained a birth-related neurological injury and that obstetrical services were delivered by a participating physician at the birth, the



149182

administrative law judge shall make an award providing
compensation for the following items relative to such injury:

(a) Actual expenses incurred since the date of birth for
medically necessary and reasonable:

1. Medical and hospital care and services;~~;~~
2. Habilitative services; ~~and training~~;
3. Dental services;
4. Family residential or custodial care;~~;~~
5. Professional residential care;~~;~~ and
6. Professional custodial care; ~~and service~~;
7. ~~for medically necessary~~ Drugs;~~;~~
8. Special equipment;~~;~~ ~~and facilities~~;
9. ~~for~~ Related travel.

(b) At a minimum, compensation must be provided for the
following actual expenses:

1. Psychotherapeutic services for ~~A total annual benefit of~~
~~up to \$10,000 for immediate family members and other relatives~~
who have resided ~~reside~~ with the participant, which are ~~infant~~
~~for psychotherapeutic services~~ obtained from a psychiatrist
licensed under chapter 458 or chapter 459, a provider ~~providers~~
licensed under chapter 490 or chapter 491, or a psychiatrist or
provider who has equivalent licensure by another jurisdiction.
This benefit for such family members and relatives shall be up
to a total of \$10,000 annually during the participant's lifetime
and up to a total of \$20,000 subsequent to the participant's
death.

2. For the life of the participant ~~child~~, providing family
members ~~parents or legal guardians~~ with a reliable method of
transporting ~~transportation for the care of the participant and~~



149182

~~child or reimbursing the cost of upgrading an existing vehicle to accommodate the participant's wheelchair and medically necessary equipment child's needs when it becomes medically necessary for wheelchair transportation. The mode of transportation must take into account the special accommodations required for the specific child.~~ The plan may not limit such transportation assistance based on the participant's child's age or weight. The plan must replace any vehicle ~~vans~~ purchased by the plan every 7 years or 150,000 miles, whichever comes first.

3. Housing assistance of up to \$100,000 for the life of the participant child, including, but not limited to, a down payment on a new home, moving expenses, and home construction and modification costs.

4. Legal costs associated with establishing and maintaining guardianship for a participant.

(c)1. The costs of a health insurance policy or contract that provides major medical or similar comprehensive health coverage for the participant obtained pursuant to subsection (3), including, but not limited to, the premium and out-of-pocket costs. For participants enrolled in the state Medicaid program, the plan must reimburse fee-for-service paid claims and capitation payments, as applicable, for services provided to such participants pursuant to this section and for the administrative and support costs associated with the provided medical assistance. Such funds shall be credited to the Agency for Health Care Administration's Medical Care Trust Fund.

2. By December 31, 2026, the plan shall reimburse any participant for reasonable, medically necessary care received by the participant on or before June 30, 2026, which was reduced or



149182

not paid by the plan because such participant did not have health coverage.

(d) ~~(b)~~ However, the following expenses are not subject to compensation:

1. Expenses for items or services that the participant ~~infant~~ has received, or is entitled to receive, under the laws of any state or the Federal Government, except to the extent such exclusion may be prohibited by federal law.

2. Expenses for items or services that the participant ~~infant~~ has received, or is contractually entitled to receive, from any prepaid health plan, health maintenance organization, or other private insuring entity.

3. Expenses for which the participant ~~infant~~ has received reimbursement, or for which the participant ~~infant~~ is entitled to receive reimbursement, under the laws of any state or the Federal Government, except to the extent such exclusion may be prohibited by federal law.

4. Expenses for which the participant ~~infant~~ has received reimbursement, or for which the participant ~~infant~~ is contractually entitled to receive reimbursement, pursuant to the provisions of any health or sickness insurance policy or other private insurance program.

5. Expenses for family residential or custodial care provided by a family member while:

a. Care and supervision of the participant is simultaneously being provided by another person or entity; or

b. The family member receives compensation from another source for work performed during the same time for which compensation is sought from the association.



149182

~~(e)-(e)~~ Expenses included under paragraphs ~~paragraph~~ (a) and (b) are limited to reasonable charges prevailing in the same community for similar treatment of injured persons when such treatment is paid for by the injured person.

~~(f)1.~~ A family member ~~The parents or legal guardians~~ receiving benefits under the plan may file a petition with the division of ~~Administrative Hearings~~ to dispute the amount of actual expenses reimbursed or a denial of reimbursement.

2. In the case of an alleged overpayment of an expense reimbursement by the association to a family member, if the family member does not agree that an overpayment has occurred, the association may file a petition for division review of the overpayment for a determination of the amount, if any, to be recouped by the association.

~~(g)1.(d)1.a.~~ Periodic payments of an award to the family members ~~parents or legal guardians~~ of the participant infant ~~found to have sustained a birth-related neurological injury,~~ which award may not exceed \$100,000. However, at the discretion of the administrative law judge, such award may be made in a lump sum. Beginning on January 1, 2021, the award may not exceed \$250,000, and each January 1 thereafter, the maximum award authorized under this paragraph shall increase by 3 percent.

~~b. Parents or legal guardians who received an award pursuant to this section before January 1, 2021, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-subparagraph a. to \$250,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians and must be paid by July 1, 2021.~~



149182

330 ~~2.a.~~ Death benefit for the participant ~~infant~~ in an amount
331 of \$50,000.

332 ~~b. Parents or legal guardians who received an award~~
333 ~~pursuant to this section, and whose child died since the~~
334 ~~inception of the program, must receive a retroactive payment in~~
335 ~~an amount sufficient to bring the total award paid to the~~
336 ~~parents or legal guardians pursuant to sub-subparagraph a. to~~
337 ~~\$50,000. This additional payment may be made in a lump sum or in~~
338 ~~periodic payments as designated by the parents or legal~~
339 ~~guardians and must be paid by July 1, 2021.~~

340 ~~(h)(e)~~ Reasonable expenses incurred in connection with the
341 filing of a claim under ss. 766.301-766.316, including
342 reasonable attorney ~~attorney's~~ fees, which shall be subject to
343 the approval and award of the administrative law judge. In
344 determining an award for attorney ~~attorney's~~ fees, the
345 administrative law judge shall consider the following factors:

346 1. The time and labor required, the novelty and difficulty
347 of the questions involved, and the skill requisite to perform
348 the legal services properly.

349 2. The fee customarily charged in the locality for similar
350 legal services.

351 3. The time limitations imposed by the claimant or the
352 circumstances.

353 4. The nature and length of the professional relationship
354 with the claimant.

355 5. The experience, reputation, and ability of the lawyer or
356 lawyers performing services.

357 6. The contingency or certainty of a fee.
358



149182

If there is ~~Should there be~~ a final determination of compensability, and the claimants accept an award under this section, the claimants are not liable for any expenses, including attorney fees, incurred in connection with the filing of a claim under ss. 766.301-766.316 other than those expenses awarded under this section.

(2) The award shall require the immediate payment of expenses previously incurred and shall require that future expenses be paid as incurred.

(3) A family member must continuously maintain comprehensive major medical health coverage for the participant.

(a) If the participant does not have such coverage at the time of entry of a final order by an administrative law judge approving a claim for compensation, the family member must obtain coverage within 60 days after entry of such order or apply for Medicaid coverage within 30 days after entry of such order.

(b) If the participant is determined to be ineligible for Medicaid, the family member must obtain other coverage within 60 days after receiving the Medicaid application denial.

(c) A family member of an individual who is a participant on June 30, 2026, must obtain the required coverage for the participant by January 1, 2027.

(4)~~(3)~~ A copy of the award shall be sent immediately by registered or certified mail to each person served with a copy of the petition under s. 766.305(2).

Section 7. Section 766.314, Florida Statutes, is amended to read:

766.314 Assessments; plan of operation.—



149182

(1) The assessments established under ~~pursuant to~~ this section shall be used to finance the Florida Birth-Related Neurological Injury Compensation Plan.

(2) The assessments and appropriations dedicated to the plan shall be administered by the Florida Birth-Related Neurological Injury Compensation Association established in s. 766.315, in accordance with the following requirements:

(a) ~~On or before July 1, 1988,~~ The directors of the association shall submit to the office ~~Department of Insurance~~ for review and approval a plan of operation and any amendment thereto which shall provide for the efficient administration of the plan and for prompt processing of claims against and awards made on behalf of the plan.

(b) The plan of operation must ~~shall~~ include provision for:

1. Establishment of necessary facilities;
2. Management of the funds collected on behalf of the plan;
3. Processing of claims against the plan;
4. Assessment of the persons and entities listed in subsections (4) and (5) to pay awards and expenses, which assessments shall be on an actuarially sound basis subject to the limits set forth in subsections (4) and (5);

5. A fraud and overpayment prevention and detection program; and

6.5. Any other matters necessary for the efficient operation of the Florida Birth-Related Neurological Injury Compensation Plan.

~~(b) Amendments to the plan of operation may be made by the directors of the plan, subject to the approval of the office of Insurance Regulation of the Financial Services Commission.~~



149182

(3) All assessments shall be deposited with the ~~Florida Birth-Related Neurological Injury Compensation~~ association. The funds collected by the association and any income therefrom shall be disbursed only for the payment of awards under ss. 766.301-766.316 and for the payment of the reasonable expenses of administering the plan.

(4) The following persons and entities shall pay into the association assessments as follows ~~an initial assessment in accordance with the plan of operation:~~

(a) 1. ~~On or before October 1, 1988,~~ Each hospital licensed under chapter 395 shall pay an ~~initial~~ assessment of \$50 per infant delivered in that ~~the~~ hospital ~~during the prior calendar year,~~ as reported to the Agency for Health Care Administration; provided, however, that a hospital owned or operated by the state or a county, special taxing district, or other political subdivision of the state shall not be required to pay ~~the initial assessment or~~ any assessment required by this subsection ~~or subsection (5).~~ The term "infant delivered" includes live births and not stillbirths, but the term does not include infants delivered by employees or agents of the board of trustees of a state university, those born in a teaching hospital as defined in s. 408.07, or those born in a teaching hospital as defined in s. 395.806 that have been deemed by the association as being exempt from assessments since fiscal year 1997 to fiscal year 2001. The ~~initial~~ assessment and any assessment imposed pursuant to subsection (5) may not include any infant born to a charity patient (as defined by rule of the Agency for Health Care Administration) or born to a patient for whom the hospital receives Medicaid reimbursement, if the sum of



149182

the annual charges for charity patients plus the annual Medicaid contractals of the hospital exceeds 10 percent of the total annual gross operating revenues of the hospital. The hospital is responsible for documenting, to the satisfaction of the association, the exclusion of any birth from the computation of the assessment. Upon demonstration of financial need by a hospital, the association may provide for installment payments of assessments.

2. Assessments are due, and hospitals shall pay all assessments required under this section, by December 31 of the calendar year immediately subsequent to the birth year.

~~(b)1.a. On or before October 15, 1988, All physicians licensed pursuant to chapter 458 or chapter 459 as of October 1, 1988, other than participating physicians, shall be assessed an annual initial assessment of \$250.~~

b. Payment for all assessments required under this paragraph is due on or before December 31 of each year which
~~must be paid no later than December 1, 1988.~~

~~2. Any such physician who becomes licensed after September 30, 1988, and before January 1, 1989, shall pay into the association an initial assessment of \$250 upon licensure.~~

~~3. Any such physician who becomes licensed on or after January 1, 1989, shall pay an initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5) (a), or paragraph (7) (b).~~

2.4. However, if the physician is a physician specified in this subparagraph, the assessment is not applicable:

a. A resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined



149182

by the Board of Medicine or the Board of Osteopathic Medicine by rule;

b. A retired physician who has withdrawn from the practice of medicine but who maintains an active license as evidenced by an affidavit filed with the Department of Health. Prior to reentering the practice of medicine in this state, a retired physician as herein defined must notify the Board of Medicine or the Board of Osteopathic Medicine and pay the appropriate assessments pursuant to this section;

c. A physician who holds a limited license pursuant to s. 458.317 and who is not being compensated for medical services;

d. A physician who is employed full time by the United States Department of Veterans Affairs and whose practice is confined to United States Department of Veterans Affairs hospitals; or

e. A physician who is a member of the Armed Forces of the United States and who meets the requirements of s. 456.024.

f. A physician who is employed full time by the State of Florida and whose practice is confined to state-owned correctional institutions, a county health department, or state-owned mental health or developmental services facilities, or who is employed full time by the Department of Health.

(c) 1. On or before December 1, 1988, Each physician licensed pursuant to chapter 458 or chapter 459 who wishes to participate in the Florida Birth-Related Neurological Injury Compensation Plan and who otherwise qualifies as a participating physician under ss. 766.301-766.316 shall pay an annual initial assessment of \$5,000 and any assessment required under paragraph (5) (a), if assessed. However, if the physician is either a



149182

resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule, and is supervised in accordance with program requirements established by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association by a physician who is participating in the plan, such resident physician, assistant resident physician, or intern is deemed to be a participating physician without the payment of the assessment. Participating physicians also include any employee of the board of trustees of a state university who has paid the assessment required by this paragraph and, if assessed, paragraph (5) (a), and any certified nurse midwife supervised by such employee. Participating physicians include any certified nurse midwife who has paid 50 percent of the physician assessment required by this paragraph and, if assessed, paragraph (5) (a) and who is supervised by a participating physician who has paid the assessment required by this paragraph and, if assessed, paragraph (5) (a). Supervision for nurse midwives shall require that the supervising physician will be easily available and have a prearranged plan of treatment for specified patient problems which the supervised certified nurse midwife may carry out in the absence of any complicating features. ~~Any physician who elects to participate in such plan on or after January 1, 1989, who was not a participating physician at the time of such election to participate and who otherwise qualifies as a participating physician under ss. 766.301-766.316 shall pay an additional initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5) (a), or~~



149182

~~paragraph (7)(b).~~

2. Payment of assessments required by this paragraph is due on or before December 31 of each year for qualification as a participating physician during the next calendar year. If payment of the assessments is received by the association on or before January 31 of any calendar year, the physician shall qualify as a participating physician for that entire calendar year. If the payment is received after January 31, the physician shall qualify as a participating physician for that calendar year only from the date the payment was received by the association.

(d) Any hospital located in a county with a population in excess of 1.1 million as of January 1, 2003, as determined by the Agency for Health Care Administration under the Health Care Responsibility Act, may elect to pay the assessments required by paragraph (c) ~~fee~~ for the participating physician and the certified nurse midwife if the hospital first determines that the primary motivating purpose for making such payment is to ensure coverage for the hospital's patients under the provisions of ss. 766.301-766.316; however, no hospital may restrict any participating physician or nurse midwife, directly or indirectly, from being on the staff of hospitals other than the staff of the hospital making the payment. ~~Each hospital shall file with the association an affidavit setting forth specifically the reasons why the hospital elected to make the payment on behalf of each participating physician and certified nurse midwife. The payments authorized under this paragraph shall be in addition to the assessment set forth in paragraph (5)(a).~~



149182

(5) (a) ~~Beginning January 1, 1990,~~ The persons and entities listed in paragraphs (4) (b) and (c), except those persons or entities who are specifically excluded from such ~~said~~ provisions, as of the date determined in accordance with the plan of operation, taking into account persons licensed subsequent to the payment of the ~~initial~~ assessment, shall pay an annual assessment in the amount equal to the ~~initial~~ assessments provided in paragraphs (4) (b) and (c). ~~If payment of the annual assessment by a physician is received by the association by January 31 of any calendar year, the physician shall qualify as a participating physician for that entire calendar year. If the payment is received after January 31 of any calendar year, the physician shall qualify as a participating physician for that calendar year only from the date the payment was received by the association.~~ On January 1, 1991, and on each January 1 thereafter, the association shall determine the amount of additional assessments necessary pursuant to subsection (7), in the manner required by the plan of operation, subject to any increase determined to be necessary by the office ~~of Insurance Regulation~~ pursuant to paragraph (7) (b). On July 1, 1991, and on each July 1 thereafter, the persons and entities listed in paragraphs (4) (b) and (c), except those persons or entities who are specifically excluded from such ~~said~~ provisions, shall pay the additional assessments which were determined on January 1. ~~Beginning January 1, 1990, the entities listed in paragraph (4) (a), including those licensed on or after October 1, 1988, shall pay an annual assessment of \$50 per infant delivered during the prior calendar year. The additional assessments which were determined on January 1, 1991,~~



149182

~~pursuant to the provisions of subsection (7) shall not be due and payable by the entities listed in paragraph (4)(a) until July 1.~~

(b) If the assessments collected pursuant to subsection (4) and the appropriation of funds provided by s. 76, chapter 88-1, Laws of Florida, as amended by s. 41, chapter 88-277, Laws of Florida, to the plan from the Insurance Regulatory Trust Fund are insufficient to maintain the plan on an actuarially sound basis, there is hereby appropriated for transfer to the association from the Insurance Regulatory Trust Fund an additional amount of up to \$20 million.

(c)1. Taking into account the assessments collected pursuant to subsection (4) and appropriations from the Insurance Regulatory Trust Fund, if required to maintain the plan on an actuarially sound basis, the office ~~of Insurance Regulation~~ shall require each entity licensed to issue casualty insurance as defined in s. 624.605(1)(b), (k), and (q) to pay into the association an annual assessment in an amount determined by the office pursuant to paragraph (7)(a), in the manner required by the plan of operation.

2. All annual assessments shall be made on the basis of net direct premiums written for the business activity that ~~which~~ forms the basis for each such entity's inclusion as a funding source for the plan in the state during the prior year ending December 31, as reported to the office ~~of Insurance Regulation~~, and ~~shall be in the proportion that the net direct premiums written by each carrier on account of the business activity forming the basis for its inclusion in the plan bears to the aggregate net direct premiums for all such business activity~~



149182

written in this state by all such entities.

3. No entity listed in this paragraph shall be individually liable for an annual assessment in excess of 0.25 percent of that entity's net direct premiums written.

4. Casualty insurance carriers shall be entitled to recover their initial and annual assessments through a surcharge on future policies, a rate increase applicable prospectively, or a combination of the two.

(6)(a) The association shall make all assessments required by this section, except initial assessments of physicians newly licensed by the Department of Health, which assessments will be made by the Department of Health, and except assessments of casualty insurers pursuant to subparagraph (5)(c)1., which assessments will be made by the office ~~of Insurance Regulation~~. The Department of Health shall provide the association, in an electronic format, with a monthly report of the names and license numbers of all physicians licensed under chapter 458 or chapter 459.

(b)1. The association may enforce collection of assessments required to be paid pursuant to ss. 766.301-766.316 by suit filed in county court, or in circuit court if the amount due could exceed the jurisdictional limits of county court. The association is entitled to an award of attorney fees, costs, and interest upon the entry of a judgment against a physician for failure to pay such assessment, with such interest accruing until paid. Notwithstanding chapters 47 and 48, the association may file such suit in either Leon County or the county of the residence of the defendant. The association shall notify the Department of Health and the applicable board of any unpaid



149182

final judgment against a physician within 7 days after the entry of final judgment.

2. The Department of Health, upon notification by the association that an assessment has not been paid and that there is an unsatisfied judgment against a physician, shall refuse to renew any license issued to such physician under chapter 458 or chapter 459 until the association notifies the Department of Health that the judgment is satisfied in full.

(c) The Agency for Health Care Administration shall, upon notification by the association that an assessment has not been timely paid, enforce collection of such assessments required to be paid by hospitals pursuant to ss. 766.301-766.316. Failure of a hospital to pay such assessment is grounds for disciplinary action pursuant to s. 395.1065 notwithstanding any law to the contrary.

(7)(a) The office ~~of Insurance Regulation~~ shall undertake an actuarial investigation of the requirements of the plan based on the plan's experience in the first year of operation and any additional relevant information, including without limitation the assets and liabilities of the plan. Pursuant to such investigation, the office ~~of Insurance Regulation~~ shall establish the rate of contribution of the entities listed in paragraph (5)(c) for the tax year beginning January 1, 1990. Following the initial valuation, the office ~~of Insurance Regulation~~ shall cause an actuarial valuation to be made of the assets and liabilities of the plan no less frequently than biennially. Pursuant to the results of such valuations, the office ~~of Insurance Regulation~~ shall prepare a statement as to the contribution rate applicable to the entities listed in



149182

paragraph (5)(c). However, at no time shall the rate be greater than 0.25 percent of net direct premiums written.

(b) If the office ~~of Insurance Regulation~~ finds that the plan cannot be maintained on an actuarially sound basis based on the assessments and appropriations listed in subsections (4) and (5), the office shall increase the assessments specified in subsection (4) on a proportional basis as needed.

(8) The association shall report to the Legislature its determination as to the annual cost of maintaining the fund on an actuarially sound basis. In making its determination, the association shall consider the recommendations of all hospitals, physicians, casualty insurers, attorneys, consumers, and any associations representing any such person or entity. Notwithstanding the provisions of s. 395.3025, all hospitals, casualty insurers, departments, boards, commissions, and legislative committees shall provide the association with all relevant records and information upon request to assist the association in making its determination. All hospitals shall, upon request by the association, provide the association with information from their records regarding any live birth. Such information may ~~shall~~ not include the name of any physician, the name of any hospital employee or agent, the name of the patient, or any other information which will identify the infant involved in the birth. Such information thereby obtained must ~~shall~~ be utilized solely for the purpose of assisting the association and may ~~shall~~ not subject the hospital to any civil or criminal liability for the release thereof. Such information shall otherwise be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.



149182

(9)(a) Within 60 days after a claim is filed, the association shall estimate the present value of the total cost of the claim, including the estimated amount to be paid to the claimant, the claimant's attorney, the attorney ~~attorney's~~ fees of the association incident to the claim, and any other expenses that are reasonably anticipated to be incurred by the association in connection with the adjudication and payment of the claim. For purposes of this estimate, the association should include the maximum benefits for noneconomic damages.

(b) The association shall revise these estimates quarterly based upon the actual costs incurred and any additional information that becomes available to the association since the last review of this estimate. The estimate shall be reduced by any amounts paid by the association that were included in the current estimate. The association shall submit revised quarterly claim estimates to the office within 15 business days after the end of each quarter.

(c)1. If the total of all current estimates equals or exceeds 100 percent of the funds on hand and the funds that will become available to the association within the next 12 months from all sources described in subsection (4) and paragraph (5)(a), the association may not accept any new claims without express authority from the Legislature. This section does not preclude the association from accepting any claim if the injury occurred 18 months or more before the effective date of this suspension. Within 30 days after the effective date of this suspension, the association shall notify the Governor, the President of the Senate, the Speaker of the House of Representatives, ~~the President of the Senate,~~ the office of



149182

~~Insurance Regulation~~, the Agency for Health Care Administration, and the Department of Health of this suspension.

2. Notwithstanding this paragraph, the association is authorized to accept new claims during the 2026-2027 ~~2025-2026~~ fiscal year even if the total of all current estimates exceeds the limits described in subparagraph 1. during that fiscal year; however, if the total of all current estimates exceeds such limits, the association must notify the Governor, the President of the Senate, the Speaker of the House of Representatives, the office, the Agency for Health Care Administration, and the Department of Health within 5 days after it makes such determination. This subparagraph expires July 1, 2027 ~~2026~~.

(d) If any person is precluded from asserting a claim against the association because of paragraph (c), the plan shall not constitute the exclusive remedy for such person, his or her personal representative, parents, dependents, or next of kin.

Section 8. Present subsections (5) through (8) of section 766.315, Florida Statutes, are redesignated as subsections (6) through (9), respectively, a new subsection (5) is added to that section, and subsection (1), paragraph (e) of present subsection (5), and present subsections (7) and (8) of that section are amended, to read:

766.315 Florida Birth-Related Neurological Injury Compensation Association; board of directors; notice of meetings; report.—

(1)(a) The Florida Birth-Related Neurological Injury Compensation Plan shall be governed by a board of seven directors which shall be known as the Florida Birth-Related Neurological Injury Compensation Association. The association is



149182

not a state agency, board, or commission. Notwithstanding the provision of s. 15.03, the association is authorized to use the state seal.

(b) The directors shall be appointed for staggered terms of 3 years or until their successors are appointed and have qualified; however, a director may not serve for more than 6 consecutive years.

(c) The directors shall be appointed by the Chief Financial Officer as follows:

1. One citizen representative who is not affiliated with any of the groups identified in subparagraphs 2.-7.

2. One representative of participating physicians.

3. One representative of hospitals.

4. One representative of casualty insurers.

5. One representative of physicians other than participating physicians.

6. One family member of a participant ~~parent or legal guardian representative of an injured infant under the plan.~~

7. One representative of an advocacy organization for children with disabilities.

(5) Notwithstanding this section, the board of directors may not create new benefits or expand existing benefits that result in additional costs to the plan if the plan is operating at an annual cash flow deficit, as documented in the plan's audited financial statements for the prior fiscal year.

(6) ~~(5)~~

(e) Annually, the association shall furnish audited financial reports to any plan participant upon request, to the office ~~of Insurance Regulation of the Financial Services~~



149182

~~Commission~~, and to the Joint Legislative Auditing Committee. The reports must be prepared in accordance with generally accepted auditing standards ~~accounting procedures~~ and must include such information as may be required by the office ~~of Insurance Regulation~~ or the Joint Legislative Auditing Committee. At any time determined to be necessary, the office ~~of Insurance Regulation~~ or the Joint Legislative Auditing Committee may conduct an audit of the plan.

~~(8)(7)~~ The association shall publish a report on its website by January 1 of each year. The report must ~~shall~~ include all of the following:

(a) The names and terms of each board member and executive staff member.

(b) The amount of compensation paid to each association employee or independent contractor.

(c) A summary of reimbursement disputes and resolutions.

(d) A list of expenditures for attorney fees and lobbying fees.

(e) Other expenses to oppose each plan claim. Any personal identifying information of the parent, legal guardian, or child involved in the claim must be removed from this list.

~~(9)(8)~~ By November 1 of each year, the association shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer. The report must include all of the following:

(a) The number of petitions filed for compensation with the division, the number of claimants awarded compensation, the number of claimants denied compensation, and the reasons for the denial of compensation.



149182

(b) The number and dollar amount of paid and denied compensation for expenses by category and the reasons for any denied compensation for expenses by category.

(c) The average turnaround time for paying or denying compensation for expenses.

(d) Legislative recommendations to improve the program.

(e) A summary of any pending or resolved litigation during the year which affects the plan.

(f) The amount of compensation paid to each association employee, independent contractor, or member of the board of directors.

Section 9. This act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to the Florida Birth-Related Neurological Injury Compensation Association; amending s. 409.910, F.S.; requiring the Agency for Health Care Administration to recover from the Florida Birth-Related Neurological Injury Compensation Association specified costs incurred by Medicaid; reordering and amending s. 766.302, F.S.; defining the terms "office" and "participant"; revising definitions; amending s. 766.303, F.S.; revising the exclusiveness of rights and remedies of the Florida Birth-Related Neurological Injury Compensation Plan; making technical and



149182

conforming changes; amending s. 766.305, F.S.; making
technical and conforming changes; amending s. 766.309,
F.S.; conforming a cross-reference; amending s.
766.31, F.S.; revising the expenses covered by an
award for compensation under the plan; revising
services eligible for compensation under certain
annual benefits under the plan; providing an
additional benefit for psychotherapeutic services for
family members upon the death of a participant;
revising eligibility criteria for transportation and
housing assistance benefits under the plan; providing
coverage of certain legal costs under the plan;
requiring the plan to reimburse certain claims and
payments for plan participants also enrolled in the
state Medicaid program; requiring that such funds be
credited to the agency's Medical Care Trust Fund;
requiring the plan to reimburse certain participants
by a specified date; prohibiting compensation under
the plan for family residential or custodial care
under certain circumstances; authorizing the
association to file a petition with the Division of
Administrative Hearings if there is a dispute
regarding overpayment of an expense reimbursement
under the plan; deleting obsolete language; requiring
family members of plan participants to continuously
maintain certain health insurance coverage for the
participant; requiring family members of plan
participants to obtain such coverage or apply for
Medicaid coverage within a specified timeframe after



149182

entry of a final order for an award for compensation under the plan; requiring family members of current plan participants to obtain the requisite health insurance coverage by a specified date; amending s. 766.314, F.S.; requiring the directors of the association to submit a plan of operation, and any amendments thereto, to the Office of Insurance Regulation for approval; revising requirements for such plan; revising the schedule of assessments participating hospitals and physicians are required to pay to the association; deleting obsolete language; making technical and conforming changes; requiring the association to submit revised quarterly claim estimates to the office within a specified timeframe; extending the timeframe in which the association is authorized to accept new claims notwithstanding certain other provisions; requiring the association to notify the Governor, the Legislature, the office, the agency, and the Department of Health within a specified timeframe if certain plan estimates exceed specified limits; postponing the future repeal of a specified provision; amending s. 766.315, F.S.; revising membership of the association's board of directors; prohibiting the board of directors from creating new benefits or expanding existing benefits under the plan under certain circumstances; revising requirements for certain reports of the association; providing an effective date.

By Senator Burton

12-01354A-26

20261668

1 A bill to be entitled
 2 An act relating to the Florida Birth-Related
 3 Neurological Injury Compensation Association; amending
 4 s. 409.910, F.S.; requiring the agency to recover the
 5 full amount of medical assistance from the
 6 neurological injury compensation association; amending
 7 s. 766.302, F.S.; defining terms and revising
 8 definitions; amending s. 766.303, F.S.; revising the
 9 exclusiveness of remedy under the Florida Birth-
 10 Related Neurological Injury Compensation Plan;
 11 amending s. 766.305, F.S.; revising provisions
 12 relating to filing claims; amending s. 766.309, F.S.;
 13 conforming a cross-reference; amending s. 766.31,
 14 F.S.; revising the list of items eligible for an award
 15 providing compensation; requiring that compensation be
 16 provided for certain actual expenses; requiring
 17 compensation for the costs of major medical health
 18 coverage; requiring the plan to reimburse certain
 19 payments made for services provided; exempting
 20 expenses for professional custodial care in certain
 21 circumstances; requiring that, upon entry of a final
 22 order for compensation, parents or legal guardians
 23 obtain private health insurance or submit an
 24 application for the Medicare program; amending s.
 25 766.314, F.S.; requiring the directors to maintain a
 26 plan of operation; requiring that certain assessments
 27 be paid into the Florida Birth-Related Neurological
 28 Injury Compensation Association at certain times for
 29 certain purposes; requiring that the plan of operation

Page 1 of 32

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

12-01354A-26

20261668

30 include a provision for fraud; deleting obsolete
 31 provisions; revising provisions relating to an
 32 actuarial valuation of the plan; requiring the
 33 association to submit quarterly estimates; requiring
 34 the association to state whether the plan is
 35 actuarially sound; authorizing a transfer of funds to
 36 the association from the Insurance Regulatory Trust
 37 Fund if the plan is not actuarially sound; requiring
 38 the association to require each entity to issue
 39 casualty insurance and pay an annual assessment;
 40 providing requirements for annual assessments;
 41 requiring an increase in assessments after certain
 42 findings; requiring the association to determine
 43 whether the plan is actuarially sound after certain
 44 revisions; providing criteria for such determination;
 45 requiring notification to the Governor, Legislature,
 46 and Office of Insurance Regulation after certain
 47 findings; amending s. 766.315, F.S.; revising
 48 membership of the directors of the association;
 49 providing an effective date.
 50
 51 Be It Enacted by the Legislature of the State of Florida:
 52
 53 Section 1. Paragraph (a) of subsection (7) of section
 54 409.910, Florida Statutes, is amended to read:
 55 409.910 Responsibility for payments on behalf of Medicaid-
 56 eligible persons when other parties are liable.—
 57 (7) The agency shall recover the full amount of all medical
 58 assistance provided by Medicaid on behalf of the recipient to

Page 2 of 32

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

12-01354A-26

20261668__

the full extent of third-party benefits.

(a) Recovery of such benefits shall be collected directly from:

1. Any third party;

2. The recipient or legal representative, if he or she has received third-party benefits;

3. The provider of a recipient's medical services if third-party benefits have been recovered by the provider; notwithstanding any provision of this section, to the contrary, however, no provider shall be required to refund or pay to the agency any amount in excess of the actual third-party benefits received by the provider from a third-party payor for medical services provided to the recipient; ~~or~~

4. Any person who has received the third-party benefits; or

5. The Florida Birth-Related Neurological Injury Compensation Association for plan participant costs incurred under s. 766.31.

The provisions of this subsection do not apply to any proceeds received by the state, or any agency thereof, pursuant to a final order, judgment, or settlement agreement, in any matter in which the state asserts claims brought on its own behalf, and not as a subrogee of a recipient, or under other theories of liability. The provisions of this subsection do not apply to any proceeds received by the state, or an agency thereof, pursuant to a final order, judgment, or settlement agreement, in any matter in which the state asserted both claims as a subrogee and additional claims, except as to those sums specifically identified in the final order, judgment, or settlement agreement

12-01354A-26

20261668__

as reimbursements to the recipient as expenditures for the named recipient on the subrogation claim.

Section 2. Section 766.302, Florida Statutes, is reordered and amended to read:

766.302 Definitions; ss. 766.301-766.316.—As used in ss. 766.301-766.316, the term:

(1) "Actuarially sound" means that the total plan assets available to fund future liabilities are equal to or greater than 90 percent of the present value of total estimated liabilities excluding any risk margin.

(2)~~(4)~~ "Administrative law judge" means an administrative law judge appointed by the division.

(3)~~(1)~~ "Association" means the Florida Birth-Related Neurological Injury Compensation Association established in s. 766.315 to administer the Florida Birth-Related Neurological Injury Compensation Plan and the plan of operation established in s. 766.314.

(4)~~(2)~~ "Birth-related neurological injury" means injury to the brain or spinal cord of a live infant weighing at least 2,500 grams for a single gestation or, in the case of a multiple gestation, a live infant weighing at least 2,000 grams at birth caused by oxygen deprivation or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate postdelivery period in a hospital, which renders the infant permanently and substantially mentally and physically impaired. This definition shall apply to live births only and shall not include disability or death caused by genetic or congenital abnormality.

(5)~~(3)~~ "Claimant" means any person who files a claim

12-01354A-26

20261668

pursuant to s. 766.305 ~~for compensation~~ for a birth-related neurological injury to an infant. Such a claim may be filed by any legal representative on behalf of an injured infant; and, in the case of a deceased infant, the claim may be filed by an administrator, personal representative, or other legal representative thereof.

~~(6)(5)~~ "Division" means the Division of Administrative Hearings of the Department of Management Services.

~~(7)(9)~~ "Family member" means a father, mother, or legal guardian.

~~(8)(10)~~ "Family residential or custodial care" means care normally rendered by trained professional attendants which is beyond the scope of child care duties, but which is provided by family members. Family members who provide nonprofessional residential or custodial care may not be compensated under this act for care that falls within the scope of child care duties and other services normally and gratuitously provided by family members. Family residential or custodial care shall be performed only at the direction and control of a physician when such care is medically necessary. Reasonable charges for expenses for family residential or custodial care provided by a family member shall be determined as follows:

(a) If the family member is not employed, the per-hour value equals the federal minimum hourly wage.

(b) If the family member is employed and elects to leave that employment to provide such care, the per-hour value of that care shall equal the rates established by Medicaid for private duty services provided by a home health aide. A family member or a combination of family members providing care in accordance

12-01354A-26

20261668

with this definition may not be compensated for more than a total of 10 hours per day. Family care is in lieu of professional residential or custodial care, and no professional residential or custodial care may be awarded for the period of time during the day that family care is being provided.

~~(9)(6)~~ "Hospital" means any hospital licensed in Florida.

(10) "Participant" means the person who suffered a birth-related neurological injury as an infant and who accepted compensation under the plan by final order entered by an administrative law judge pursuant to s. 766.309.

~~(11)(7)~~ "Participating physician" means a physician licensed in Florida to practice medicine who practices obstetrics or performs obstetrical services either full time or part time and who had paid or was exempted from payment at the time of the injury the assessment required for participation in the birth-related neurological injury compensation plan for the year in which the injury occurred. Such term shall not apply to any physician who practices medicine as an officer, employee, or agent of the Federal Government.

~~(12)(8)~~ "Plan" means the Florida Birth-Related Neurological Injury Compensation Plan established under s. 766.303.

(13) "Risk margin" means an additional, explicit allowance above the best-estimate reserve to reflect uncertainty in future claim payments, including variation in claimant life expectancy and the number and cost of pending or unreported claims. The risk margin is not included in the reserve amount used to calculate the funding ratio.

Section 3. Section 766.303, Florida Statutes, is amended to read:

12-01354A-26

20261668

175 766.303 Florida Birth-Related Neurological Injury
 176 Compensation Plan; exclusiveness of remedy.—
 177 (1) There is established the Florida Birth-Related
 178 Neurological Injury Compensation Plan for the purpose of
 179 providing compensation, irrespective of fault, for birth-related
 180 neurological injuries ~~injury claims~~. Such plan shall apply to
 181 births occurring on or after January 1, 1989, and shall be
 182 administered by the Florida Birth-Related Neurological Injury
 183 Compensation Association.
 184 (2) The rights and remedies granted by this plan on account
 185 of a birth-related neurological injury shall exclude all other
 186 rights and remedies of such infant, her or his personal
 187 representative, family members ~~parents~~, dependents, and next of
 188 kin, at common law or otherwise, against any person or entity
 189 ~~directly~~ involved with the labor, delivery, or immediate
 190 postdelivery resuscitation during which such injury occurs,
 191 arising out of or related to a medical negligence claim with
 192 respect to such injury; except that a civil action shall not be
 193 foreclosed where there is clear and convincing evidence of bad
 194 faith or malicious purpose or willful and wanton disregard of
 195 human rights, safety, or property, provided that such suit is
 196 filed prior to and in lieu of payment of an award under ss.
 197 766.301-766.316. Such suit shall be filed before the award of
 198 the division becomes conclusive and binding as provided for in
 199 s. 766.311.
 200 (3) Sovereign immunity is hereby waived on behalf of the
 201 Florida Birth-Related Neurological Injury Compensation
 202 Association solely to the extent necessary to assure payment of
 203 compensation as provided in s. 766.31.

Page 7 of 32

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

12-01354A-26

20261668

204 (4) The association shall administer the plan in a manner
 205 that promotes and protects the health and best interests of
 206 participants ~~children~~ with birth-related neurological injuries.
 207 Section 4. Subsections (1) and (3) of section 766.305,
 208 Florida Statutes, are amended to read:
 209 766.305 Filing of claims and responses; medical
 210 disciplinary review.—
 211 (1) All claims filed ~~for compensation~~ under the plan shall
 212 commence by the claimant filing with the division a petition
 213 that seeking compensation. ~~Such petition~~ shall include the
 214 following information:
 215 (a) The name and address of the legal representative and
 216 the basis for her or his representation of the injured infant.
 217 (b) The name and address of the injured infant.
 218 (c) The name and address of any physician providing
 219 obstetrical services who was present at the birth and the name
 220 and address of the hospital at which the birth occurred.
 221 (d) A description of the disability for which the claim is
 222 made.
 223 (e) The time and place the injury occurred.
 224 (f) A brief statement of the facts and circumstances
 225 surrounding the injury and giving rise to the claim.
 226 (3) The claimant shall furnish to the ~~Florida Birth-Related~~
 227 ~~Neurological Injury Compensation~~ association the following
 228 information, which must be filed with the association within 10
 229 days after the filing of the petition as set forth in subsection
 230 (1):
 231 (a) All available relevant medical records relating to the
 232 birth-related neurological injury and a list identifying any

Page 8 of 32

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

12-01354A-26

20261668

unavailable records known to the claimant and the reasons for the records' unavailability.

(b) Appropriate assessments, evaluations, and prognoses and such other records and documents as are reasonably necessary for the determination of the amount of compensation to be paid to, or on behalf of, the injured infant on account of the birth-related neurological injury.

(c) Documentation of expenses and services incurred to date which identifies any payment made for such expenses and services and the payor.

(d) Documentation of any applicable private or governmental source of services or reimbursement relative to the impairments.

The information required by paragraphs (a)-(d) shall remain confidential and exempt under the provisions of s.

766.315(5) (b) .

Section 5. Paragraph (a) of subsection (1) of section 766.309, Florida Statutes, is amended to read:

766.309 Determination of claims; presumption; findings of administrative law judge binding on participants.—

(1) The administrative law judge shall make the following determinations based upon all available evidence:

(a) Whether the injury claimed is a birth-related neurological injury. If the claimant has demonstrated, to the satisfaction of the administrative law judge, that the infant has sustained a brain or spinal cord injury caused by oxygen deprivation or mechanical injury and that the infant was thereby rendered permanently and substantially mentally and physically impaired, a rebuttable presumption shall arise that the injury

12-01354A-26

20261668

is a birth-related neurological injury as defined in s. 766.302 ~~s. 766.302(2)~~.

Section 6. Section 766.31, Florida Statutes, is amended to read:

766.31 Administrative law judge awards for birth-related neurological injuries; notice of award.—

(1) Upon determining that an infant has sustained a birth-related neurological injury and that obstetrical services were delivered by a participating physician at the birth, the administrative law judge shall make an award providing compensation for the following items relative to such injury:

(a) Actual expenses incurred since date of birth for medically necessary and reasonable:

1. Medical and hospital care and services;

2. Habilitative services; and training;

3. Dental services;

4. Family residential or custodial care;

5. Professional residential care; ~~and~~

6. Professional custodial care; and service;

7. ~~for medically necessary~~ Drugs;

8. Special equipment; ~~and facilities;~~ and

9. ~~for~~ Related travel.

(b) At a minimum, compensation must be provided for the following actual expenses:

1. Psychotherapeutic services for A total annual benefit of up to \$10,000 for immediate family members and other relatives who have resided reside with the participant, which are infant for psychotherapeutic services obtained from a psychiatrist licensed under chapter 458 or chapter 459, a provider providers

12-01354A-26 20261668

licensed under chapter 490 or chapter 491, or a psychiatrist or
provider who has equivalent licensure by another jurisdiction.
 This benefit for such family members and relatives shall be up
 to a total of \$10,000 annually during the participant's lifetime
 and up to a total of \$20,000 subsequent to the participant's
 death.

2. For the life of the participant child, providing family
~~members parents or legal guardians~~ with a reliable method of
~~transporting transportation for the care of the participant and~~
~~child or reimbursing the cost of upgrading an existing vehicle~~
~~to accommodate the participant's wheelchair and medically~~
~~necessary equipment child's needs when it becomes medically~~
~~necessary for wheelchair transportation. The mode of~~
~~transportation must take into account the special accommodations~~
~~required for the specific child.~~ The plan may not limit such
 transportation assistance based on the participant's child's age
 or weight. The plan must replace any vehicle vans purchased by
 the plan every 7 years or 150,000 miles, whichever comes first.

3. Housing assistance of up to \$100,000 for the life of the
participant child, including, but not limited to, a down payment
on a new home, moving expenses, and home construction and
 modification costs.

4. Legal costs associated with establishing and maintaining
guardianship for a participant.

(c) The costs of major medical health coverage for the
participant obtained pursuant to subsection (3), including, but
not limited to, the premium and out-of-pocket costs. For
participants enrolled in Florida Medicaid, the plan must
reimburse fee-for-service paid claims and capitation payments,

12-01354A-26 20261668

as applicable, for services to persons enrolled in the Medicaid
program for compensation pursuant to this section and for the
administrative and support costs associated with the provided
medical assistance. Such funds shall be credited to the Agency
for Health Care Administration Medical Care Trust Fund.

~~(d)(b)~~ However, the following expenses are not subject to
 compensation:

1. Expenses for items or services that the participant
~~infant~~ has received, or is entitled to receive, under the laws
 of any state or the Federal Government, except to the extent
 such exclusion may be prohibited by federal law.

2. Expenses for items or services that the participant
~~infant~~ has received, or is contractually entitled to receive,
 from any prepaid health plan, health maintenance organization,
 or other private insuring entity.

3. Expenses for which the participant infant has received
 reimbursement, or for which the participant infant is entitled
 to receive reimbursement, under the laws of any state or the
 Federal Government, except to the extent such exclusion may be
 prohibited by federal law.

4. Expenses for which the participant infant has received
 reimbursement, or for which the participant infant is
 contractually entitled to receive reimbursement, pursuant to the
 provisions of any health or sickness insurance policy or other
 private insurance program.

5. Expenses for professional custodial care provided by a
family member while:

a. Care and supervision of the participant is
simultaneously being provided by another person or entity; or

12-01354A-26

20261668

b. The family member receives compensation from another source for work performed during the same time for which compensation is sought from the association.

~~(e)(c)~~ Expenses included under ~~paragraphs paragraph~~ (a) and (b) are limited to reasonable charges prevailing in the same community for similar treatment of injured persons when such treatment is paid for by the injured person.

(f)1. A family member ~~The parents or legal guardians~~ receiving benefits under the plan may file a petition with the division of Administrative Hearings to dispute the amount of actual expenses reimbursed or a denial of reimbursement.

2. In the case of an alleged overpayment of an expense reimbursement by the association to a family member, if the family member does not agree that an overpayment has occurred, the association may file a petition for division review of the overpayment for a determination of the amount, if any, to be recouped by the association.

(g)1.(d)1.a. Periodic payments of an award to the family members ~~parents or legal guardians~~ of the participant infant ~~found to have sustained a birth-related neurological injury,~~ which award may not exceed \$100,000. However, at the discretion of the administrative law judge, such award may be made in a lump sum. Beginning on January 1, 2021, the award may not exceed \$250,000, and each January 1 thereafter, the maximum award authorized under this paragraph shall increase by 3 percent.

~~b. Parents or legal guardians who received an award pursuant to this section before January 1, 2021, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-~~

12-01354A-26

20261668

~~subparagraph a. to \$250,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians and must be paid by July 1, 2021.~~

~~2.a.~~ Death benefit for the participant infant in an amount of \$50,000.

~~b. Parents or legal guardians who received an award pursuant to this section, and whose child died since the inception of the program, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-subparagraph a. to \$50,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians and must be paid by July 1, 2021.~~

(h)(e) Reasonable expenses incurred in connection with the filing of a claim under ss. 766.301-766.316, including reasonable attorney ~~attorney's~~ fees, which shall be subject to the approval and award of the administrative law judge. In determining an award for attorney ~~attorney's~~ fees, the administrative law judge shall consider the following factors:

1. The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly.

2. The fee customarily charged in the locality for similar legal services.

3. The time limitations imposed by the claimant or the circumstances.

4. The nature and length of the professional relationship with the claimant.

5. The experience, reputation, and ability of the lawyer or

12-01354A-26

20261668

lawyers performing services.

6. The contingency or certainty of a fee.

Should there be a final determination of compensability, and the claimants accept an award under this section, the claimants are not liable for any expenses, including attorney fees, incurred in connection with the filing of a claim under ss. 766.301-766.316 other than those expenses awarded under this section.

(2) The award shall require the immediate payment of expenses previously incurred and shall require that future expenses be paid as incurred.

(3) A family member must continuously maintain comprehensive major medical health coverage for the participant.

(a) If the participant does not have such coverage at the time of entry of a final order by an administrative law judge approving a claim for compensation, the family member must obtain coverage within 60 days after entry of such order or apply for Medicaid coverage within 30 days after entry of such order.

(b) If the participant is determined to be ineligible for Medicaid, the family member must obtain other coverage within 60 days after receiving the Medicaid application denial.

(c) A family member of an individual who is a participant on June 30, 2026, must obtain the required coverage for the participant by January 1, 2027.

(4)(3) A copy of the award shall be sent immediately by registered or certified mail to each person served with a copy of the petition under s. 766.305(2).

Section 7. Section 766.314, Florida Statutes, is amended to

12-01354A-26

20261668

read:

766.314 Assessments; plan of operation.—

(1) The assessments established pursuant to this section shall be used to finance the Florida Birth-Related Neurological Injury Compensation Plan.

(2) The assessments and appropriations dedicated to the plan shall be administered by the Florida Birth-Related Neurological Injury Compensation Association established in s. 766.315, in accordance with the following requirements:

(a) ~~On or before July 1, 1988,~~ The directors of the association shall maintain ~~submit to the Department of Insurance for review~~ a plan of operation which shall provide for the efficient administration of the plan and for prompt processing of claims against and awards made on behalf of the plan. The plan of operation shall include provision for:

1. Establishment of necessary facilities;
2. Management of the funds collected on behalf of the plan;
3. Processing of claims against the plan;
4. Assessment of the persons and entities listed in

subsections (4) and (7) ~~(5)~~ to pay awards and expenses, ~~which assessments shall be on an actuarially sound basis subject to the limits set forth in subsections (4) and (5);~~

5. A fraud and overpayment prevention and detection program; and

6.5- Any other matters necessary for the efficient operation of the birth-related neurological injury compensation plan.

(b) Amendments to the plan of operation may be made by the directors of the plan, subject to the approval of the office of

12-01354A-26

20261668

~~Insurance Regulation of the Financial Services Commission.~~

(3) All assessments shall be deposited with the ~~Florida Birth-Related Neurological Injury Compensation~~ association. The funds collected by the association and any income therefrom shall be disbursed only for the payment of awards under ss. 766.301-766.316 and for the payment of the reasonable expenses of administering the plan.

(4) The following persons and entities shall pay into the association assessments as follows ~~an initial assessment in accordance with the plan of operation:~~

(a) 1. ~~On or before October 1, 1988,~~ Each hospital licensed under chapter 395 shall pay an ~~initial~~ assessment of \$50 per infant delivered in that ~~the~~ hospital ~~during the prior calendar year,~~ as reported to the Agency for Health Care Administration; provided, however, that a hospital owned or operated by the state or a county, special taxing district, or other political subdivision of the state shall not be required to pay ~~the initial assessment or~~ any assessment required by this subsection or subsection (7) (5). The term "infant delivered" includes live births and not stillbirths, but the term does not include infants delivered by employees or agents of the board of trustees of a state university, those born in a teaching hospital as defined in s. 408.07, or those born in a teaching hospital as defined in s. 395.806 that have been deemed by the association as being exempt from assessments since fiscal year 1997 to fiscal year 2001. The ~~initial~~ assessment and any assessment imposed pursuant to subsection (7) (5) may not include any infant born to a charity patient (as defined by rule of the Agency for Health Care Administration) or born to a

12-01354A-26

20261668

patient for whom the hospital receives Medicaid reimbursement, if the sum of the annual charges for charity patients plus the annual Medicaid contractals of the hospital exceeds 10 percent of the total annual gross operating revenues of the hospital. The hospital is responsible for documenting, to the satisfaction of the association, the exclusion of any birth from the computation of the assessment. Upon demonstration of financial need by a hospital, the association may provide for installment payments of assessments.

2. Assessments shall be due, and hospitals shall pay, all assessments required under this section by December 31 of the calendar year immediately subsequent to the birth year.

(b) 1.a. ~~On or before October 15, 1988,~~ All physicians licensed pursuant to chapter 458 or chapter 459 ~~as of October 1, 1988,~~ other than participating physicians, shall be assessed an annual initial assessment of \$250.r

b. Payment for all assessments required under this paragraph is due on or before December 31 of each year which ~~must be paid no later than December 1, 1988.~~

~~2. Any such physician who becomes licensed after September 30, 1988, and before January 1, 1989, shall pay into the association an initial assessment of \$250 upon licensure.~~

~~3. Any such physician who becomes licensed on or after January 1, 1989, shall pay an initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5) (a), or paragraph (7) (b).~~

2.4. However, if the physician is a physician specified in this subparagraph, the assessment is not applicable:

a. A resident physician, assistant resident physician, or

12-01354A-26

20261668

intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule;

b. A retired physician who has withdrawn from the practice of medicine but who maintains an active license as evidenced by an affidavit filed with the Department of Health. Prior to reentering the practice of medicine in this state, a retired physician as herein defined must notify the Board of Medicine or the Board of Osteopathic Medicine and pay the appropriate assessments pursuant to this section;

c. A physician who holds a limited license pursuant to s. 458.317 and who is not being compensated for medical services;

d. A physician who is employed full time by the United States Department of Veterans Affairs and whose practice is confined to United States Department of Veterans Affairs hospitals; or

e. A physician who is a member of the Armed Forces of the United States and who meets the requirements of s. 456.024.

f. A physician who is employed full time by the State of Florida and whose practice is confined to state-owned correctional institutions, a county health department, or state-owned mental health or developmental services facilities, or who is employed full time by the Department of Health.

(c) ~~1. On or before December 1, 1988,~~ Each physician licensed pursuant to chapter 458 or chapter 459 who wishes to participate in the Florida Birth-Related Neurological Injury Compensation Plan and who otherwise qualifies as a participating physician under ss. 766.301-766.316 shall pay an annual initial assessment of \$5,000 and any assessment required under paragraph

12-01354A-26

20261668

(7) (d), if assessed. However, if the physician is either a resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule, and is supervised in accordance with program requirements established by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association by a physician who is participating in the plan, such resident physician, assistant resident physician, or intern is deemed to be a participating physician without the payment of the assessment. Participating physicians also include any employee of the board of trustees of a state university who has paid the assessment required by this paragraph and, if assessed, paragraph (7) (d) (5) (a), and any certified nurse midwife supervised by such employee. Participating physicians include any certified nurse midwife who has paid 50 percent of the physician assessment required by this paragraph and, if assessed, paragraph (7) (d), (5) (a) and who is supervised by a participating physician who has paid the assessment required by this paragraph and, if assessed, paragraph (7) (d) (5) (a). Supervision for nurse midwives shall require that the supervising physician will be easily available and have a prearranged plan of treatment for specified patient problems which the supervised certified nurse midwife may carry out in the absence of any complicating features. ~~Any physician who elects to participate in such plan on or after January 1, 1989, who was not a participating physician at the time of such election to participate and who otherwise qualifies as a participating physician under ss. 766.301-766.316 shall pay an additional initial assessment equal~~

12-01354A-26

20261668

to the most recent assessment made pursuant to this paragraph, paragraph (5) (a), or paragraph (7) (b).

2. Payment of assessments required by this paragraph is due on or before December 31 of each year for qualification as a participating physician during the next calendar year. If payment of the assessments is received by the association on or before January 31 of any calendar year, the physician shall qualify as a participating physician for that entire calendar year. If the payment is received after January 31, the physician shall qualify as a participating physician for that calendar year only from the date the payment was received by the association.

(d) Any hospital located in a county with a population in excess of 1.1 million as of January 1, 2003, as determined by the Agency for Health Care Administration under the Health Care Responsibility Act, may elect to pay the assessments required by paragraph (c) fee for the participating physician and the certified nurse midwife if the hospital first determines that the primary motivating purpose for making such payment is to ensure coverage for the hospital's patients under the provisions of ss. 766.301-766.316; however, no hospital may restrict any participating physician or nurse midwife, directly or indirectly, from being on the staff of hospitals other than the staff of the hospital making the payment. Each hospital shall file with the association an affidavit setting forth specifically the reasons why the hospital elected to make the payment on behalf of each participating physician and certified nurse midwife. The payments authorized under this paragraph shall be in addition to the assessment set forth in paragraph

12-01354A-26

20261668

(5) (a).

(5) (a) Beginning January 1, 1990, the persons and entities listed in paragraphs (4) (b) and (c), except those persons or entities who are specifically excluded from said provisions, as of the date determined in accordance with the plan of operation, taking into account persons licensed subsequent to the payment of the initial assessment, shall pay an annual assessment in the amount equal to the initial assessments provided in paragraphs (4) (b) and (c). If payment of the annual assessment by a physician is received by the association by January 31 of any calendar year, the physician shall qualify as a participating physician for that entire calendar year. If the payment is received after January 31 of any calendar year, the physician shall qualify as a participating physician for that calendar year only from the date the payment was received by the association. On January 1, 1991, and on each January 1 thereafter, the association shall determine the amount of additional assessments necessary pursuant to subsection (7), in the manner required by the plan of operation, subject to any increase determined to be necessary by the Office of Insurance Regulation pursuant to paragraph (7) (b). On July 1, 1991, and on each July 1 thereafter, the persons and entities listed in paragraphs (4) (b) and (c), except those persons or entities who are specifically excluded from said provisions, shall pay the additional assessments which were determined on January 1. Beginning January 1, 1990, the entities listed in paragraph (4) (a), including those licensed on or after October 1, 1988, shall pay an annual assessment of \$50 per infant delivered during the prior calendar year. The additional assessments which

12-01354A-26

20261668__

were determined on January 1, 1991, pursuant to the provisions of subsection (7) shall not be due and payable by the entities listed in paragraph (4)(a) until July 1.

~~(b) If the assessments collected pursuant to subsection (4) and the appropriation of funds provided by s. 76, chapter 88-1, Laws of Florida, as amended by s. 41, chapter 88-277, Laws of Florida, to the plan from the Insurance Regulatory Trust Fund are insufficient to maintain the plan on an actuarially sound basis, there is hereby appropriated for transfer to the association from the Insurance Regulatory Trust Fund an additional amount of up to \$20 million.~~

~~(c)1. Taking into account the assessments collected pursuant to subsection (4) and appropriations from the Insurance Regulatory Trust Fund, if required to maintain the plan on an actuarially sound basis, the Office of Insurance Regulation shall require each entity licensed to issue casualty insurance as defined in s. 624.605(1)(b), (k), and (q) to pay into the association an annual assessment in an amount determined by the office pursuant to paragraph (7)(a), in the manner required by the plan of operation.~~

~~2. All annual assessments shall be made on the basis of net direct premiums written for the business activity which forms the basis for each such entity's inclusion as a funding source for the plan in the state during the prior year ending December 31, as reported to the Office of Insurance Regulation, and shall be in the proportion that the net direct premiums written by each carrier on account of the business activity forming the basis for its inclusion in the plan bears to the aggregate net direct premiums for all such business activity written in this~~

12-01354A-26

20261668__

~~state by all such entities.~~

~~3. No entity listed in this paragraph shall be individually liable for an annual assessment in excess of 0.25 percent of that entity's net direct premiums written.~~

~~4. Casualty insurance carriers shall be entitled to recover their initial and annual assessments through a surcharge on future policies, a rate increase applicable prospectively, or a combination of the two.~~

~~(5)(a)-(6)(a)~~ The association shall make all assessments required by this section, except initial assessments of physicians newly licensed by the Department of Health, which assessments will be made by the Department of Health, and except assessments of casualty insurers pursuant to paragraph (7)(c) subparagraph (5)(c)1., which assessments will be made by the office of Insurance Regulation. The Department of Health shall provide the association, in an electronic format, with a monthly report of the names and license numbers of all physicians licensed under chapter 458 or chapter 459.

(b)1. The association may enforce collection of assessments required to be paid pursuant to ss. 766.301-766.316 by suit filed in county court, or in circuit court if the amount due could exceed the jurisdictional limits of county court. The association is entitled to an award of attorney fees, costs, and interest upon the entry of a judgment against a physician for failure to pay such assessment, with such interest accruing until paid. Notwithstanding chapters 47 and 48, the association may file such suit in either Leon County or the county of the residence of the defendant. The association shall notify the Department of Health and the applicable board of any unpaid

12-01354A-26

20261668

final judgment against a physician within 7 days after the entry of final judgment.

2. The Department of Health, upon notification by the association that an assessment has not been paid and that there is an unsatisfied judgment against a physician, shall refuse to renew any license issued to such physician under chapter 458 or chapter 459 until the association notifies the Department of Health that the judgment is satisfied in full.

(c) The Agency for Health Care Administration shall, upon notification by the association that an assessment has not been timely paid, enforce collection of such assessments required to be paid by hospitals pursuant to ss. 766.301-766.316. Failure of a hospital to pay such assessment is grounds for disciplinary action pursuant to s. 395.1065 notwithstanding any law to the contrary.

~~(7)(a) The office of Insurance Regulation shall undertake an actuarial investigation of the requirements of the plan based on the plan's experience in the first year of operation and any additional relevant information, including without limitation the assets and liabilities of the plan. Pursuant to such investigation, the Office of Insurance Regulation shall establish the rate of contribution of the entities listed in paragraph (5)(c) for the tax year beginning January 1, 1990. Following the initial valuation, the Office of Insurance Regulation shall cause an actuarial valuation to be made of the assets and liabilities of the plan no less frequently than biennially. Pursuant to the results of such valuations, the Office of Insurance Regulation shall prepare a statement as to the contribution rate applicable to the entities listed in~~

12-01354A-26

20261668

paragraph (5)(c). However, at no time shall the rate be greater than 0.25 percent of net direct premiums written.

~~(b) If the office of Insurance Regulation finds that the plan cannot be maintained on an actuarially sound basis based on the assessments and appropriations listed in subsections (4) and (5), the office shall increase the assessments specified in subsection (4) on a proportional basis as needed.~~

~~(8) The association shall report to the Legislature its determination as to the annual cost of maintaining the fund on an actuarially sound basis. In making its determination, the association shall consider the recommendations of all hospitals, physicians, casualty insurers, attorneys, consumers, and any associations representing any such person or entity. Notwithstanding the provisions of s. 395.3025, all hospitals, casualty insurers, departments, boards, commissions, and legislative committees shall provide the association with all relevant records and information upon request to assist the association in making its determination. All hospitals shall, upon request by the association, provide the association with information from their records regarding any live birth. Such information shall not include the name of any physician, the name of any hospital employee or agent, the name of the patient, or any other information which will identify the infant involved in the birth. Such information thereby obtained shall be utilized solely for the purpose of assisting the association and shall not subject the hospital to any civil or criminal liability for the release thereof. Such information shall otherwise be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

12-01354A-26

20261668

(6) ~~(a) (9) (a)~~ Within 60 days after a claim is filed, the association shall estimate the present value of the total cost of the claim, including the estimated amount to be paid to the claimant, the claimant's attorney, the ~~attorney~~ attorney's fees of the association incident to the claim, and any other expenses that are reasonably anticipated to be incurred by the association in connection with the adjudication and payment of the claim. For purposes of this estimate, the association should include the maximum benefits for noneconomic damages.

(b) The association shall revise these estimates quarterly based upon the actual costs incurred and any additional information that becomes available to the association since the last review of this estimate. The estimate shall be reduced by any amounts paid by the association that were included in the current estimate. The association shall submit such quarterly estimates to the office within 10 business days after completion.

(c) After the revisions of estimates required under paragraph (b), each quarter, the association shall calculate whether the plan is actuarially sound. If the association's calculation indicates that the plan is not actuarially sound, the association must immediately notify the office as described in subsection (7). The office shall review the association's calculations and, within 60 days after the association's notification, determine whether to initiate an actuarial valuation as described in subsection (7), and notify the association of its determination. At a minimum, the office shall make its determination based on the degree to which the association's calculations indicate that the plan is not

12-01354A-26

20261668

actuarially sound, the direction and consistency of recent trends in the calculations of the plan's actuarial soundness, and the length of time since the most recent actuarial valuation conducted by the office and until the next biennial valuation. The office shall initiate such actuarial valuation within 30 days after its determination that there is a need for a valuation.

~~1. If the total of all current estimates equals or exceeds 100 percent of the funds on hand and the funds that will become available to the association within the next 12 months from all sources described in subsection (4) and paragraph (5) (a), the association may not accept any new claims without express authority from the Legislature. This section does not preclude the association from accepting any claim if the injury occurred 18 months or more before the effective date of this suspension. Within 30 days after the effective date of this suspension, the association shall notify the Governor, the Speaker of the House of Representatives, the President of the Senate, the Office of Insurance Regulation, the Agency for Health Care Administration, and the Department of Health of this suspension.~~

~~2. Notwithstanding this paragraph, the association is authorized to accept new claims during the 2025-2026 fiscal year if the total of all current estimates exceeds the limits described in subparagraph 1. during that fiscal year. This subparagraph expires July 1, 2026.~~

~~(d) If any person is precluded from asserting a claim against the association because of paragraph (c), the plan shall not constitute the exclusive remedy for such person, his or her personal representative, parents, dependents, or next of kin.~~

12-01354A-26

20261668

813 (7) (a) The office shall cause an actuarial valuation to be
 814 made of the assets and liabilities of the plan at a minimum
 815 biennially on or before December 31 of even-numbered years and
 816 as provided in subsection (6). Such valuation must be based on
 817 the assets and liabilities of the plan for the calendar year
 818 before the year in which the actuarial valuation is due. The
 819 office shall also determine whether the plan has adequate
 820 estimated cash flow for the following fiscal year, whether,
 821 based on the actuarial valuation, the plan is actuarially sound,
 822 and if not, whether the plan is likely to return to actuarial
 823 soundness before the next biennial review.

824 (b) If the office determines that the plan lacks adequate
 825 cash flow for the following fiscal year pursuant to the review
 826 in paragraph (a), the office must authorize a transfer of up to
 827 up to \$50 million from the Insurance Regulatory Trust Fund to
 828 the association within 30 calendar days.

829 (c) If the office finds that the plan is not likely to
 830 return to actuarial soundness before the next biennial review
 831 pursuant to the review in paragraph (a), the office must, within
 832 60 calendar days after this finding, order one or more of the
 833 following actions:

834 1. Require each entity licensed to issue casualty insurance
 835 as defined in s. 624.605(1)(b), (k), and (q) to pay into the
 836 association an annual assessment that is calculated to generate
 837 a total amount no greater than the amount required to achieve
 838 actuarial soundness of the plan within 5 years after the date of
 839 the order, subject to the limitations of this subparagraph.

840 a. These assessments shall be made on the basis of net
 841 direct premiums written for the business activity which forms

12-01354A-26

20261668

842 the basis for each such entity's inclusion as a funding source
 843 for the plan in the state during the prior year ending December
 844 31, as reported to the office, and shall be in the proportion
 845 that the net direct premiums written by each carrier on account
 846 of the business activity forming the basis for its inclusion in
 847 the plan bears to the aggregate net direct premiums for all such
 848 business activity written in this state by all such entities.

849 b. No entity shall be individually liable for an annual
 850 assessment in excess of 0.25 percent of that entity's net direct
 851 premiums written.

852 c. Casualty insurance carriers shall be entitled to recover
 853 their assessments through a surcharge on future policies, a rate
 854 increase applicable prospectively, or a combination of the two.

855 d. An assessment under this paragraph must not extend 5
 856 years after the date of the order.

857 2. If actuarial soundness cannot be achieved after using
 858 the remedy in subparagraph 1., increase the assessments
 859 specified in subsection (4) on a proportional basis that is
 860 calculated to generate a total amount no greater than the amount
 861 required to maintain the plan on an actuarially sound basis.

862 (d) If the office finds that the plan is not actuarially
 863 sound pursuant to the review in paragraph (a), the plan must
 864 provide the office with quarterly reports projecting the plan's
 865 financial health and, if assessments were ordered by the office
 866 under this paragraph, projected revenues for such assessments.

867 (e) If the association finds that the plan is not
 868 actuarially sound and the remedies provided under subsection (7)
 869 are insufficient to reestablish the actuarial soundness of the
 870 plan, the association must, within 60 days after such finding,

12-01354A-26

20261668

871 notify the Governor, the President of the Senate, the Speaker of
 872 the House of Representatives, and the office. If the plan issues
 873 the notice, the association may not accept any new claims
 874 without express authority from the Legislature. This paragraph
 875 does not preclude the association from accepting any claim if
 876 the injury occurred 18 months or more before the effective date
 877 of this suspension.

878 Section 8. Subsection (1) of section 766.315, Florida
 879 Statutes, is amended to read:

880 766.315 Florida Birth-Related Neurological Injury
 881 Compensation Association; board of directors; notice of
 882 meetings; report.—

883 (1) (a) The Florida Birth-Related Neurological Injury
 884 Compensation Plan shall be governed by a board of seven
 885 directors which shall be known as the Florida Birth-Related
 886 Neurological Injury Compensation Association. The association is
 887 not a state agency, board, or commission. Notwithstanding the
 888 provision of s. 15.03, the association is authorized to use the
 889 state seal.

890 (b) The directors shall be appointed for staggered terms of
 891 3 years or until their successors are appointed and have
 892 qualified; however, a director may not serve for more than 6
 893 consecutive years.

894 (c) The directors shall be appointed by the Chief Financial
 895 Officer as follows:

- 896 1. One citizen representative who is not affiliated with
- 897 any of the groups identified in subparagraphs 2.-7.
- 898 2. One representative of participating physicians.
- 899 3. One representative of hospitals.

12-01354A-26

20261668

900 4. One representative of casualty insurers.

901 5. One representative of physicians other than
 902 participating physicians.

903 6. One family member of a participant ~~parent or legal~~
 904 ~~guardian representative of an injured infant under the plan.~~

905 7. One representative of an advocacy organization for
 906 children with disabilities.

907 Section 9. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 7034

INTRODUCER: Environment and Natural Resources Committee

SUBJECT: Ratification of Rules of the Department of Environmental Protection

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>EN Submitted as Comm. Bill/Fav</u>
1.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
2.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 7034 ratifies the Department of Environmental Protection's (DEP) revisions to the minimum flows and levels (MFLs) for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs within rule 62-42.300 of the Florida Administrative Code. MFLs are established at the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. The proposed rule relies on conservation practices, monitoring, and offsets to protect the continued health and ecological value of the Lower Santa Fe and Ichetucknee Rivers and Priority Springs.

The Statement of Estimated Regulatory Costs developed by the DEP concluded that the proposed rules will likely increase costs to regulated entities by \$158,450,588 to \$163,836,003 in the aggregate within five years after the rules' implementation. Additionally, an estimated \$1,975,050 to \$11,712,476 in indirect costs are expected to be incurred by the Suwannee River Water Management District. This amount triggers the statutory requirement for the rule to be ratified by the Legislature before it may go into effect.

The bill takes effect upon becoming law.

II. Present Situation:

Minimum Flow and Minimum Water Levels (MFLs)

MFLs are established for waterbodies to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals.¹ MFLs are typically determined based on evaluations of natural seasonal fluctuations in water flows or levels, nonconsumptive uses, and

¹ See section 373.042, F.S.; see also DEP, *Minimum Flows and Minimum Water Levels and Reservations*, <https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations> (last visited Jan. 26, 2026).

environmental values associated with coastal, estuarine, riverine, spring, aquatic, wetlands ecology, and other pertinent information associated with the water resource.²

While the Department of Environmental Protection (DEP) has the authority to adopt MFLs, the state's five water management districts (WMDs) have the primary responsibility for MFL adoption. The WMDs submit annual MFL priority lists and schedules to the DEP for the establishment of MFLs for surface watercourses, aquifers, and surface waters within the district.³ MFLs are calculated using the best information available⁴ and are considered rules by the WMDs, which are subject to chapter 120, F.S., challenges.⁵ MFLs are subject to independent scientific peer review at the election of the DEP, a WMD, or, if requested, by a third party.⁶ MFLs must be reevaluated periodically and revised as needed.⁷

MFLs must be established for each Outstanding Florida Spring (OFS).⁸ For OFSs identified on a WMD's priority list which have the potential to be affected by withdrawals in an adjacent district, the adjacent district and the DEP must collaboratively develop and implement a recovery or prevention strategy for an OFS not meeting an adopted MFL.⁹

For OFSs that fall below the adopted MFL or are projected to fall below the MFL within 20 years, the DEP or WMDs must implement a recovery or prevention strategy to ensure the MFL is maintained over the long-term.¹⁰ The recovery or prevention strategy must include:

- A listing of all specific projects identified for implementation of the plan;
- A priority listing of each project;
- The estimated cost and date of completion for each listed project;
- The source and amount of financial assistance to be made available by the WMD for each listed project, which may not be less than 25 percent of the total project cost unless a specific funding source or sources are identified which will provide more than 75 percent of the total project cost;¹¹
- An estimate of each listed project's benefit to an OFS; and
- An implementation plan designed with a target to achieve the adopted MFL no more than 20 years after the adoption of the recovery or prevention strategy.¹²

Agricultural producers who implement best management practices are presumed to be in compliance with the recovery or prevention strategy.¹³

² Fla. Admin. Code R. 62-40.473(1).

³ Section 373.042(3), F.S.

⁴ Section 373.042(1), F.S.

⁵ Section 373.042(5) and (7), F.S.

⁶ Section 373.042(6)(a), F.S.

⁷ Section 373.0421(5), F.S.

⁸ Section 373.042(2), F.S.

⁹ Section 373.042(2)(b), F.S.

¹⁰ DEP, *Minimum Flows and Minimum Water Levels and Reservations*, <https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations> (last visited Jan. 29, 2026); section 373.805(1), F.S.

¹¹ The Northwest Florida Water Management District and SRWMD are not required to meet the minimum financial assistance requirement. Section 373.805(4)(d), F.S.

¹² Section 373.805(4), F.S.

¹³ Section 373.0421(2), F.S.

Lower Santa Fe and Ichetucknee Rivers and Priority Springs

The Santa Fe River in north-central Florida is a second-order tributary to the Suwannee River.¹⁴ It is naturally divided into two sections: the Upper Santa Fe River, extending from its headwaters in Lake Santa Fe and the Santa Fe Swamp, and the Lower Santa Fe River, extending from the River Rise north of High Springs to its confluence with the Suwannee River.¹⁵ The Lower Santa Fe River is fed by the flow of at least 36 different named springs.¹⁶ With a discharge of over 200 million gallons per day, the Ichetucknee River is the largest tributary to the Santa Fe River.¹⁷

The Santa Fe River Basin is approximately 1,380 square miles and is underlain by limestone formations that comprise the Floridan aquifer or aquifer system.¹⁸ The area features several popular recreational areas containing springs, swallets, and river rises, including Ichetucknee Springs State Park, O'Leno State Park, River Rise State Park, and private venues.¹⁹ The river and its springs are important to the economy of at least seven counties in north-central Florida and serve as a significant natural resource through the ecosystem services they provide, including the maintenance of habitat for fish and wildlife.²⁰

Six springs within the basin have been designated as OFSs, including the Ichetucknee Springs Group and Columbia, Devil's Ear, Hornsby, Poe, and Treehouse Springs along the Santa Fe River.²¹ The Ichetucknee Springs Group is a first-magnitude spring complex, comprised of nine named and many unnamed springs that discharge into the Ichetucknee River. All but two of the nine springs are identified as Priority Springs.²²

Maintaining flows from the Priority Springs is essential to protecting water resource conditions and the ecological values of the springs, as well as the Lower Santa Fe River and Ichetucknee River downstream.²³ However, historical flow records over more than 90 years have shown a decline in flow for the Ichetucknee River and springs of roughly 10-20 percent. Additionally, nitrate-nitrogen concentrations have increased over the past two decades, and while the Ichetucknee River and springs continue to be well-vegetated with native plant species, there has been a marked decrease in the diversity of those species over time.²⁴

¹⁴ Santa Fe River Basin Springs Working Group and the Howard T. Odum Florida Springs Institute, *Santa Fe Springs Restoration Plan*, 7 (2012), available at <https://floridaspringsinstitute.org/wp-content/uploads/2018/07/SFS-RAP.pdf>.

¹⁵ *Id.*

¹⁶ *Id.* at 8.

¹⁷ DEP, *Florida State Park: When the masses meet the grasses*, <https://www.floridastateparks.org/learn/when-masses-meet-grasses> (last visited Jan. 30, 2026); Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis*, 5 (2021), available at https://floridaspringsinstitute.org/wp-content/uploads/2021/03/Santa-Fe-River-and-Springs-Environmental-Analysis_Final-rev1-ZH-Update.pdf.

¹⁸ Florida Springs Institute, *Santa Fe Springs Restoration Plan*, at 8; SRWMD, *Minimum flows and minimum water levels re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs*, 2 (2021), available at <https://www.mysuwanneeriver.com/DocumentCenter/View/17834/LSFIR-MFL-Report-Final>.

¹⁹ SRWMD, *MFLs re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* at 3.

²⁰ See Florida Springs Institute, *Santa Fe Springs Restoration Plan* at 2.

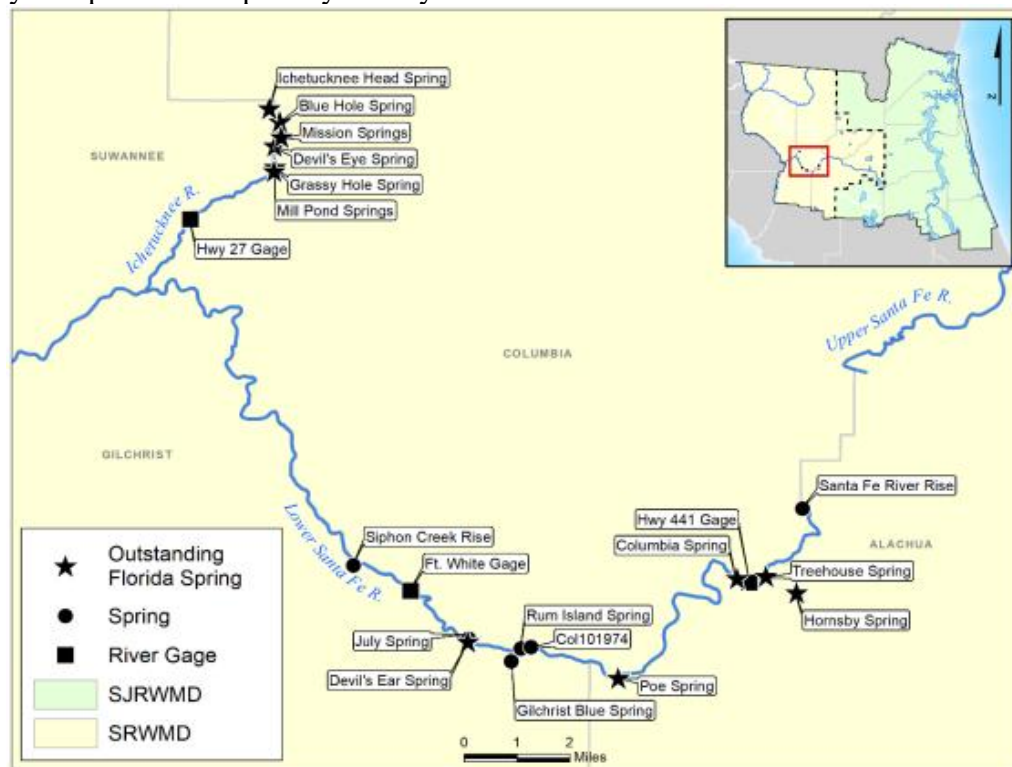
²¹ SRWMD, *MFLs re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* at 3.

²² *Id.*

²³ *Id.* at 119.

²⁴ Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis* at 5.

In 2013, the Suwannee River Water Management District (SRWMD) concluded that excessive flow reductions in the Lower Santa Fe and Ichetucknee Rivers and associated Priority Springs (LSFIR) were beyond the point of “significant harm” and that these waterbodies required a recovery strategy.²⁵ Accordingly, the SRWMD governing board requested that the DEP adopt MFLs for the LSFIR due to the potential for impacts associated with water withdrawals in both the SRWMD and the St. Johns River Water Management District (SJRWMD).²⁶ At that time, the LSFIR was determined to be in recovery at both of the two MFL compliance points, and a recovery strategy was approved by the SRWMD and SJRWMD governing boards with regulatory components adopted by rule by the DEP in June 2015.²⁷



*Santa Fe and Ichetucknee Rivers and Priority Springs*²⁸

On December 2, 2019, the DEP published a Notice of Rule Development to reevaluate the 2015 LSFIR MFLs.²⁹ The most recent status assessment determined that the reevaluated MFLs in the proposed rule are not being met at two of the three identified compliance points. Accordingly, development of a prevention or recovery strategy was necessary.³⁰ The revised rules and implementation strategy are discussed in the Effect of Proposed Changes section below.

²⁵ *Id.*; SRWMD, *Recovery Strategy: Lower Santa Fe River Basin*, 1 (2014), available at <https://srwmd.org/DocumentCenter/View/9116/Lower-Santa-Fe-and-Ichetucknee-River-Recovery-Strategy?bidId=>.

²⁶ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A*, 6 (2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment>.

²⁷ *Id.*

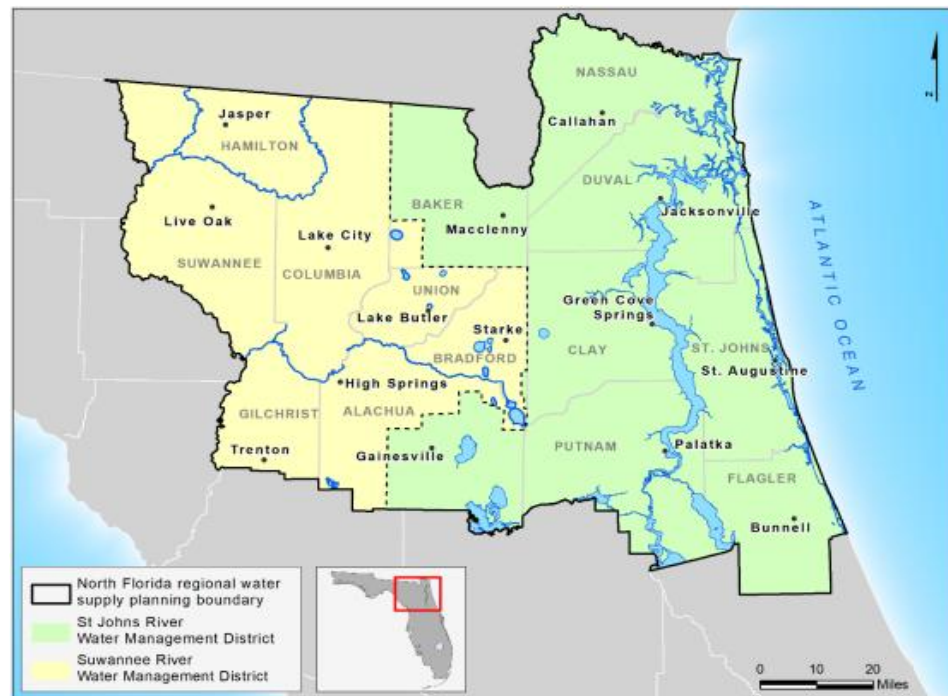
²⁸ North Florida Regional Water Supply Partnership, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs*, 5 (2025), available at <https://www.northfloridawater.com/2025implementationstrategy.html> (depicting map).

²⁹ *Id.* at 7.

³⁰ Section 373.0421(2), F.S.

North Florida Regional Water Supply Partnership (NFRWSP)

The NFRWSP was established in 2011 through a formal interagency agreement executed by the DEP, SJRWMD, and SRWMD.³¹ The NFRWSP planning area covers more than 8,000 square miles and includes 14 counties: Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union.³²



NFRWSP Area³³

The purpose of the NFRWSP is to protect natural resources and water supplies in North Florida through collaborative planning, scientific-tool development, and related efforts.³⁴ A central product of the NFRWSP is the North Florida Regional Water Supply Plan, which assesses current and projected water demands and identifies projects, water conservation measures, and other strategies to meet future demands while avoiding unacceptable water resource impacts.³⁵ Such projects include the use of reclaimed water to offset potable use or groundwater recharge to increase the amount of water in an aquifer to help offset declines caused by withdrawals.³⁶

³¹ SJRWMD and SRWMD, *2023 North Florida Regional Water Supply Plan (2020-2045)*, 18 (2023), available at https://aws.sjrwmd.com/NFRWSP/watersupplyplan/documents/final/2023_NFRWSP_and_Associated_Appendices_Final_20230212.pdf

³² *Id.*

³³ NFRWSP, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs*, 6 (2025), available at <https://www.northfloridawater.com/2025implementationstrategy.html> (depicting map).

³⁴ SJRWMD and SRWMD, *2023 North Florida Regional Water Supply Plan* at 19.

³⁵ *Id.* at 22.

³⁶ *Id.* at 84, 87. For example, one project identified in the 2023 plan is the Black Creek Water Resource Development Project in Clay County, which is designed to recharge of the Upper Floridan aquifer and has the potential to increase flows in the Lower Santa Fe and Ichetucknee Rivers. *Id.* at 84.

According to the latest water supply plan published in 2023, total water demand within the NFRWSP area is projected to increase from 530 million gallons per day (mgd) in 2015 to 698 mgd by 2045, a 32 percent increase.³⁷ The NFRWSP concluded that fresh groundwater alone cannot meet this projected increase in demand without causing unacceptable impacts to water resources.³⁸

Since approval of the previous regional water supply plan in 2017, participating agencies and stakeholders have implemented approximately 1,294 cost-share water supply and conservation projects through 2022, an investment of about \$146 million that contributed to the availability or conservation of approximately 89.1 mgd of water within the NFRWSP area.³⁹ The 2023 plan identifies 160 mgd of estimated benefit from water supply development, water resource development, and water conservation project options to offset the projected increase in groundwater demand of approximately 135 mgd by 2045.⁴⁰

Legislative Ratification

A rule is subject to legislative ratification if it:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.⁴¹

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.⁴²

Statement of Estimated Regulatory Costs Requirements

A statement of estimated regulatory costs (SERC) is an analysis prepared by an agency before the adoption, amendment, or repeal of a rule other than an emergency rule. A SERC must be prepared by an agency for a proposed rule that:

- Will have an adverse impact on small businesses; or

³⁷ *Id.* at 26. This includes groundwater, surface water, and alternative water sources. *Id.* at 2.

³⁸ *Id.* at 2.

³⁹ *Id.* at 75.

⁴⁰ *Id.* at 4, 101.

⁴¹ Section 120.541(2)(a), F.S. “Transactional costs” re direct costs that are readily ascertainable by the agency based upon standard business practices, and may include, among other things: filing fees; necessary equipment, operations, or procedures; labor and benefits; capital expenditures; professional services; monitoring and reporting; reduced sales or other revenue. Section 120.541(2)(d), F.S.

⁴² Section 120.541(3), F.S.

- Is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state within one year after the implementation of the rule.⁴³

A SERC must include:

- An economic analysis showing whether the rule exceeds the thresholds requiring legislative ratification;
- A good faith estimate of the number and types of individuals and entities likely to be required to comply with the rule, and a general description of the types of individuals likely to be affected by the rule;
- A good faith estimate of the cost to the agency, and to other state and local government entities, of implementing and enforcing the proposed rule, including anticipated effects on state or local revenues;
- A good faith estimate of the transactional costs (direct business costs) likely to be incurred by individuals and entities required to comply with the requirements of the rule;
- An analysis of the impact on small businesses, small counties, and small cities; and
- A description of regulatory alternatives submitted to the agency and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.⁴⁴

SERC for Rule 62-300, F.A.C.

The DEP determined that a SERC was required for the revisions to rule 62-42.300 of the Florida Administrative Code and prepared one in advance of rule adoption.⁴⁵ The DEP estimates the revised rule will increase regulatory costs, including transactional costs, by up to \$163.8 million in the aggregate within five years of implementation.⁴⁶ A summary of these costs is provided in the table below.⁴⁷

Summary of Costs to Regulated Entities⁴⁸

Rule Citation	Topic	SERC Total Estimated Cost
62-42.300(4), F.A.C.	Private residential landscape irrigation well water uses	\$2,540,806–\$4,393,906
62-42.300(5), F.A.C.	Metering and Monitoring Requirements	\$1,136,818–\$4,669,133
62-42.300(6), F.A.C.	Water Conservation Requirements	\$12,772,964
62-42.300(7), F.A.C.	Offset Requirements ⁴⁹	\$142,000,000
TOTAL		\$158,450,588–\$163,836,003

⁴³ Section 120.541(3)(b)1., F.S.

⁴⁴ Section 120.541(2), F.S.

⁴⁵ See DEP, *SERC: Rule 62-42.300, F.A.C. (2025)*, available at <https://floridadep.gov/owper/water-policy/documents/office-fiscal-accountability-regulatory-reform-serc-form-rule-62-42300>.

⁴⁶ *Id.* at 4.

⁴⁷ See *id.* at 4-5.

⁴⁸ For agricultural producers, section 373.0421, F.S. (2025), provides an alternative means for compliance. The costs associated with that statutorily-established alternative are not included in this SERC. *Id.* at 4.

⁴⁹ The total estimated cost for the “Offset Requirements” includes the completion of a large-scale regional water recharge project, which will take place over an estimated 13-year time period. In the first five years following rule adoption, \$142 million is the estimated expenditure for the project, which includes preconstruction activities, such as permitting and design and land acquisition, and some initial construction activities. The total estimated project cost is \$1.1 billion. *Id.*

Additionally, an estimated \$1,975,050 to \$11,712,476 in indirect costs are expected to be incurred by the SRWMD within the first five years.⁵⁰

The proposed rules and associated costs will be discussed in the Effect of Proposed Changes section below.

III. Effect of Proposed Changes:

Section 1 ratifies the revised minimum flows and level (MFL) rule 62-42.300 of the Florida Administrative Code, titled “The Lower Santa Fe and Ichetucknee Rivers and Priority Springs,” as filed for adoption with the Department of State pursuant to the certification package dated December 31, 2025. The bill provides that this section serves no other purpose and may not be codified in the Florida Statutes. After this act becomes a law, its enactment and effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This section does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under chapter 120, Florida Statutes. This section does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing adoption of any rule cited.

The costs associated with the revised rule stem from revisions to the MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs and the implementation strategy to comply with those MFLs. The key components of the proposed rule and implementation strategy are discussed below. In total, the proposed rule may increase regulatory costs, including transactional costs, by \$158,450,588 to \$163,836,003.⁵¹

Proposed MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs

The proposed revisions to rule 62-42.300 of the Florida Administrative Code replace the existing 2015 MFLs and establish the regulatory components of an implementation strategy to achieve the new limits.⁵² The implementation strategy will be administered by the St. Johns River Water Management District (SJRWMD) and the Suwannee River Water Management District (SRWMD) in the North Florida Regional Water Supply Partnership (NFRWSP) planning area.

As discussed in further detail below, the proposed rule provides new requirements related to private residential landscape irrigation, monitoring and reporting, water conservation, and offsetting impacts.

⁵⁰ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A*, 4 (2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment>.

⁵¹ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 4.

⁵² *Id.* at 8. If the revised rules are not ratified, the 2015 MFL and recovery strategy will remain in place.

Private Residential Landscape Irrigation Requirements

Currently, private residential irrigation water use is authorized by a general permit. Uses authorized under such permits generally must abide by days of the week restrictions and other watering restrictions.⁵³

The proposed rule supersedes existing rules for certain users. If a residential home is supplied potable water by a utility, a general permit will not be authorized within the NFRWSP for a new well from the Floridan aquifer for irrigation after the effective date of the rule.⁵⁴ The use of water may be authorized through a No-Fee Noticed General Permit, which has a duration of 10 years and requires certification that the applicant has an irrigation system that includes leak detection and water conservation devices.⁵⁵

The estimated costs for the proposed private residential landscape irrigation requirements are between \$2,540,806 and \$4,393,906 (\$1,200 to \$2,100 per system).⁵⁶

Monitoring and Reporting Requirements

The proposed rule provides supplemental requirements for monitoring and reporting activities where they are not already in place.⁵⁷ Monitoring and reporting requirements are currently in effect in both the SJRWMD and SRWMD.⁵⁸ In the SJRWMD, the proposed rule does not impose any additional monitoring or reporting requirements beyond those already in effect. However, in the SRWMD, the proposed rule supplements existing district rules and would result in additional regulatory requirements for monitoring and reporting water use.⁵⁹

Currently, the SRWMD rules require monthly monitoring of wells eight inches or greater and surface water pumps with a cumulative intake diameter of six inches or greater, regardless of total permit allocation.⁶⁰ The proposed rule requires monitoring of all permitted wells and pumps authorized by an individual consumptive use permit.⁶¹ The timeline and type of monitoring required is handled differently based on permit allocation and when the authorized use began.⁶²

⁵³ See Fla. Admin. Code R. 40B-2.041(9)(d) and 40C-2.042(2)(a).

⁵⁴ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 9.

⁵⁵ *Id.*

⁵⁶ *Id.* at 24. These costs are incurred by homeowners who have public supply available but choose to install a well for irrigation and ensure that water conservation measures are implemented. The cost savings from not paying for water from the public supplier are presumed to be offset by the well installation. *Id.*

⁵⁷ *Id.* at 9.

⁵⁸ *Id.* at 10.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ A consumptive use permit allows the holder to withdraw a specified amount of water from surface water and groundwater sources for reasonable and beneficial use. Consumptive use permits require water conservation to prevent wasteful uses, require the reuse of reclaimed water instead of higher-quality groundwater where appropriate, and set limits on the amount of water that can be withdrawn. South Florida Water Management District, *Consumptive Water Use Permits*, <https://www.sfwmd.gov/doing-business-with-us/permits/water-use-permits> (last visited Jan. 27, 2026).

⁶² DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 10. New individual permits issued after the effective date of the proposed rule must comply with monitoring requirements before use begins. Existing individual permits issued prior to the effective date are generally required to comply within five years following a renewal or modification that does not increase allocation or add withdrawal points. Modifications or renewals of existing permits that add withdrawal points or increase authorized allocations earlier compliance timelines, depending on the nature of the modification.

Regarding reporting requirements, the SRWMD currently requires permittees to submit monthly water use data every six months for withdrawal points that are subject to monitoring (i.e., wells eight inches or greater, surface water pumps with intakes six inches or greater).⁶³ SRWMD rules currently do not incorporate standardized forms for reporting. The proposed rule prescribes the format for reporting. Specifically, the proposed rule requires monthly recording and biannual reporting of all permitted wells for permittees with total allocations of 100,000 gallons per day (gpd) or greater and annual reporting for permittees with total allocations less than or equal to 100,000 gpd. Additionally, flow meters and alternative methods must be validated for accuracy every 10 years using proposed forms incorporated into the proposed rule. In the SRWMD, this verification is a current requirement only for the withdrawal points currently requiring monitoring (i.e., wells 8 inches or greater, surface water pumps with intakes six inches or greater), and the SRWMD rules do not incorporate standardized forms for reporting.⁶⁴

The total cost to permittees for this regulatory measure is estimated to be between \$1,136,818 and \$4,669,133, which includes the cost of equipment installation, monitoring, and reporting.⁶⁵

Water Conservation Requirements

The proposed rule imposes different requirements for public water supply permittees, agricultural permittees, and permittees of other use types (i.e., landscape/recreation, commercial/industrial/institutional, and mining/dewatering). The total estimated cost of the proposed rule's water conservation requirements for all permittees is \$12,772,964.⁶⁶ The requirements and associated costs for each type of permittee are discussed in more detail below.⁶⁷

Public Water Supply: All public supply permittees are required to implement either a standard or goal-based water conservation plan, evaluate those plans, and provide the evaluations in the form of a report.⁶⁸ Water conservation plans are already required for permittees, but the proposed rule includes new components or minimum requirements that must be included.⁶⁹ The standard plan must include:

- A water conservation public education program;
- An outdoor water use reduction program;
- A rate structure promoting conservation;⁷⁰
- A water loss reduction program; and

⁶³ *Id.* at 11.

⁶⁴ *Id.*

⁶⁵ *Id.* at 26. To develop the cost for the monitoring requirements, the cost to install in-line flow meters is estimated to be \$5,000 per well, inclusive of the cost of equipment and installation. Based on SRWMD's current agricultural cost-share program, these devices are covered at 75 percent district cost share (which is funded by state grants), leaving the total estimated cost per well at \$1,250 for the producer. *Id.* at 24-25.

⁶⁶ *Id.* at 32.

⁶⁷ The proposed rule also provides an alternative means of compliance for agricultural producers who implement statutorily adopted best management practices. *Id.* at 15. See section 373.0421(2), F.S.

⁶⁸ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 11.

⁶⁹ *Id.* at 11.

⁷⁰ There are no changes in these requirements. However, the proposed rule conforms this language in SRWMD to how it is currently expressed in the SJRWMD rule, including the details of how the districts will assist the permittee or applicant. These amendments in SRWMD are not expected to create an additional regulatory burden. *Id.* at 12.

- An indoor water use conservation program.⁷¹

The proposed rule also includes four new requirements for Public Supply Water Conservation Plans:

- A goal for reducing residential per capita water use;⁷²
- For permittees with an allocation of 100,000 gpd or greater:
 - Annual verification of ongoing implementation of the water conservation plan and submittal of a Public Supply Annual Report; and
 - Submittal of an updated water conservation plan and a Public Supply Five-Year Water Conservation Report;
- For permittees with an allocation greater than 1 million gpd, include in the Public Supply Five-Year Water Conservation Report an analysis of the pre- and post-water use data to demonstrate the water savings associated with the implementation of the water conservation measures.⁷³

Public Water Supply permittees are estimated to incur total costs of \$10,769,636 to implement these water conservation requirements, including \$4,061,448 for reporting and \$6,708,188 for conservation measures.⁷⁴

Agricultural: Currently, all agricultural permittees are required to implement a district-approved water conservation plan.⁷⁵ Consistent with existing rules, the proposed rule requires these permittees to implement the best available water conservation measures for all irrigation systems installed and take reasonable actions to maintain that efficiency throughout the term of the permit.⁷⁶ The specific requirements depend on the size of the permit, based on allocation, and include:

- Irrigation system maintenance and evaluation: For permittees with allocations of 100,000 gpd or greater, the proposed rule requires maintenance of minimum distribution uniformity standards and submission of a Mobile Irrigation Lab evaluation or its equivalent to verify compliance.⁷⁷
- Water conservation measures: Consistent with existing rules, permittees with allocations exceeding 100,000 gpd must implement water conservation practices appropriate for field conditions. The proposed rule requires that this be accomplished to the maximum extent environmentally, economically, and technically feasible by using the highest efficiency options from a list of options provided in the proposed rule.⁷⁸

⁷¹ *Id.* at 12.

⁷² This is a new requirement. The proposed rule requires permittees or applicants to demonstrate achievement of, or progress toward, a residential per capita water use rate equal to the lower of 75 gallons per capita day or the permittee's five-year average prior to the rule's effective date, with interim per capita reduction targets as needed. Permittees must submit documentation explaining any failure to meet the goal or approved targets through the required five-year water conservation report. *Id.* at 13.

⁷³ *Id.* at 13.

⁷⁴ *Id.* at 30, 31.

⁷⁵ *Id.* at 14.

⁷⁶ *Id.*

⁷⁷ Evaluations must be submitted with permit renewals, certain modifications, or 10-year compliance reviews. Because Mobile Irrigation Labs are already required under current rules, this does not create a new regulatory cost. *Id.* at 14.

⁷⁸ *Id.*

- Reporting: Agricultural permittees with allocations greater than 100,000 gpd must verify ongoing implementation of conservation measures and submit an Agricultural Water Conservation Report with renewals, certain permit modifications, and 10-year compliance reviews. While existing rules require conservation information at renewal, the proposed rule expands reporting to additional permit actions and standardizes the reporting format.⁷⁹
- Small agricultural uses: For agricultural uses with allocations of 100,000 gpd or less, excluding aquaculture, the proposed rule requires implementation of water conservation measures and consideration of a specified list of practices.⁸⁰

Agricultural permittees are estimated to incur total costs of \$256,620 to implement these water conservation requirements, including \$81,120 for reporting and \$175,500 for conservation measures.⁸¹

Other Use Types: The proposed rule requires permittees for other use types (i.e., landscape/recreation, commercial/industrial/institutional, and mining/dewatering) to consider implementation of water conservation practices for all processes and components of water use that are environmentally, technically, and economically feasible.⁸² Although water conservation is already required under existing rules, the proposed rule adds specificity by identifying additional elements to be considered, including:

- For landscape/recreation: limiting daytime water use, leak detection and repair programs, and use of irrigation schedules and water-conserving devices;
- For commercial/industrial/institutional and mining/dewatering: water-efficient irrigation for drought-tolerant landscaping.⁸³

The proposed rule also requires permittees in these use categories with allocations greater than 100,000 gpd to evaluate and update their water conservation plans and submit a standardized water conservation report upon permit renewal, certain permit modifications, and 10-year compliance reviews.⁸⁴

These permittees are estimated to incur \$1,746,708 in costs associated with reporting requirements within five years of rule implementation.⁸⁵ Implementation of other water conservation measures does not result in additional costs, as all permittees are already required to implement such measures and submit a water conservation plan.⁸⁶

Offset Requirements

The proposed rule requires the offset of impacts as a permit condition for specific individual permit applicants.⁸⁷ These offset requirements are based on the quantity of water needed to meet

⁷⁹ *Id.* at 14-15.

⁸⁰ This builds on existing SJRWMD and SRWMD requirements and does not add new reporting obligations for small agricultural uses. *Id.* at 15.

⁸¹ *Id.* at 30, 31.

⁸² *Id.* at 15.

⁸³ *Id.*

⁸⁴ *Id.* at 15-16.

⁸⁵ *Id.* at 30.

⁸⁶ *Id.* at 32.

⁸⁷ *Id.* at 16.

demands in 2025, referred to the “Demonstrated 2025 Demand.” For new permits, applicants whose requested withdrawals that may impact an MFL compliance point must continue to provide reasonable assurance that the potential impact will be eliminated or offset before withdrawals begin, consistent with existing rule requirements. For permit renewals or modifications, applications that may impact an MFL compliance point must include reasonable assurance of elimination or offset for the portion of the requested allocation that exceeds the applicant’s Demonstrated 2025 Demand.⁸⁸ For existing permits, uses that do not exceed the Demonstrated 2025 Demand are considered consistent with the implementation strategy. Uses with projected demands above that level must, within five years of the proposed rule’s effective date, identify a project to eliminate or offset the excess.⁸⁹ The proposed rule provides means by which permittees may participate in a regional project to offset their growth.⁹⁰

For permittees whose demand is not calculated based on projected growth, such as agriculture, no offset is required and no action will be taken to reduce the permittee’s allocation.⁹¹ For permittees whose demand is calculated based on projected population growth, such as public supply, the permittee must address any future impacts associated with that growth.⁹² Impacts may be offset by financial contribution, in-kind services, or assisting in cooperation and maintenance of a regional or local project.⁹³

The cost of the proposed rule’s offset requirements are estimated to be \$142 million within the first five years of the rule’s implementation, which includes completion of a large-scale regional water recharge project (Water First North Florida) over an estimated 13-year period.⁹⁴ While other projects may be implemented at the election of individual permittees, the DEP included the Water First North Florida project cost as the sole offset cost as the project is anticipated to address the impacts associated with all water uses.⁹⁵

Regulatory Cost to Agencies

The proposed rule will require the SJRWMD and SRWMD to incorporate the proposed regulatory requirements into all water use permits issued in the NFRWSP area.⁹⁶ The SJRWMD and SRWMD will provide financial assistance for projects and measures identified in the implementation strategy.⁹⁷ The SJRWMD is required to provide at least 25 percent of total

⁸⁸ Existing rules require offsets for amounts exceeding the current permitted allocation. Therefore, the requirement to eliminate or offset impacts for renewals or modifications is not entirely new, but the benchmark for determining the amount of offset that would be needed is a change from existing rule. *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* at 17.

⁹¹ *Id.* at 16-17.

⁹² *Id.* at 17.

⁹³ *Id.*

⁹⁴ *Id.* at 33. Water First North Florida is a planned 40 mgd project that will treat reclaimed water from JEA’s Buckman and Southwest water reclamation facilities through wetland systems, provide regional recharge to the Floridan aquifer, and, when fully implemented, has the potential to increase flows to the Lower Santa Fe and Ichetucknee rivers. The project is in the planning phase, with wetland treatment and recharge site investigations underway. Total estimated construction costs are approximately \$1.1 billion, excluding land acquisition, permitting, and operation and maintenance costs. *Id.* at 32-33.

⁹⁵ *Id.* at 33.

⁹⁶ *Id.*

⁹⁷ *Id.* See section 373.805(4)(d), F.S.

project costs unless other funding sources provide more than 75 percent.⁹⁸ The SRWMD is not subject to this requirement.⁹⁹

The SJRWMD intends to implement the proposed rule with existing staff and meet its statutory requirements through participation in the Black Creek Water Resource Development Project, the Water First North Florida project, and the Florida Water Star Silver Plus water conservation project.¹⁰⁰ The SJRWMD's financial contribution to Water First North Florida will be limited to the share of impacts to the MFL compliance points resulting from water withdrawals in the SJRWMD region, estimated at \$100–125 million.¹⁰¹

The SRWMD has identified the potential need to expand their workforce by one full-time equivalent position for the first five years of the proposed rule's implementation.¹⁰² Additionally, the SRWMD's existing cost-share programs are anticipated to assist agricultural producers in implementing monitoring cost. The funding for these programs comes from state grant programs. The total estimated indirect cost to the SRWMD for the new position and cost-share programs is between \$1,975,050 and \$11,712,476.¹⁰³

Regulatory Costs to Small Cities, Small Counties, and Small Businesses

Small cities are estimated to incur total costs between \$1,545,415 and \$1,608,996 within the first five years of rule implementation.¹⁰⁴ These estimates are based on a review of existing permits and 2020 Census population data identifying small city permittees in the NFRWSP planning area.¹⁰⁵ Costs to the small cities will vary based on the permit allocation and type, and include the cost to implement the conservation requirements, including achieving per capita goals (for Public Supply permittees), implementing specific elements required in their water conservation plans, and reporting on the effectiveness of their water conservation plans.¹⁰⁶ Most costs are attributable to water conservation requirements applicable to Public Supply permits with allocations exceeding 100,000 gpd.¹⁰⁷

Small counties are estimated to incur total costs between \$191,746 and \$234,134 within the first five years of rule implementation.¹⁰⁸ Like small cities, these estimates are based on a review of existing permits and 2020 Census population data identifying small county permittees in the

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 33, 34. Regarding Water First North Florida, SJRWMD intends to participate by contributing to the planning, design, construction and/or operation and maintenance of the project. In addition to direct cost-share, SJRWMD may meet the financial assistance requirement through land acquisition or in-kind services. *Id.* at 34.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 37. "Small city" means any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. *Id.* at 35; section 120.52(18), F.S.

¹⁰⁵ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 36-37.

¹⁰⁶ *Id.* at 37.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at 38. "Small county" means any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census. *Id.* at 35; section 120.52(19), F.S.

NFRWSP planning area.¹⁰⁹ Only three small county Public Supply permits exceed 100,000 gpd and are subject to water conservation requirements, resulting in an estimated cost of \$178,104.¹¹⁰ Additional costs to small counties are attributable to monitoring and reporting requirements, based on their proportionate share of affected permittees.¹¹¹

Small businesses are estimated to incur total costs between \$3,272,885 and \$6,628,584 within the first five years of rule implementation.¹¹² The proposed rule would only directly impact small businesses that are water use permittees or applicants in the NFRWSP planning area.¹¹³ Below is a table summarizing the regulatory costs from the proposed water conservation requirements.

Estimated Number of Small Business Permittees by Use Type and Regulatory Costs from Conservation Requirements¹¹⁴

Water Use Type	Total Number of Permittees with a Regulatory Cost (a)	Water Conservation Reporting Cost per Permittee (b)	Total Regulatory Cost per Use Type (a x b)
Agricultural	669	\$120	\$80,280
Commercial/Industrial/Institutional	30	\$12,388	\$371,640
Landscape/Recreation	81	\$12,388	\$1,003,428
Mining/Dewatering	10	\$12,388	\$123,880
Public Supply ¹¹⁵	10	\$59,368	\$613,680

In addition, small businesses are estimated to incur \$1,079,977–\$4,435,676 in costs related to the proposed rule’s monitoring and reporting requirements.¹¹⁶

Other costs that could be incurred by small businesses, small cities, and small counties, such as participation in a water conservation project, are based on the needs and decisions of the permittees and are not known on an individual basis at this time.¹¹⁷

Section 2 provides that the bill takes effect upon becoming a law.

¹⁰⁹ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 38.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.* at 36. “Small business” means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement includes both personal and business investments. *Id.* at 34-35; section 288.703(6), F.S.

¹¹³ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 35.

¹¹⁴ *Id.* at 36.

¹¹⁵ The cost for Public Supply is the combined cost of the five-year cost for the Public Supply Annual Report (\$46,980) and the one-time cost for the Public Supply Five-Year Water Conservation Report (\$12,388). There is one small business Public Supply permit with an allocation greater than 1 mgd, which means it would also have an additional \$20,000 reporting cost for implementing the data analytics requirements. This \$20,000 is added to the total for Public Supply. *Id.* at 36.

¹¹⁶ *Id.* at 36.

¹¹⁷ *Id.* at 36, 38.

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:

There will be a negative fiscal impact on the private sector. The estimated costs for the proposed private residential landscape irrigation requirements are between \$2,540,806 and \$4,393,906 (\$1,200 to \$2,100 per system) within five years of rule implementation. Grants may be available to offset some of these costs; however, such offsets were not considered in the Statement of Estimated Regulatory Cost.

There will also be an estimated negative fiscal impact on the private sector of \$12,772,964 within five years of implementation for the new water conservation requirements on public water supply, agricultural water use, and other use types. Other impacts to small businesses are discussed on pages 14-15.

C. Government Sector Impact:

The additional monitoring and reporting requirements of the new rule is estimated to cost between \$1,136,818 and \$4,669,133 to the SRWMD within five years of rule implementation (the SJRWMD already meets these requirements). Other fiscal impacts to the St. Johns River Water Management District and the Suwannee River Water Management District are discussed on pages 13-14 of this analysis. Impacts to small cities and counties are discussed on pages 14-15.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida law.

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

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

None.

B. Amendments:

None.

By the Committee on Environment and Natural Resources

592-02474-26

20267034__

A bill to be entitled

An act relating to ratification of rules of the Department of Environmental Protection; ratifying a specified rule relating to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs minimum flows and recovery strategy for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; providing construction; providing an effective date.

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

Section 1. (1) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on the effectiveness imposed under s. 120.541(3), Florida Statutes: Rule 62-42.300, Florida Administrative Code, titled "The Lower Santa Fe and Ichetucknee Rivers and Priority Springs," as filed for adoption with the Department of State pursuant to the certification package dated December 31, 2025.

(2) This act serves no other purpose and may not be codified in the Florida Statutes. After this act becomes a law, its enactment and effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This act does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law

Page 1 of 2

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

592-02474-26

20267034__

governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under chapter 120, Florida Statutes. This act does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

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

Page 2 of 2

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